The Politics of the Restoration of Ex-Felon Voting Rights: The Case of Iowa *

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Abstract

We study the effects of Executive Order 42 in Iowa that reduced the barriers to ex-felon voting. Prior to Executive Order 42, ex-felons needed to apply to the governor's office to have their citizenship rights restored in order to vote. We analyze the characteristics of ex-felons who apply and what determines whether these requests are granted. Following the policy change, ex-felons automatically have their voting rights restored. By matching discharge records to the Iowa voter file, we show that ex-felon turnout substantially increased following Executive Order 42. We exploit quasi-experimental variation in whether ex-felons were informed about their voting rights being restored to estimate the effects of notification on registration and turnout. Our point estimates suggest that notification increases ex-felon turnout in the 2008 presidential election by four to eight percentage points.

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1 Introduction

More than two hundred years after this country was founded on the principle of equality, felons are the only class of citizens still disenfranchised from the vote. Felon disenfranchisement has become a contentious and significant public policy issue as of late, a response to both the unprecedented rise of the carceral state and mounting questions of fairness in American democracy. Recent estimates by the Sentencing Project suggest that over 5 million citizens are ineligible to vote on the basis of a criminal conviction (Porter, 2010). The consequences of felon disenfranchisement are particularly concentrated in certain minority communities; the Sentencing Project (1998) estimates that one out of every eight African-American males is ineligible to vote due to the criminal justice system.

States are vested with the power to determine eligibility of ex-felons to vote and there is a mosaic of different laws regarding when an ex-felon is disenfranchised and how that individual can restore his or her right to vote (see Sentencing Project (2011) for a recent summary). Every state except Maine and Vermont disenfranchises individuals who are incarcerated on a felony conviction. A majority of states extend that period of disenfranchisement to probation and parole. A minority of states continue to disenfranchise ex-felons upon discharge from the criminal justice system, with a few disenfranchising ex-felons for life.

The processes used to restore ex-felon voting rights are often confusing because of these differences both across and within states in how and when felon voting rights are restored. Voting rights are restored immediately upon discharge in some states, while others require a waiting period. Some states automatically restore the voting rights of eligible ex-felons, while others require an application. The types of crimes that are disenfranchising also vary across states. For example, burglary of automobile is disenfranchising in Alabama, but not in Mississippi, although theft of an automobile is disenfranchising in both. As a result of these varied policies, it perhaps is not surprising that Drucker and Barreras (2005) find that a high percentage of ex-felons who are eligible to vote believe that they are ineligible.[1]

[1]Manza and Uggen (2006) document that election administators also often are confused about when

Adding to this confusion is the fact that felony disenfranchisement has been an area of great legislative ferment in the last ten years. The issue achieved particular salience in the aftermath of President George W. Bush's 537-vote margin of victory in Florida during the 2000 election, when approximately 600,000 ex-felons were barred from voting (Uggen and Manza, 2002). Porter (2010) documents reforms with respect to restoration of ex-felon voting rights in 23 different states between 1997 and 2010. This paper focuses on one such policy change that took place in Iowa in 2005. Prior to July 4, 2005, the only way for individuals convicted of an aggravated misdemeanor or felony to regain their voting rights was to apply to the governor to have their citizenship rights restored. Executive Order 42 changed this policy so that the governor's office automatically restored the voting rights of all those discharged from the Iowa criminal justice for an aggravated misdemeanor or felony sentence. This policy applied retroactively to all individuals who completed their sentences on or prior to July 4, 2005. All individuals completing their sentences after July 4, 2005 had their citizenship rights restored upon the completion of their sentences, upon which notification of restoration would be sent to their last known address.

The change in Iowa citizenship restoration policies provide an opportunity to study a number of aspects of the politics of felon disenfranchisement. Previous work on the effects of felon disenfranchisement largely ignores differences across states in the processes used to restore ex-felons voting rights. Like Iowa before Executive Order 42, a number of states require ex-felons to apply to have their voting rights restored. Sometimes restoration is contingent on the ex-felons meeting certain financial obligations, such as restitution or court costs, as was the case in Iowa prior to Executive Order 42. Thus, looking at how ex-felon participation changes in Iowa before and after the policy change provides some evidence about the participatory effects of imposing a burdensome restoration process.[2]

Executive Order 42 also generates quasi-experimental variation that we exploit to study

ex-felons are eligible to vote.

[2]We use ex-felon in the context of Iowa to refer to an individual convicted of either an aggravated misdemeanor and felony sentence throughout the paper.

the effect of notifying ex-felons that their voting rights have been restored. Because many ex-felons are unaware that they are eligible to vote, we hypothesize that notification will significantly increase the probability that ex-felons turnout. To test this hypothesis, we compare the turnout rates of ex-felons who were informed that their voting rights had been restored as a result of the Executive Order 42 to the turnout rate of ex-felons who were not informed that their voting rights had been restored as a result of Executive Order 42. Absent notification we would not expect there to be much difference in the political behavior of ex-felons discharged in June and July of 2005. However while both groups had their voting rights restored as a result of Executive Order 42, only those discharged in July received notification. We use this discontinuous assignment of notification as a function of discharge date to estimate the effect of notification on turnout using a method similar to Meredith (2009).

