Locking Up the Vote? Evidence from Maine and Vermont on Voting from Prison [*]

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August 7, 2020

Abstract

Recent debates about enfranchising incarcerated people raise the question of how many additional votes such policies would generate. Existing research finds very low voter participation among previously-incarcerated people, but it remains unclear how often people might vote *from prison* if given the opportunity. We use data from states that allow people to vote while incarcerated for felony crimes to address this question. We merge prison records with the voter file to estimate how many currently-incarcerated people are registered and voted in recent elections. Estimates suggest very few (under one in ten) eligible incarcerated voters in Vermont and Maine voted in the 2018 election. Given the winning margins in other states' recent elections, these estimates suggest that enfranchising currently-incarcerated people would likely not have changed these election outcomes. We conclude that debates about enfranchisement should focus more on normative issues, rather than on anticipated electoral effects.

1 Introduction

Bernie Sanders recently touched off a national debate about voting rights when he said that people incarcerated for felonies should retain the right to vote. Other Democratic presidential candidates weighed in on the issue, and a wave of op-eds and press releases followed (Ember and Stevens, 2019). Meanwhile, at least four state legislatures recently considered bills that would have allowed people to vote while incarcerated for a felony (French, 2019).

How would US elections change if more states allowed people to vote while serving felony time? It would depend on how many people used their new voting rights. Table 1 presents a counterfactual exercise that imagines what could have happened in the 2018 elections if the 17 states that currently prevent voting from prison (but restore voting rights upon release) had enfranchised all incarcerated people before the election.[1] The first few columns present the actual number of votes cast in each state in 2018 and the observed turnout rate among eligible voters statewide. The "Tightest Margin" column shows the narrowest winning margin for a statewide candidate in 2018: this is the smallest number of additional votes that could have changed the outcome of an election. In Nevada, for example, a closely-contested race for attorney general was determined by fewer than 5,000 votes.

The last few columns of the table consider the possible electoral effects of re-enfranchisement. The "Incarcerated" column estimates how many people in the state *would have* been re-enfranchised by a change that allowed people to vote while incarcerated for felonies. The final

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[1]We focus on these 17 states because the counterfactual is simplest here: in states that continue to disenfranchise people after release, it would be odd to assume they would restore rights to people in prison but not to those who have completed their prison term. All states, as well as the calculation details, appear in Online Appendix Section 1. All analyses in this note focus on people incarcerated for felony convictions regardless of whether they are held in prison or jail, though we sometimes use shorthand like "imprisoned."

State	Votes Cast	% Turnout	Tightest Margin	Incarcerated	%Turnout to Swing
Colorado	2583580	63	160707	18576	938
Hawaii	398657	39	113215	5474	2121
Illinois	4635541	51	544184	42017	1346
Indiana	2308258	47	134447	24948	551
Maryland	2335128	54	273005	19382	1455
Massachusetts	2752665	55	654161	8780	8090
Michigan	4341340	58	115000	40502	288
Montana	509213	62	17913	3795	474
Nevada	975980	48	4533	13742	36
New Hampshire	580568	55	40405	2818	1477
New Jersey	3248642	53	354299	18504	2050
North Dakota	330598	59	24800	1791	1416
Ohio	4496834	51	146565	51666	286
Oregon	1914923	62	119510	15166	876
Pennsylvania	5020000	51	642832	48098	1397
Rhode Island	381267	48	58190	3038	2062
Utah	1082972	52	336674	5846	6199

Table 1: 2018 State-Level Elections Counterfactual Exercise

column, labeled "% Turnout to Swing", calculates the rate at which those hypothetically-enfranchised people would have had to vote to change the outcome of the closest election in that state, all else equal. Rather than making assumptions about the partisanship or candidate preferences of incarcerated people, we calculate the absolute minimum turnout rate that could swing an election if all new voters supported the losing candidate.

In most of these states, even 100% turnout by incarcerated people in support of a given candidate would not have changed the electoral outcome. In Massachusetts, for example, it would have taken a bloc of new voters over eighty times the size of the state's (felony) incarcerated population to change any statewide election results. Even in tightly-contested Nevada, at least 36% of newly-eligible incarcerated people would have had to vote for the same candidate in order to have a chance at changing the outcome of the Senate election.

Should we expect that 36% of incarcerated voters would turn out if given the opportunity? There is limited evidence available to answer such a question, since nearly all states currently

disenfranchise people while they are incarcerated for felonies. But there are two sets of people whose political behavior might be informative.

First, we might look to participation by previously-incarcerated people. Studies of people who have regained their right to vote after incarceration find that they participate at much lower rates than other voters (Weaver and Lerman, 2010; Burch, 2011). However, it is not clear that regaining the franchise in a state with a felony disfranchisement law is the same experience as retaining the right to vote while incarcerated. Most people included in previous studies spent some time ineligible to vote (while incarcerated, and potentially longer depending on state law), and may have been purged from the voter rolls.[2] It is hard to say how they might have acted if they had never been disenfranchised at all, or whether they would have taken the opportunity to vote while incarcerated. Incarcerated people might vote at higher rates than recently-released people because they would be more likely to come in contact with volunteers and information about how to vote, or because they would still be registered to vote and thus would face fewer barriers than people who needed to re-register. Alternatively, they might be less likely to vote because of the practical challenges of casting a ballot from behind bars, or because of skepticism about the legality or the value of voting.