Finally, the application process used by Iowa to restore felon voting rights prior to Executive Order 42 provides an interesting laboratory for learning about the incentives political actors face with respect to crime policy. Prior to Executive Order 42, the governor's office had the authority to determine the criteria that they would use in deciding whether to accept or deny restoration applications. As cases like Willie Horton demonstrate, there is often substantial downside risk when political actors take lenient positions on criminal rights. This was demonstrated with respect to felon disenfranchisement during the 2012 Republican presidential primary when the interest group Restore Our Future ran ads attacking former Sen. Rick Santorum for voting to "let convicted felons vote". Assuming these potential risks weighed heavily on the governor's office deciding whether to accept or deny these applications, observing which applications get denied helps us learn about what types of crime policies political actors view as posing the greatest risk.

To study these questions, we develop an original dataset detailing the political behavior of all individuals discharged from the Iowa criminal justice system for an aggravated misdemeanor or felony sentence between January 1, 2002 and December 31, 2007. Using

data collected from the state archives and governor's office, we observe which individuals discharged between January 1, 2002 and December 31, 2004 filed an application to have their voting rights restored with the governor's office prior to Executive Order 42. Such an application was necessary if these individual wanted to vote in the 2004 presidential election. We also observe which of these applications were accepted and denied, and the stated reason for denied applications. We then match data of discharges between January 1, 2002 and December 31, 2007 to individual-level registration and turnout records maintained by the Iowa Secretary of State's office to look at how registration and turnout rates change once Iowa begins informing ex-felons that their voting rights have been restored.

We use these data to show three main results. First, turnout substantially increases after the barriers to ex-felon voting are eliminated in 2005. Turnout rates of ex-felons discharged between 2002 and 2004 increased from 7.8% in the 2004 presidential election to 14.9% in the 2008 presidential election. Second, informing ex-felons that they are eligible to vote significantly increases turnout. Our point estimates suggest that informing ex-felons that their voting rights are restored increases the probability of voting by four to eight percentage points. Finally, ex-felons discharged from violent crimes, and particularily sex crimes, are substantially more likely to have their applications for the restoration of citizenship rights denied.

The remainder of the paper proceeds as follows. Section 2 situates our paper in the previous literature. The processes used to restore ex-felon voting rights in Iowa before and after Executive Order 42 is detailed in Section 3. Section 4 describes our data. Results are presented in Section 5. Section 6 concludes.

2 Relation to Previous Literature

The dramatic rise in the carceral state and the contested outcome of 2000 presidential election in the pivotal state of Florida spawned a flood of research over the past decade on

the political consequences of felon disenfranchisement. Seminal work by Uggen and Manza (2002) argues that laws preventing voting by ex-felons cause Republican candidates, including George W. Bush in 2000, to win elections that they would otherwise lose (although see also Burch (Forthcoming)). Uggen and Manza reach this conclusion by fitting models of turnout and vote choice using data on non-felons, and then using these models to extrapolate the probability that voters with the demographic characteristics of disenfranchised ex-felons would turnout and support Democratic candidates if they were allowed to vote. Such a model rests on what Haselswerdt (2009) calls an "equivalence assumption" that ex-felons would turnout and support Democratic candidates at the same rates as non-felons who share the same observable characteristics. This assumption likely fails because of unobservable differences between ex-felons and non-felons that relate to the probability of voting and supporting Democratic candidates (Hjalmarsson and Lopez, 2010).

Because of the limitations of this approach, more recent work has focused on using government records to estimate the rates at which ex-felons vote (Burch, 2007, 2011, Forthcoming; Haselswerdt, 2009). Lists both of criminal justice system discharges and voter registration and turnout are public record in many states. By merging these two sources together, the rates at which eligible ex-felons register and vote can be measured directly. This method often estimates ex-felon turnout rates that are substantially lower than those predicted using the methods of Uggen and Manza (2002). For example, Burch (2011) estimates ex-felon turnout rates of 13.4%, 25.7%, 40.1%, 22.2%, and 27.5% in Florida, Georgia, Michigan, Missouri, and North Carolina respectively in the 2008 presidential elections.

Our work focuses on understanding how state-level restoration procedures affects these turnout rates. Previous work in this area relates variation in state-level policies to aggregated turnout outcomes. For example. McLeod, White and Gavin (2003) show that states with more restrictions on ex-felon turnout have lower rates of voter turnout in 1996 and 2000, particularly among African-Americans (although see also Miles (2004)). One weakness of this approach is that even among subpopulations disproportionately affected by felon

disenfranchisement, like African-Americans, only a small percentage of the subpopulation is disenfranchised. Thus, we have limited statistical power with only 50 data points to detect the effect of disenfranchisement policies. Another problem with interpreting these findings is that felon disenfranchisement laws are not randomly assigned to states, but arise endogenously through the policy-making process (Behrens, Uggen and Manza, 2003; Yoshinaka and Grose, 2005). Furthermore, some of the conditions that give rise to greater restrictions on ex-felon voting rights, like racial threat, are also likely to relate to turnout rates.

In contrast to this previous work, we look at how voter turnout changes within a state as restoration procedures change. The advantage of this approach is that we are able to control for unobserved determinants of ex-felon turnout that remain constant within the state across time. Moreover, by following recent work that uses discharge records and voter file data to construct ex-felon turnout rates, we are able to compare these turnout rates for our exact population of interest. As a result, we believe that we are able to show convincingly that the processes used to restore the franchise have both a statistically significant and substantively important affect on ex-felon political participation.

3 Iowa Executive Order 42

In the state of Iowa, anyone convicted an aggravated misdemeanor or felony is disenfranchised. However, the governor has the power to restore an offender's right to vote upon the completion of their sentence and discharge from the criminal justice system. Prior to Executive Order 42, individuals who wanted to restore their voting rights returned an application for restoration of citizenship to the governor's general counsel. The application required ex-felons to provide details of all convictions as well as details on the fines, fees, and court-ordered restitution paid. In addition, the application asked them to "give reasons why you believe you should be granted Executive Clemency." The stated processing time on the application was approximately four to six months.

To our knowledge, no formal guidelines were publicly available stating the basis by which the decisions to grant or deny executive clemency were made. Per the administrative rules of the Iowa Parole Board, the governor's office received a recommendation from the Iowa Parole Board about whether to grant the request. However, the rules do not provide any basis from which this recommendation should be made. Moreover, the recommendation is merely advisory, as the governor has the ultimate decision-making power. Based on our results in Section 5.1, we know that factors considered by the governor's office included the applicant's criminal record, whether the applicant had outstanding financial obligations to the state, and the length of time since discharge.

Executive Order 42, which was signed by Governor Thomas Vilsack on July 4, 2005, granted a blanket restoration of citizenship rights for all offenders that completed their sentences on or before July 4, 2005. All ex-felons discharged on or before July 4, 2005, including those whose applications were previously denied, immediately became eligible to vote. After July 4, 2005, the Iowa Department of Corrections forwarded the governor's office a list of all ex-felons discharged from the criminal justice system in the previous month, and the governor recommended who from the list should have our their citizenship rights restored. While in theory the governor could decide not to restore the citizenship rights of some offenders, our understanding is that in practice citizenship rights were restored to everyone. Certificates acknowledging the restoration of voting rights were then mailed to the ex-felons last known address. Thus while all ex-felons discharged from the Iowa criminal justice system before the 2008 presidential election were eligible to vote, only those discharged after July 4, 2005 were notified that their voting rights had been restored.

The policy detailed in Executive Order 42 remained in place until Terry Branstad became governor of Iowa on January 14, 2011. Branstad issued Executive Order 70 on his first day in office, which restored the application process that existed prior to July 4, 2005.[3] One of the primary stated motivations for Executive Order 70 is that the payment of financial

[3]Branstad previously was governor from 1983 to 1999, and so was familiar with the previous application process.

obligations owed to the state is a critical component in determining whether the restoration of citizenship is appropriate. Executive Order 70 only applies to future cases, and offenders whose voting rights were restored under Executive Order 42 retain their voting rights.

4 Data

This study looks at three question about the political process by which ex-felons regain the franchise in Iowa. First, what is the frequency with which ex-felons apply to have their citizenship rights restored prior to Executive Order 42? Second, on what basis does the governor's office accept or deny these applications? Finally, how do the rates at which ex-felons register and vote increase after Executive Order 42 reduces the barriers to ex-felons regaining the franchise, and does the magnitude of the increase depend on whether the ex-felons are notified that their rights have been restored?

Addressing these three types of questions requires three different types of data. First, measures of the population of ex-felons who could potentially apply to have their citizenship rights restored. Second, records of who from this population applies to have their citizenship rights restored, and which of these requests are granted by the governor's office. Finally, records of voter registration and voter turnout for ex-felons who were eligible to get their voting rights restored both before and after the signing of Executive Order 42. We discuss the data we collect for each of these purposes in turn.

Data from the Iowa Department of Corrections provides records on the population of ex-felons who were eligible to apply to have their voting rights restored. These data provide information on the universe of individuals convicted of either an aggravated misdemeanor or felony who were discharged from the Iowa criminal justice system between January 1, 2002 and December 31, 2007. We observe the individual's full name, gender, date of birth, a description of the most serious crime for which the individual was sentenced, the date of discharge, whether the discharge occurred prior to the completion of the sentence, and the

type of punishment (i.e, parole, probation, or prison).