A second approach would be to ask how often people given the chance to vote *while incarcerated* do so. Two states in the US, Maine and Vermont, allow all people serving time for felony convictions to vote. In this research note, we explore the recent voting participation of people incarcerated in these states. We merge together administrative data – prison records, as well as state voter files – to find estimates of the share of currently-incarcerated people that are registered to vote and have voted in recent elections. We estimate that about one-third of people serving felony time in Vermont are registered to vote, and that about 8% of incarcerated people voted in the 2018 general election. Turnout

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[2]For one exception to this rule, see Meredith and Morse (2015)'s examination of voting by people with previous convictions in Maine, discussed in more detail in Section 3.

in Maine is even lower. We also see that people incarcerated in Maine vote at similar rates to those recently released, suggesting a possible bridge between previous studies and the counterfactual of removing felony disfranchisement laws.

Our estimates suggest that if other states were to re-enfranchise people while incarcerated, this change would yield relatively few new votes, and this additional participation would be unlikely to change state-level election results in the states examined. Recent debates about re-enfranchisement have highlighted both moral aspects and supposed electoral effects of such changes, with advocates on both sides anticipating that it could change election outcomes (and often benefit Democrats). Opposing one such recent proposal, a state Assemblyman described his perception of "a pattern nationwide where Democrats are working to try to get as many felons, as many criminals on the voting rolls as possible"(McGreevy, 2016). Our findings suggest that these partisan fears (or hopes) have been overstated, and that these debates should instead focus on the normative arguments for or against enfranchisement.

2   Voting in Vermont and Maine

Vermont and Maine are alone among US states in fully maintaining the right to vote while people serve time for felony convictions. All other states disenfranchise most people while they are imprisoned; some also restrict voting post-release (The Sentencing Project, 2019).

Vermont   In Vermont, people in prison are allowed to register to vote (or remain registered) at their pre-incarceration address. They can then request absentee ballots by mail while they are incarcerated. The right to vote while incarcerated is not only recognized by state politicians, but is actively enforced by Vermont prison officials.[3] Local voting groups also enter facilities to register people and help them request absentee ballots (Davis, 2018).

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[3]From a 2018 news article: "Chris Barton, restorative systems administrator at the Vermont Department of Corrections, said prison staff inform inmates of their right to vote 90

We estimate registration and voting rates among incarcerated people in Vermont by merging together several forms of administrative data. We begin with a "census" of people held in Department of Corrections custody on felony sentences.[4] This dataset contains the names and ages of 993 people incarcerated as of February 2019. It does not indicate when people entered the facility, so we supplement it with information from Vermont's "Offender Locator" website, which gives an arrest date for nearly everyone in the dataset.

We then merge this "census" dataset to the Vermont voter file, which contains information on the names, addresses, birth years, and vote histories of all registered voters.[5] These are difficult datasets to link together: there are many common names in both datasets that produce many duplicate potential matches. Ideally, we would use additional identifying information such as dates of birth to narrow down potential matches, but we have only ages/years of birth (Ansolabehere and Hersh, 2017).

In the Appendix, we describe in detail our merge approach for Vermont. Briefly, we identify potential matches based on last name matches, consistent ages, and string distances between first names, and then we hand-validate potential matches by visually inspecting them and conducting web searches to find additional information to confirm or rule out the match. This approach yields 657 potential matches to be hand-validated, of which we find that 303 are non-matches, 349 are accurate matches, and 5 contain too little personal information to be sure that the registered voter was the same person as was incarcerated. We calculate turnout rates for incarcerated people under two different assumptions, one considering these "uncertain" matches as matches and another considering them non-matches.

days before all elections. The prison posts inmate voter guides in the library that include details on how to register, request an absentee ballot and return it on time."(Timm, 2018).

[4]This file was provided by the Vermont Department of Corrections on February 27, 2019.

[5]The voter file was requested from the Vermont Secretary of State and is a snapshot as of March 1, 2019.

Maine Maine, like Vermont, allows people to register to vote (or remain registered) at the place they lived before they were incarcerated. They can then request absentee ballots to vote from behind bars.

In Maine, we take a different approach to measuring registration and turnout. We again begin with administrative data on incarcerated people: names and exact dates of birth of the 2097 people who were serving felony sentences as of the 2018 election, provided by the Maine Department of Corrections. We then contracted with Catalist, LLC, a data vendor specializing in voter records and probabilistic list matching, to find voter records belonging to these incarcerated people. In Maine, we also collected data on a group of 1,694 people who had been recently (in 2016 or 2017) released from state custody, and collected information on their registration and recent vote history as well.

3   Estimates

Vermont Estimates Our merge approach results in a dataset containing 993 people that were serving felony sentences as of February 2019; we believe that 969 of these people were incarcerated by the 2018 general election, and 697 of them were incarcerated by the 2016 general election.[6] Of the people incarcerated during the 2018 election, our records indicate that between 79 and 81 of them voted in the 2018 election, depending on our assumptions about uncertain matches to the voter file.[7] This is a turnout rate of about 8%. Of the 697

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[6]We know the date of the arrest that led to the current stint of incarceration; we cannot be sure they had been sentenced by election day. Still, we believe this gives a reasonable measure of whether currently-incarcerated people were in custody during recent elections; see the Appendix for an alternative approach.

[7]About one-third of the incarcerated people in our dataset appear to be registered to vote. See the online appendix for more discussion of how we validated matches, consideration of the possibility that some people are ineligible to vote for other reasons, and analyses indicating

people we observe that were incarcerated as of the 2016 general election, 92 of them voted in the presidential election, for a turnout rate of about 13%.[8] These are very low rates of voting compared to the general public: over 55% of eligible Vermont voters turned out in 2018, and 2016 turnout was 65%.