Data from the Iowa State Archives is used to observe who from the population of ex-felons discharged between January 1, 2002 and December 31, 2004 successfully applies to have their citizenship rights restored. This spreadsheet contains information on the full name, address, gender, date of birth, date of application receipt, and date of acceptance decision for all accepted applications. Using the full name and date of birth, we match each approved application to the corresponding observation in the Iowa Department of Corrections data.

Unfortunately, the Iowa Stata Archives does not maintain records of denied citizenship right restoration requests. To obtain this information, we made a public record request to the Iowa Governor's Office to get copies of all of the applications filed between January 1, 2002 and July 4, 2005 for the restoration of citizenship rights. We also collected copies of the response letter mailed to applicants. These data provide information on the denied applicants' full name and date of birth, as well as the reason stated in the response letter for why the application was denied. Like we did with the approved applications, we use the full name and date of birth to match each denied application to the corresponding observation in the Iowa Department of Correction data.[4]

Finally, we use data contained in the Iowa statewide voter registration file to measure the rates at which ex-felons register and vote in the 2008 presidential election. The statewide voter file contains the name, address, date of birth, date of registration, party of registration, and past turnout history for all voters registered to vote in the state of Iowa.[5] We use information on full name and birth date to attempt to match each record in the Department of Correction file to the voter file. We use a relatively flexible matching procedure that is detailed in the Appendix to help us account for problems like individuals being listed under different given names (e.g., Mike and Michael) or middle names (e.g., Andrew and A.) in the two different data sources.

[4]In the process of coding these data, we also added a small number of additional accepted applications that were not included in the Iowa State Archives spreadsheet.

[5]The specific voter file we used contained all individuals registered to vote in late October 2010.

Our final dataset contains 69,536 discharges from January 1, 2002 to December 31, 2007. For each discharge i from January 1, 2002 to December 31, 2004, we create an indicator $Applied_i$ that is equal to one if the discharged individual applies to get their citizenship rights restored, and zero otherwise. For observations where $Applied_i = 1$, we also construct an indicator $Accepted_i$ that is equal to one if individual i's application is approved. For all observations, we create an indicator Reg_i, which is equal to one if discharge i is registered to vote, and zero otherwise. For those observations where $Reg_i = 1$, we construct $y2008_i$, which is equal to one if discharge i voted in the 2008 presidential election, and zero otherwise.

5 Results

5.1 Who Applies and Who Is Approved?

We begin this section by exploring the characteristics of discharged ex-felons who applied to have their citizenship rights restored prior to the enactment of Executive Order 42 on July 4, 2005. The first row of Table 1 indicates that only 762 of the 16,738, or 4.55%, of the individuals discharged between January 1, 2002 and December 31, 2004, filed an application to have their voting rights restored.

The remaining rows of Table 1 show that there are some differences in the probability that a discharged individual applies to have their citizenship rights restored depending on the type of crime that he or she was convicted of. A person discharged from an OWI or other alcohol related sentence is 50% and 100% more likely to apply to have their voting rights restored than a person discharged from a drug or property crime respectively. These patterns likely reflect the fact that those sentenced for OWI and other alcohol related crimes tend to come from higher socioeconomic status backgrounds than those sentenced for drug and property crimes.[6] Nevertheless, the percentage of OWI and other alcohol discharges

[6] An OWI is only a felony in Iowa if it is a second offense or more.

Table 1: Number of voting right restoration applications and decisions by crime type

	Eligible	Applied	Approved	Both	Denied
All Observations	16738	762	629	8	125
		4.55%	82.55%	1.05%	16.40%
By Crime Type:					
Violent Crimes	2419	102	54	7	41
		4.22%	52.94%	6.86%	40.20%
Property Crimes	4807	144	120	0	24
		3.00%	83.33%	0.00%	16.67%
OWI or Other Alcohol	4654	321	291	1	29
		6.90%	90.65%	0.31%	9.03%
Drug Crimes	3531	158	139	0	19
		4.47%	87.97%	0.00%	12.03%
Other Crimes	1327	37	25	0	12
		2.79%	67.57%	0.00%	32.43%

that apply to have their citizenship rights restored is still under 10%, suggesting only a small minority of those convicted of OWI and other alcohol related crimes could have voted in the 2004 elections.

The remainder of Table 1 looks at the likelihood that the governor's office approves an application for the restoration of citizenship rights. The top row shows that 82.55% of applications are approved outright, as compared to 16.40% that are rejected outright. In an additional 1.05% cases the first application is rejected, but a subsequent application is later approved. While a large majority of applications are accepted, there is a substantial amount of heterogeniety across different types of crimes in whether the Governor's office approves an application. In particular, ex-felons who were convicted of violent crimes are more than twice as likely to have their applications rejected.

On what basis is the governor's office denying applications? We can get some sense of this by looking at the stated reason for denial in the response letter sent to applicants

Table 2: Stated reason for denial on response letter by type of crime

	Type of Crime					
	Violent	Property	Alcohol	Drugs	Other	Total
Stated Reason for Denial:						
Outstanding Obligations	7	15	24	13	3	62
Nature of the Offense	27	2	0	2	5	36
Recent Criminal Charges	2	3	0	3	1	9
Prior Criminal Record	4	1	1	0	2	8
No Stated Reason	4	1	0	0	1	6
Ineligible to Apply	0	0	1	0	0	1
Missing Response Letter	4	2	4	1	0	11

informing them that their application is denied. We classify the stated reasons into one of five categories. The first category is for cases where the application is denied because the applicant has outstanding financial obligations to the state for things related to their crime like restitution, fines, court costs, or attorney fees. Category number two is for cases where the application is denied due to the nature of the offense committed by the applicant. The third category are applications that are denied because the applicant has been involved in recent criminal charges. Category four is for applications that are denied because of the applicant's past criminal record. Our interpretation of this explanation is that it relates to the number of previous crimes committed, as opposed to the severity of the crime. The fifth category are applications that are denied because the applicant is ineligible to apply (e.g., they are still on probation). Finally, there are some cases where either the cover letter provides no explanation for why the application is denied or we did not receive a copy of the response letter.

Table 2 shows that outstanding financial obligations are the most commonly stated reason for denial, although the stated reasons differ substantially by the type of crime that was committed. Out of the 116 cases where we observe a stated reason for denial, 62 of these cases involve a denial based on outstanding financial obligations. The exception are denials for those who committed violent crimes, where 31 of the 40 denials we observe are because

Table 3: Number of voting right restoration applications and decisions by sub-crime type

	Eligible	Applied	Approved	Both	Denied
Violent Crimes:					
Murder or Manslaughter	109	6	4	0	2
Violent Sex	475	38	12	3	23
Assualt	1611	49	31	4	14
Other Violent	224	9	7	0	2
Property Crimes:					
Burglary, Theft, or Stolen Property	3122	97	82	0	15
Forgery of Fraud	1312	33	29	0	4
Arson	75	4	2	0	2
Vandalism	298	10	7	0	3
Drug Crimes:					
Drug Possession	574	24	21	0	3
Drug Trafficking	2633	117	102	0	15
Other Drug	324	17	16	0	1
Other Crimes:					
Prostitution or Pimping	91	1	1	0	0
Traffic	623	11	7	0	4
Weapons	284	13	9	0	4
Other Non-Violent and Property	329	12	8	0	4

of the nature of the offense or the past criminal record.

Table 3 shows that the high denial rate among ex-felons who commit violent crimes is partially due to how applications from ex-felons who were sentenced for violent sex crimes are treated.[7] Of the 38 applicants who were sentenced for violent sex crimes, 23 were outright denied, with another 3 being accepted after an initial denial. What makes this particularly noteworthy is that every other subcategory of crime had at least 50% of its applications accepted, including four of the six applications from those convicted of murder or manslaughter. Still the percentage of violent non-sex crimes that are either denied or accepted after an initial denial is about twice the rate of other crimes.

These denial patterns line-up with the public attitudes towards felon disenfranchisement reported by Manza, Brooks and Uggen (2004). They run a survey experiment where they

[7]These cases are almost all for either sexual abuse or assault, or lascivious acts or indecent contact with a child.

randomly ask respondents whether they support giving the right to vote to people who have served their entire sentence for a crime, a violent crime, or a sex crime. Whereas 80 percent of respondents supported giving voting rights back to discharged offenders generally, only 66 and 52 percent supported restoring rights to those discharged for violent and sex crimes espectively. Our findings suggest that the public's less favorable attitudes towards reinstating voting rights for violent and sex offenders influences the calculus of political actors who are weighing the costs and benefits of granting these applications.

5.2 Registration and 2008 Turnout

This subsection turns to showing that the probability that ex-felons vote substantially increased after Executive Order 42 was enacted. The data used to do this analysis is summarized in Table 4. The first row of Table 4 shows the registration rates, the 2008 turnout rates, and party of registration for all ex-felons discharged between January 1, 2002 and September 30, 2008. The table shows that about 30% of ex-felon discharged over this interval are matched in the voter file, with just under 15% having voted in the 2008 presidential election. Among those who register, 44% register with no party, 40% register as Democrats, and 15% register as Republicans.[8]. As a point of comparison, 36%, 33%, and 30% of all registered voters register with no party, as Democrats, and as Republicans respectively.