Maine Estimates   As discussed above, we used a different process to find registration and vote histories in Maine. Nonetheless, our estimates here are similar to those from Vermont: of the 2097 people in state custody as of the 2018 election, 706 (34%) appear to be registered to vote. Only 119 people (under 6%) are recorded as having voted in 2018.

In Maine, we also have data from recently-released people for comparison; people released from prison in 2016 or 2017 are registered at similar rates (35%) to those still incarcerated, and they voted at similarly low rates in 2018 (5.5%). These estimates are consistent with Meredith and Morse (2015)'s previous finding that about 12% of recently-released Mainers voted in the 2012 presidential election. It appears that, at least in Maine, the behavior of recently-released people is a good predictor of incarcerated people's voter participation.

Accordingly, we might look to other states' recently-released populations for a guess at how often incarcerated people would vote there.[9] Previous studies of recently-released people in Connecticut, Iowa, New York, North Carolina, Pennsylvania, and Rhode Island have all found low turnout rates, ranging from 5 to 18% depending on the state, year, and specific population included (Haselswerdt, 2009; Meredith and Morse, 2015; Gerber et al., 2017).

Thinking back to Table 1's counterfactual voting exercise, it seems unlikely that people imprisoned in other states would vote at high rates. Whether we use participation rates among incarcerated people in Vermont and Maine as a guide, or take from Maine the lesson

that voters and non-voters look similar in terms of age, gender, and race.

[8]We encourage readers to interpret 2016 estimates with caution, as they rely on a set of people incarcerated as of the 2016 election but also still incarcerated in early 2019.

[9]Section 3 of the Online Appendix discusses some assumptions underlying this approach.

that we can instead rely on the participation of recently-released people in each state, it appears we should expect fewer than one in five incarcerated people to vote even in high-turnout elections. Combined with recent evidence on the political heterogeneity of incarcerated people and thus the implausibility of their forming a unified voting bloc, these results suggest it is unlikely that a substantial fraction of incarcerated people would vote in ways that could swing an election, even a fairly close one (The Marshall Project, 2020).

Is it possible that re-enfranchisement could have other equilibrium effects that we have not considered? We think it is unlikely that actors like political campaigns would invest substantial resources in mobilizing incarcerated people. Even in very high-incarceration states, people in prison represent a small fraction of all eligible voters, and mobilizing them carries logistical challenges, uncertain partisan implications, and stigma. We have imagined here a world in which only felony disfranchisement laws change; we believe it would take many additional social and policy changes to get to a world where incarcerated people are meaningfully incorporated into political life.

4   Conclusion

We follow previous research that has sought to estimate the potential electoral effects of changing felony disfranchisement laws (Miles, 2004; Burch, 2011; Klumpp and Williams, 2019). Our findings suggest that if states allowed people to vote while incarcerated for felonies, this change would result in relatively few additional votes.

This conclusion–that from-prison voter turnout is low even in Vermont and Maine, and would be unlikely to affect state elections elsewhere–does not imply that we think states should avoid such policies. Rather, we suggest that policymakers should consider these laws based on moral arguments rather than expectations about how they might change elections. People have made moral claims both for and against re-enfranchising people

with felony convictions, highlighting ideas about paying one's debt to society, the racist history of disfranchisement laws, and the meaning of citizenship. Our findings suggest that such normative debates are more relevant than the possibility of imprisoned voters swinging election outcomes.

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Online Appendix for "Locking Up the Vote? Evidence from Maine and Vermont on Voting from Prison"

August 7, 2020

Contents

1 Calculating State-Level Incarceration and Voting

For the counterfactual exercise presented in Table 1 of the main paper, we combine information on recent elections with estimates of how many people would be affected by a policy change that allowed people to vote while serving felony sentences.

We begin with data on each state's voter turnout in 2018 from McDonald (2019), which reports the total number of ballots cast in each state during the 2018 general election as well as an estimate of turnout among the voting-eligible population (excluding noncitizens, children, and people with felony convictions where ineligible). This dataset gives us the "Votes Cast" and "% Turnout" columns of our main table.

To address the question of whether newly-enfranchised incarcerated voters could sway close elections, we also collect available data on 2018 election results for statewide races in 48 states (MIT Election Data + Science Lab, 2019). For each state, we identify the closest statewide race in 2018 and calculate the vote margin between the winner of the election and the next highest vote-getter. These win margins range from under 5,000 votes to several million, and are reported in the "tightest margin" column.

We then need to calculate the number of currently-disenfranchised incarcerated people who would regain their voting rights in each state. For each state, this means producing an estimate of the number of U.S. citizens who are currently incarcerated for a felony crime (people serving time for misdemeanors are already eligible to vote in all states, with relatively few exceptions[1]). Note that this is not quite the same as the state prison population, because people sentenced to incarceration for felonies can sometimes serve that time in local jails, or in other contracted facilities out of state.[2] We rely here on the Vera Institute's state-level estimates of imprisonment in 2018 (Kang-Brown, Schattner-Elmaleh and Hinds, 2019), which includes people sentenced to serve time with the state department of corrections regardless of whether they are held in state prison or local jail.