Table 4 also shows that registration rates, turnout rates, and party of registration vary based on the type of crime committed. Just as we observed in the previous section with applications, individuals discharged from OWI and other alcohol related sentences are somewhat more likely to register and vote, while those discharged from drug and property crimes are somewhat less likely to register and vote.

The patterns in Table 4 immediately suggest that eliminating restoration barriers increased ex-felon turnout. The turnout rate of ex-felons discharged between 2002 and 2004

[8]Among 2008 presidential election voters, 47% register as Democrats, 35% register with no party, and 18% register as Republicans.

Table 4: Registration rates, 2008 turnout rates, and party of registration by crime type

	Obs.	Reg.	Voted	Party of Registration Dem.	Rep.	None	Other
All Observations	40572	12307	6062	4934	1902	5452	19
		30.33%	14.94%	40.09%	15.45%	44.29%	0.15%
By Crime Type:							
All Violent Crimes	6690	2223	1048	903	347	972	1
		33.22%	15.66%	40.62%	15.60%	43.72%	0.04%
All Property Crimes	11232	2951	1315	1202	425	1320	4
		26.27%	11.70%	40.73%	14.40%	44.73%	0.13%
OWI or Other Alcohol	10139	3731	2013	1326	705	1691	9
		36.79%	19.85%	35.54%	18.89%	45.32%	0.24%
Drug Crimes	8983	2305	1189	1043	276	982	4
		25.65%	13.23%	45.24%	11.97%	42.60%	0.17%
All Other Crimes	3528	1097	497	460	149	487	1
		31.09%	14.08%	41.93%	13.58%	44.39%	0.09%

Notes: Sample includes all ex-felons discharged between January 1, 2002 and September 30, 2008.

was 14.6% in the 2008 presidential election.[9] As a point of comparison, we observe that 7.8% of ex-felons discharged between 2002 and 2004 voted in the 2004 presidential election.[10]. A couple of caveats must be applied to this comparison. First, this increase could reflect the effect of time rather than the effect of eliminating restoration barriers, as those discharged between 2002 and 2004 are four years older and further removed from the criminal justice system. Second, this increase could reflect differences in the electoral environment in 2004 and 2008. In particular, because ex-felons tend to be disportionately African-American, this increase could in-part reflect ethusiasm among African-Americans in voting for Barack

[9]Note that this should be interpreted as the turnout rate in Iowa, as we will not observe ex-felons who turnout to vote in other states. We will also not observe registration and turnout records for get purged from the voter file between 2008 and 2010.

[10]Voter file purging is likely to cause us to underestimate 2004 turnout by more than 2008 turnout. We are still working to understand why the number of ex-felons discharged between 2002 and 2004 who we observe voting in the 2004 election is larger than the number we observe submitting an application for the restoration of citizenship rights

Obama.

While we cannot entirely rule out these alternate explanations for the increase in ex-felon turnout between 2004 and 2008, we can perform some additional tests to strengthen our claim that Executive Order 42 increased the probability of ex-felons registering and voting in the 2008 presidential election. In particular, we exploit the fact that Executive Order 42 generated some quasi-experimental variation in whether ex-felons were informed that their voting rights had been restored. Specifically, only those individuals who were discharged after July 4, 2005 were informed that their voting rights were restored. We adopt an identification strategy that estimates the difference in registration and voting rates of ex-felons who were discharged just before and just after this date. The intuition behind our identification strategy is that ex-felons discharged in relatively close proximity should be similar both in terms of observable characteristics, like their age and the amount of time they have been in the criminal justice system, and unobservable characteristics, like political knowledge and sense of civic duty. Thus absent a policy change, we would expect the probability of registering or voting to vary continuously with respect to the date of discharge. Therefore, if we observe a significant difference in the registration or voting rates of ex-felons discharged immediately before and after the policy change, we can attribute the difference to the change in policy.[11]

Figure 1 illustrates this identification strategy. The top panel of Figure 1 shows how the probability that an ex-felon is registered to vote varies as a function of the month that they are discharged. The figure shows that while the probability of registering varies substantially from month-to-month, there is a relatively steady increase in the probability of being registered as a function of the time since discharge. This increase likely reflects the fact that those discharged earlier are older and further removed from the criminal justice

[11]This identification strategy is similar to that used by Meredith (2009) to study the effects of voting in one election on voting in the next election. Absent voting-age restrictions there should be little difference in the political behavior of individuals who turn eighteen just before and after an election. Thus, we can attribute a discontinuous change in the probability of voting that occurs from having been eighteen prior to a previous election to the voting-age restriction.