We then scale these estimates by state-level estimates of the proportion of prisoners that are not citizens, in order to approximate the share of incarcerated people who would not be

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[1]For details on exceptions, such as South Carolina's disenfranchisement of people convicted of misdemeanors and sentenced to prison, see here: https://ccresourcecenter.org/state-restoration-profiles/chart-1-loss-and-restoration-of-civil-rights-and-firearms-privileges/

[2]Careful readers may wonder what adjusting for local jail populations would mean for our Vermont analyses; Vermont is actually different from most states in that it does not maintain county jails where people serve short felony sentences. For this reason, the Vera estimates for Vermont are larger than our Vermont dataset, since their estimates include everyone in Vermont's combined system (and our main dataset only includes people sentenced for felony convictions, not people being held pretrial or serving time for misdemeanors).

eligible to vote even if felon disenfranchisement laws changed. We use state-level estimates of the share of prisoners that are non-citizens from Table 10 of Bronson and Carson (2019).[3] The resulting estimates of incarcerated citizens are in the "Incarcerated" column of our main table.

We then calculate the minimal turnout by incarcerated people (if they were enfranchised) that could have swung an election in each state, reported in the "Turnout to Swing" column. Rather than assuming party or candidate preferences for incarcerated people, we calculate the minimal turnout needed if they were to vote in a unified bloc for the narrowly-losing candidate. We do this by dividing the narrowest vote margin in the state by our estimate of the number of incarcerated people that would have been eligible to vote under a policy change. We then multiply this proportion by 100 in order to interpret it as a percentage of eligible voters. Note that in many states, this produces an impossible estimate (over 100% turnout), because the winning margin is actually larger than the number of incarcerated people who would be re-enfranchised by the policy change examined here.

Dataset choice An alternative approach for this "Incarcerated" column would be to rely on the state-level disenfranchised-population estimates provided in Table 3 of Uggen, Larson and Shannon (2016). We chose to rely on the Vera dataset because it was available for 2018, and the Uggen, Larson and Shannon (2016) estimates were generated for 2016 (and were based on corrections data from 2014 and earlier); the Vera dataset also allowed us to adjust for citizenship rates by state, and we were unable to ascertain how the other estimates dealt with non-citizens. A visual inspection suggests that our approach yields state-level counts that are similar to those reported in Uggen, Larson and Shannon (2016). Looking through the first few rows of Table 1 in the main paper, for example, our estimate for Colorado's re-enfranchise-able prison population is 18,576, while the Uggen, Larson and Shannon (2016) estimate is 21,207; for Hawaii the counts are 5,474 and 6,364; for Illinois they are 42,017 and 47,537. Our estimates are consistently similar to but usually slightly smaller than the Uggen, Larson and Shannon (2016) estimates; we are not sure how much of this difference is attributable to prison population declines in recent years and how much is due to differences in who is included in the data. We do not think that the interpretation of the table or of the paper would change substantially if we switched to those other estimates; nearly every state in Table 1 would still need to see over 100% turnout among incarcerated people to see

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[3]The BJS dataset is missing estimates of incarcerated non-citizen rates for four states: New Hampshire, New Mexico, North Dakota, and Rhode Island. For these states, we instead use American Community Survey estimates of the state's overall noncitizen rate as reported in McDonald (2019).

any change in 2018 statewide election outcomes.

1.1 Caveats

We should note several caveats about this approach. First, we have not made any predictions about how incarcerated people would vote, so our assessment of whether people incarcerated for felonies "could swing a close election" is based on the assumption that all incarcerated people vote as a uniform bloc. We make this assumption not because we think it is plausible, but because it strikes us as the most conservative approach. If there are literally not enough new voters in this group to change election outcomes even if they all voted together, then we can imagine that in the real world (where their vote choices will be more dispersed) the impact on elections should be even smaller than we see here.

We have also restricted our estimates to a particular population, people currently incarcerated for felonies. This is because a number of states have recently considered bills that would re-enfranchise this particular group, including some (like Massachusetts) that already reinstate people as soon as they are released. We think it is useful to pinpoint what kinds of political impacts this particular electoral change could have. Still, for some states this counterfactual ("what if this state allowed people to vote while incarcerated for felonies, without changing any other election laws?") is awkward: for states that prevent people from voting while on parole or even after they have finished their sentence, it is hard to imagine that they would re-enfranchise incarcerated people without also re-enfranchising these other groups.[4] We do not estimate the full number of new voters that might result from such compound changes, but we direct readers to Burch (2010) for a discussion of the (likely limited) participatory and partisan impacts of broader felon disfranchisement laws.

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[4]This is the reason that Table 1 in the main paper is restricted to states that, like Massachusetts, only disenfranchise people while incarcerated and restore voting rights upon release; the counterfactual exercise makes the most sense for these states.

1.2 Expanded Table of State Estimates (Table 1 in Main Manuscript)

State	Votes Cast	% Turnout	Tightest Margin	Incarcerated	%Turnout to Swing
United States	118537867	50.30		1416810	
Alabama	1721906	47.30	300953	28680	1089.67
Alaska	285009	54.60	19892	4317	473.57
Arizona	2409910	49.10	20252	37582	59.61
Arkansas	898793	41.40	213937	17242	1262.25
California	12712542	49.60	925480	130390	874.11
Colorado	2583580	63.00	160707	18576	938.32
Connecticut	1421953	54.40	44372	14475	315.37
Delaware	365467	51.40	46478	6254	776.56
Florida	8318824	54.90	10033	92847	11.50
Georgia	3949905	55.00	16278	51092	33.61
Hawaii	398657	39.30	113215	5474	2121.26
Idaho	612536	50.00	116152	7949	1530.07
Illinois	4635541	51.40	544184	42017	1346.31
Indiana	2308258	46.90	134447	24948	551.03
Iowa	1334279	57.70	36289	8888	417.05
Kansas	1060000	51.20	53479	9613	574.71
Kentucky	1612353	48.60		22868	
Louisiana	1519405	44.80	9560	35543	27.11
Maryland	2335128	54.20	273005	19382	1455.11
Massachusetts	2752665	54.60	654161	8780	8089.66
Michigan	4341340	57.80	115000	40502	287.97
Minnesota	2611365	64.20	128948	10158	1332.03
Mississippi	940000	42.70	60850	19150	318.39
Missouri	2442306	53.40	130500	31956	411.25
Montana	509213	62.00	17913	3795	474.39
Nebraska	706652	51.80	99997	5079	2053.01
Nevada	975980	47.50	4533	13742	36.29
New Hampshire	580568	54.60	40405	2818	1476.64
New Jersey	3248642	53.10	354299	18504	2050.02
New Mexico	701654	47.30	100277	6914	1557.84
New York	6230959	45.20	2058711	46416	4857.99
North Carolina	3755778	49.60		34357	
North Dakota	330598	58.60	24800	1791	1415.85