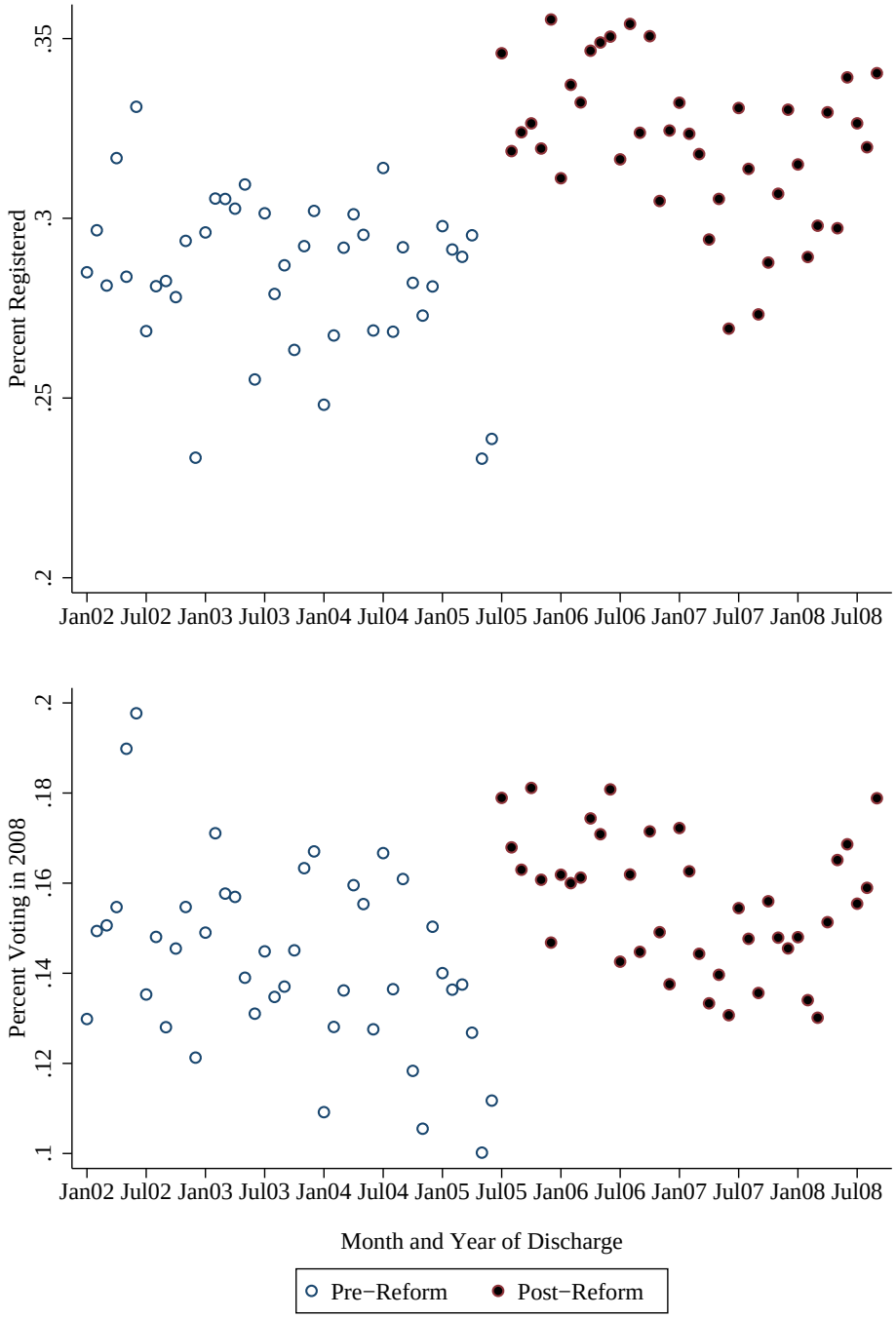
system. The exception is the persistent jump in the probability of being registered that corresponds with the July 2005 policy change that made it easier for ex-felons to regain their voting rights. About 27.5% of ex-felons discharged in the first half of 2005 were registered, as compared to 33% of those discharged in the second half of 2005. This jump in the registration rate is particuarly noteworthy because it goes against the general trend that the probability of being registered is increasing in the amount of time that an ex-felon has been discharged.

The bottom panel of Figure 1 reveals similar patterns in 2008 turnout as we observed in registration. While the probability of voting tends to be increasing in the time since discharge, there again is a jump in the probability of voting among those discharged after the policy changes. The turnout rate increases from about 12.5% for those dischared in first-half of 2005 to about 16.5% for those discharged in second-half of 2005. Absent the policy change, there is no reason to expect a discontinuous increase in both registration and turnout among those discharged in July 2005. Thus, these figures suggest that notifying ex-felons that their voting rights are restored increases their probability of registering and voting.