Ohio	4496834	50.90	146565	51666	286.25
Oklahoma	1190000	42.50	143606	26691	541.28
Oregon	1914923	61.50	119510	15166	875.57
Pennsylvania	5020000	51.40	642832	48098	1396.56
Rhode Island	381267	48.10	58190	3038	2061.79
South Carolina	1726527	45.20	137160	20350	689.87
South Dakota	341048	53.30	11458	3744	312.92
Tennessee	2267428	45.10	242033	27906	882.31
Texas	8375000	46.30	214921	155327	147.04
Utah	1082972	52.00	336674	5846	6199.19
Virginia	3363505	54.80	536057	36959	1493.73
Washington	3133448	58.90	520560	18335	2963.63
West Virginia	597149	42.50	18936	7137	266.39
Wisconsin	2675000	61.70	17190	22889	76.63
Wyoming	205275	48.70	74983	2323	3300.46

Table 1: State-Level Elections Counterfactual Exercise

2 Vermont Merge Details

We begin with a "census" of 993 people serving felony sentences under the jurisdiction of the Vermont Department of Corrections (DOC). Vermont does not have county jails where people serve out short felony sentences, so this prison dataset represents the universe of people serving felony terms in Vermont on that day. We then supplement this dataset with information scraped from the Department of Corrections' "offender locator" website, which provides arrest dates (and, in some cases, middle initials) for nearly everyone in the main dataset.[5]

We then merge this dataset to the Vermont voter file. Because we were seeking to match a relatively small number of records (under 1000) and were lacking precise information like exact dates of birth, we opted for a partially-automated match process supplemented with human validation. We began by trying various merge approaches and manually validating them to see what kinds of records were yielding apparent false positives or false negatives, before choosing our final approach.

We ultimately settled on an approach with the following steps:

1. Find a large number of "potential matches" between the incarceration data and the voter file, based only on records sharing the same last name.

2. Pare down those potential matches by discarding matches where the two records obviously represent people of different ages. This kind of comparison was only possible in cases where we knew the year of birth for both people; there were nearly 50,000 records in the Vermont voter file with years of birth listed as "1900." We treated those observations as having missing voter ages, and did not discard any potential matches to them during this step.

3. For all remaining potential matches, we calculated the (Jaro-Winkler) string distance between the first names from each record, and discarded very unlikely matches (using a cutpoint of .25).

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[5]A few dozen people from the census weren't found in the online locator website, apparently because they had been released between our February 2019 data request of the main dataset and our May 2019 collection of the website data. For these people, we still have their first and last names, we simply do not have their middle names or the dates they were arrested. We perform web searches for news stories or public records that can let us figure out whether they were incarcerated as of the 2016 or 2018 elections. For ten people where this search process didn't yield clear information, we assume they were incarcerated during both 2016 and 2018 as this seems like the most conservative approach.

4. For the 657 remaining potential matches (including a number of duplicated potential matches for the same incarcerated person), we manually checked and validated them. When it was clear that they were not the same person (different first names that were clearly not misspellings or nicknames but different names; web searches for public records demonstrated that a voter with a missing age was actually a different age than the incarcerated person they matched to; news reports of a person's arrest made clear that their pre-incarceration address was nowhere near the address of the voter they had matched to, etc.), we marked the potential match as a non-match (0).

If, on manual inspection, we felt confident that the match was genuine (voter and incarcerated person shared the same first, last, and middle names and were of the same age, and their name was not particularly common; a web search for the person incarcerated revealed that they lived in the same place where the voter was registered), we marked the match as validated (1). If, on comparing the matched voter and inmate records, we could not tell whether they were genuinely the same person, we marked the match as uncertain (.5). This was rare, but tended to occur when records were missing information (like voter age) that wasn't successfully supplemented through web searches, particularly when people also had relatively common first and last names that would be expected to occur quite often in the population.

The resulting dataset includes manual codings of 657 potential matches; the human validation concluded that 355 of these appear to be genuine matches (we are certain about 351 of these, with four of them containing too little information to fully verify that the voter is the same person who is incarcerated).

We then double-checked our match approach by drawing a sample from the 521 incarcerated people that had not been automatically matched to any voter records.[6] We randomly selected 100 observations (in two non-overlapping sets of 50 observations) from this set and manually compared them to the voter file to see if there were any potential matches we had missed with our semi-automated approach. There were a handful of potential matches that shared first/last names, but these "matches" generally were of differently-aged people. Ultimately, we found only two people that should have been matched to the voter file but had not been. One was due to a strange name-recording decision in which his name suffix

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[6]Readers will notice that we ultimately conclude that more than 521 people were unregistered, but we focus here on the people for whom no potential voter-file matches were included in our manual-validation set.

had been added to his surname with a hyphen rather than being recorded in a separate field; the other had a typo in her last name. That we found only two missed matches (only one of whom had actually voted) in this sample of 100 unmatched people makes us fairly confident that our match approach is capturing nearly all true matches. If we extrapolate from this match/voting rate and imagine that we missed about five actual voters in our merge process, that would imply that incarcerated turnout in Vermont in 2018 was closer to 9% than to 8%, which would not substantially change our conclusions.

We also considered the sensitivity of our analyses to the inclusion of non-citizens who would not be eligible to vote. If we wrongly included many incarcerated non-citizens in the denominator of our turnout calculations, we would be underestimating the participation of eligible voters. However, it appears that very few people in Vermont prisons are non-citizens. The Bureau of Justice Statistics' "Prisoners in 2017" report (Bronson and Carson, 2019) estimates that less than one percent of Vermont prisoners as of December 31, 2017, or eight people, were non-citizens. If we subtract eight from the denominator of our turnout calculations, the estimates reported in the paper barely change. The upper-bound estimate of 2018 turnout, for example, would be increased from 8.26 percent to 8.32 percent; such small shifts do not change our interpretation of the estimates.

A more likely possibility is that some people incarcerated in Vermont's prisons are not Vermont residents, and thus are not technically eligible to vote. People incarcerated in Vermont register to vote at their previous home address, so someone who was convicted of committing a crime in Vermont but lived in a neighboring state would not be eligible to register and vote. It is hard to know exactly how many people are in this situation, but we estimate it could be around 10%. If we adjust the denominator of our turnout calculations (multiply the count of potential voters by .9), we find larger but not substantially different turnout estimates. The upper-bound estimate of 2018 turnout, for example, would be 9.17% under this assumption; this is still fewer than one in ten eligible voters participating.

2.1   Additional validation

No one on the voter file had a prison as their primary residential address, because it is Vermont policy that incarcerated people register to vote at their pre-incarceration address. However, we noticed that some voter records had *mailing* addresses that were the same as the street addresses of DOC facilities. We did not think that these people represented the complete set of people who had registered or voted while incarcerated, because it appears to be possible to request an absentee ballot be mailed to prison without changing your official

mailing address to that prison's address.

Nonetheless, we thought this group of people offered a valuable test: of the 92 registered voters (found in the state voter file) that had prison mailing addresses and were recorded as having voted in the 2018 general election, how many of them were successfully matched to inmate records? If our match between the prison records and the voter file did not find these voters, it could be a flag that we were missing genuine matches.

Ultimately, we found that there were 45 registrants with prison mailing addresses that had voted in 2018, but had not been matched to anyone from our data on people serving felony sentences with the DOC. We manually looked up more than half of these registrants' names in the Vermont DOC's offender locator to figure out why this might be. Without exception, these people fell into two categories. They either were out on probation or parole (no longer incarcerated by the time we collected the prison dataset), or they were being held in DOC facilities pre-trial/pre-sentencing and had not yet been convicted or sentenced (and thus would not have been included in our dataset of people serving felony sentences).[7] Neither of these groups would have appeared in the DOC dataset we were seeking to merge to the voter file, so none of these people represented missed matches. This additional check reassured us that our merge approach was not missing genuine matches for the population we were interested in.

2.2 Incarceration dates

As noted above, we observe people that were serving felony sentences as of February 2019. In order to figure out whether someone was incarcerated as of the 2016 or 2018 general election[8], we then rely on information from the state's "Offender Locator" site, which includes arrest dates for nearly everyone in the sample. We should note that having an arrest date that falls before election day does not necessarily mean that a person was incarcerated on election

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[7]We deliberately focused on people serving felony sentences in this study, not people being held pre-trial, because this is where Vermont differs from other states. People who are being detained pre-trial and have not been convicted of any felony charges are eligible to vote in all states; it is only after felony convictions that the differences between Vermont/Maine and other states emerge.

[8]One might also wonder whether election day is the correct cutpoint, or whether we should instead focus on the registration deadline for requesting mail ballots. As of the 2018 election, there was no registration deadline, and mail ballots could be requested at any point up to the election date (https://www.sec.state.vt.us/elections/frequently-asked-questions/voter-registration.aspx). In practice, it would take at least a few days for such a request to be fulfilled and for the voter to return the ballot back to the town clerk (it must reach the clerk by the close of polls on election day to be counted: https://www.sec.state.vt.us/elections/voters/absentee-voting.aspx), but there is no clear cutpoint. We note that of the people we include in the main analysis dataset for 2018 turnout, there are only two that were booked in the two weeks prior to Election Day 2018, so in practice the choice of cutpoint is not important.

day; it is possible that they were out on bail, for example, and had not yet been convicted of or sentenced for the case that would have them imprisoned in February 2019. And some arrest dates given are implausibly early, like an arrest date in the 1980's for a person who was sentenced to prison in 2013 (we suspect either errors in data entry or a situation where an earlier case's arrest date was carried forward onto the current case).

Nonetheless, we think our approach is relatively conservative: mis-classifying someone as "incarcerated" on election day when they were not actually incarcerated would presumably bias our turnout estimates upward, if anything (as non-incarcerated people might find it easier to vote). In order to get a sense of how much this kind of misclassification could matter for our estimated turnout, we also take an alternative approach: we calculate 2016 and 2018 general-election turnout among everyone in the data (everyone serving a felony sentence in February 2019), without attempting to guess whether they were actually incarcerated on election day. In practice, this approach does not make a substantial difference for our conclusions; using this simpler approach, we calculate that voter turnout was 8% in 2018 and 11% in 2016 among people incarcerated in February 2019. These estimates are about the same as the estimates we present in the main paper. The similarity here makes us less concerned that specific decisions about who to consider incarcerated for each election date could be driving the conclusions we reach.

2.3   Registration and Voting in Vermont

In Vermont, people serving felony sentences in prison are eligible to register (or remain registered) at their pre-incarceration address. Unregistered people can send in registration forms by mail, aided by informational posters put up in all facilities at least 90 days before the election and volunteers (from the League of Women Voters, the NAACP, and other organizations) that visit prisons to hold information sessions and help people fill out registration forms and absentee ballot requests (Davis, 2018)

One might wonder how widespread these registration activities are: could it be that only one or two facilities actually give people a meaningful opportunity to vote, and that all the voting we observe stems from a handful of successful registration drives? Such a pattern (lots of registration in one place and none elsewhere) would suggest that there might be more capacity for registration and voter mobilization in other places. But when we examine the registration dates for people who voted in 2018, we do not observe such a pattern: instead, the registration and voting we observe are scattered across facilities, and voters' registration dates are extremely dispersed across time.

First, we looked at registration dates for people who voted while incarcerated in 2018. When had they registered to vote? Among the 79 people voting from Vermont prisons in November 2018, there are 68 unique registration dates. The maximum number of people sharing a registration date is four, and these four people have had their registration date recorded as January 1, 1900 (presumably due to incomplete data entry). There are a handful of valid registration dates shared by two or three voters, but the bulk of voters registered on a unique date not shared with anyone else in the dataset. Many of these registration dates did fall in Autumn 2018, as we might expect for an election year, but others did not: registration years for this group stretch back into the early 1990's. Table 2 displays the distribution of registration years. [9]

Year	Count
1900	4
1994	1
1996	1
1999	1
2000	1
2002	2
2004	3
2006	2
2007	1
2008	5
2009	2
2011	1
2012	4
2013	1
2015	1
2016	12
2017	3
2018	34

Table 2: Registration years for people voting from Vermont prisons in 2018

Next, we looked at the facilities in which voters live. We note that our dataset does not give us a perfect indication of where people were held at the time they registered to vote. Instead, we use their location from the prison "census" dataset collected in February 2019. It is theoretically possible that they were at a different prison at the time they registered to vote

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[9]Focusing on the full set of people that were incarcerated on election day 2018 and are registered to vote (regardless of whether they did vote in 2018) yields similar conclusions: the registration dates are dispersed through time and people are held at a variety of different facilities.

or on Election Day 2018. But we note that at least as of spring 2019, voters lived in a variety of different locations. Table 3 shows the full distribution of locations for people who voted in the 2018 election. The facility names here all correspond to Vermont prisons (enumerated at https://doc.vermont.gov/custody-supervision/facilities), except for one. "SHCF" denotes "Supplemental Housing Contract Facility" and indicates that a person is being held out-of-state under a contract between the Vermont DOC and another state intended to reduce pressure on in-state facilities. All existing Vermont prisons, as well as this external program, appear in Table 2, suggesting that voting is spread throughout the prison system rather than concentrated in one facility.

Facility	County
CRCF	4
MVRCF	6
NECC	6
NSCF	27
NWSCF	7
SHCF	13
SSCF	16

Table 3: Locations of people voting from Vermont prisons in 2018

2.4   Voter Demographics in Vermont

Readers may be wondering whether the race, gender, or age of voters differs substantially from the composition of everyone incarcerated. As seen in the main paper, the number of observed voters in Vermont is quite small (fewer than 100) in both 2018 and 2016. Still, we can provide some descriptive statistics for the voters we do observe and compare them to nonvoters. On the whole, voters and non-voters look quite similar on the dimensions we can observe. We note that the voter file we obtained does not contain any information on partisanship (either party registration or primary participation), so we do not speculate about the partisanship of anyone in the sample.

Table 4 presents information on the recorded race of everyone in the prison dataset, then breaks out people observed to have voted in 2018 and those not recorded as having voted. Note that the racial categories reported here are presented exactly as they appear in the prison records, except that we have combined the "Unknown" category with people for whom the field was left entirely blank. The totals for the "Voters" and "Non-Voters"

columns do not add up to the total count of people observed in the prison dataset because they focus on people we are sure were incarcerated as of the 2018 election.

For people with racial information recorded, the distribution looks relatively similar across voters and nonvoters. Both groups are about 89% white, and a t-test cannot reject the null of no difference. We note, of course, that the similarity between voters and non-voters in this dataset does not say anything about the systematic over-representation of Black and Latinx residents in state prison systems compared to the general public.

	All Records	Non-Voters	Voters
White	861	772	70
Black	90	79	8
AmerIndian	13	11	1
Hispanic	3	3	0
Asian	2	2	0
Unknown	24	0	0
Total	993	867	79

Table 4: Race (According to Prison Records)

We conduct a similar exercise for "gender" (again, we use the language and classifications provided in the prison records we received). Here, we collapse the "Other" category with the few people for whom this category was left blank. Table 5 presents gender breakdowns of the full sentenced population, voters and non-voters. Voters appear slightly more likely to be male than non-voters, but we cannot statistically distinguish these proportions.

	All Records	Non-Voters	Voters
Male	889	779	74
Female	90	76	5
Other/Unknown	14	12	0
Total	993	867	79

Table 5: Gender (According to Prison Records)

Finally, Figure 2.4 plots the age distribution for 2018 voters as well as non-voters. Again, a t-test does not reject the null of no difference in mean age across these two groups.

We have also used available data on charges and sentencing to compare voters to the entire incarcerated population. We do not have full sentence length, but the dataset provided by the DOC includes a field with each person's "Maximum Release Date," which allows us to calculate the longest possible time that this person might remain in custody. We calculated this for each person as of election day 2018. We note that this value is a *maximum* possible

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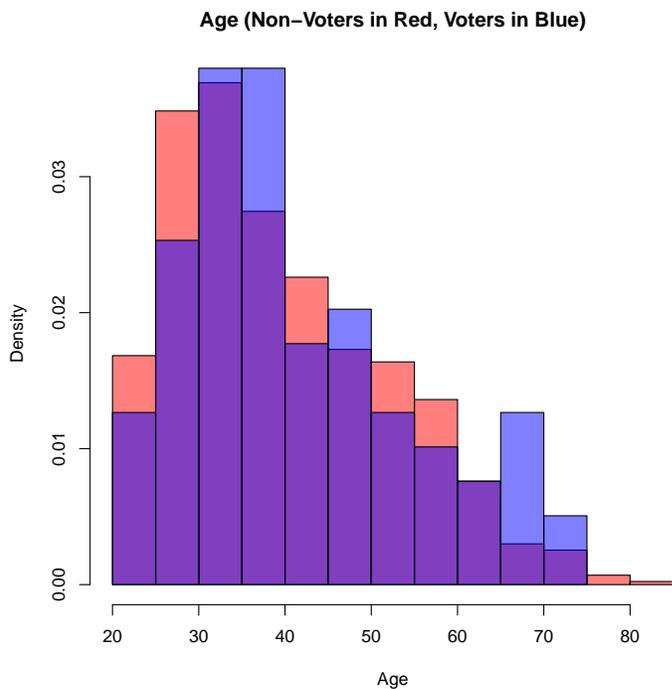**Age (Non–Voters in Red, Voters in Blue)**

Figure 1: Age of voters and non-voters

sentence, and that people may well be released before it. These values range from under 1 year to a maximum of 982 years in the case of a person with multiple long sentences (that is, the dataset does not truncate presumptive life sentences even if there are multiples of them). We report median rather than mean values because of the presence of these extreme sentence lengths.

The set of people who voted in 2018 had a median "remaining sentence length" of 7.9 years, similar to the median of 6.8 years for non-voters. An examination of the most serious charges faced by each person reveals further similarities between the most serious charges in each group. There are hundreds of unique charge types in this dataset, but for both voters and non-voters the most common charges are those relating to burglary, sexual assaults, and second-degree murder.[10]

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[10]We use this list of Vermont arrest codes to interpret the codes provided in this dataset: https://legislature.vermont.gov/Documents/2018/WorkGroups/SenateJudiciary/DepartmentofCorrections/W~LisaMenard~VermontOffenseCodes~3-21-2017.pdf. For example, we interpret "BURGUN" as burglary.

3   Learning from Maine

In Section 3 of the main manuscript, we find that people serving felony terms in Maine prisons vote at similar rates to Mainers who have recently been released. One possible conclusion is that in other states, participation rates among previously-incarcerated people could give us a good prediction of how often people in that state would vote from prison if given the opportunity. If this conclusion were correct, we would be able to use past studies of turnout in Pennsylvania, Rhode Island, and elsewhere to predict what would happen if those states ended felony disfranchisement.

So is that approach reasonable? Can we generalize from (non-felony-disfranchising) Maine to other states? It depends on why we expect currently-incarcerated people to behave differently than people who have been released. There are a series of logistical reasons that we might think people would vote at different rates from prison than after release: they might have different access to information or voting materials or registration help, or different amounts of time and energy to dedicate to figuring out how to vote. These differences between the lives of people who are and are not incarcerated exist in Maine just as they do in other states. Thus, the similarity in voting rates between these two populations in Maine suggests we should not expect these practical differences in voting access to yield substantial turnout differences elsewhere, or at least that we should not expect that incarcerated people would vote at *higher rates* than recently-released people elsewhere.[11]

However, there is at least one way[12] in which the comparison between Maine and other states is not apt. In Maine, we have data on voter turnout by recently-released people who have served out their sentences without ever losing their right to vote. In other states, studies of voting by previously-incarcerated people rely on a set of people who were stripped of the right to vote and then later regained it. If the experience of even short-term disfranchisement reduces future voting (either because of the practical impacts of potentially being purged from the voter rolls, or because the experience of being disenfranchised makes people less interested in voting or willing to vote going forward), then existing data on turnout among recently-released people in felony-disfranchising states might not be so informative

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[11]As we note briefly in the paper, we think that the infrastructure available for voting while incarcerated in both Maine and Vermont, though limited and imperfect, is likely the "best case scenario": it is hard for us to imagine that other states' departments of correction would do more to facilitate prison voting than Maine and Vermont's systems do. Thus, it is possible that turnout among newly-enfranchised incarcerated people would remain even lower than recently-released turnout in other states.

[12]One other distinction between Maine and other states is that Maine has a below-average incarceration rate compared to the rest of the US, so it is possible that the set of people incarcerated in Maine is different from incarcerated people elsewhere, including on dimensions like "interest in voting."

about what would happen if felony disfranchisement laws were removed. It is possible that both incarcerated and released people in these states would vote at higher rates than we currently observe among released people, if even temporary disfranchisement has a lasting effect.

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