One additional point worth noting about Figure 1 is that the average turnout rate for ex-felons discharged between 2006 and 2008 is about 15%. One of the caveats applied when comparing the turnout rates in 2004 and 2008 of ex-felons discharged between 2002 and 2004 is these individuals are four years older and further removed from the criminal justice system in 2008 than they were in 2004. However, we should expect that those individuals discharged between 2006 and 2008 are roughly comperable in 2008 in terms of age and time since sentence as individuals discharged between 2002 and 2004 were in 2004. The fact that the 2008 turnout rate of individuals discharged between 2006 and 2008 is about two times higher than the 2004 turnout rate of individuals discharged between 2002 and 2004 suggests that the increase in turnout 2008 is not simply a time since discharge effect.

The identification strategy displayed above is formalized in Equation 1. We set the variable $forcing_i$ equal to the number of years after July 4, 2005 that individual i was

Figure 1: Percentage of ex-felons registering and participating in the 2008 presidential election by month of discharge



Notes: The average number of observations per month is 501, with a minimum of 349 and a maximum of 614.

discharged from the Iowa criminal justice system (e.g., $forcing_i = 1/365$ if individual i was discharged on July 5, 2005 and $forcing_i = -2/365$ if individual i was discharged on July 2, 2005). We regress a dependent variable Y_i (e.g., Reg_i or $y2008_i$) on constant, $\mathbf{1}(forcing_i > 0$ (i.e., an indicator for being discharged after notification begins), a kth-order polynomial of $forcing_i$, and the interaction between $\mathbf{1}(forcing_i > 0)$ and the kth-order polynomial of $forcing_i$.[12] In this specification β, the coefficient on the indicator for being discharged after notification begins, represents the effect of notification on our dependent variable. When estimating our baseline specification of Equation 1, we restrict the sample just to 2005 discharges.

$$Y_i = \alpha + \beta \mathbf{1}(forcing_i > 0) + \Sigma_{j=1}^{k}(\theta_j \ + \gamma_j \mathbf{1}(forcing_i > 0))forcing_i^j + \epsilon_i \tag{1}$$

Table 5 presents our estimates of the increase in registration and turnout that result from notification. Column 1 indicates that individuals discharged after notification begins are 5.5 percentage points (s.e. 1.2 percentage points) more likely to be registered. Likewise, individuals discharged after notification begins are 4.1 percentage points (s.e. 0.9 percentage points) more likely to vote in 2008. As registration and turnout generally increase with time since discharge, these estimate provides a lower bound on the effect of notification on registration and turnout. In columns 2 and 3 we report regressions where we attempt to control for the direct effect of time since discharge on registration by including a first- and third-order polynomial respectively. Including these polynomials increases our point estimate on the effect of notification on registration to increase to 8.4 percentage points (s.e 2.4 percentage points) and 9.0 percentage points (s.e. 4.7 percentage points) when a first- and third-order polynomial is included respectively. Including these polynomials also causes our estimate on the effect of notification on turnout to increase to 7.8 (s.e. 1.8 percentage points) and 7.6 percentage points (s.e. 3.6 percentage points).

[12] This is a relatively standard parametric approach for estimating regression discontinuity designs (Imbens and Lemieux, 2008)

Table 5: Estimated change in the probability of Iowa ex-felons registering and participating in the 2008 presidential election as a result of notification

Dep. Variable	Registration					2008 Turnout				
Sample	All Observations			Alcohol Crime		All Observations			Alcohol Crime	
				Yes	No				Yes	No
# of Observations	6153			1417	4736	6153			1417	4736
Discharged After 7/4/05	0.055	0.084	0.090	0.007	0.068	0.041	0.078	0.076	0.033	0.043
	(0.012)	(0.024)	(0.047)	(0.026)	(0.013)	(0.009)	(0.018)	(0.036)	(0.022)	(0.010)
forcing		-0.136	0.124				-0.086	0.067		
		(0.057)	(0.569)				(0.044)	(0.437)		
forcing X		0.157	-0.230				0.025	-0.339		
Discharged After 7/4/05		(0.083)	(0.829)				(0.063)	(0.637)		
$forcing^2$			1.444					0.698		
			(2.629)					(2.020)		
$forcing^2$ X			-1.531					0.608		
Discharged After 7/4/05			(3.888)					(2.987)		
$forcing^3$			2.051					0.868		
			(3.439)					(2.642)		
$forcing^3$ X			-1.256					-2.864		
Discharged After 7/4/05			(5.165)					(3.968)		
Constant	0.276	0.241	0.250	0.373	0.247	0.126	0.104	0.111	0.193	0.106
	(0.008)	(0.016)	(0.033)	(0.018)	(0.009)	(0.006)	(0.013)	(0.026)	(0.015)	(0.006)

Notes: Sample includes all discharges between January 1, 2005 and December 31, 2005. Robust standard errors in parentheses.

Our identification strategy relies on the assumption that individuals who are discharged just after July 4, 2005 would register and vote at similar rates as individuals discharged just prior to July 5, 2005, but for the difference in notification. While we can't test this assumption directly, we can look at whether these two groups of individuals are observably similar. Showing that these groups are observably similar helps to assure us not only that the difference we observe in outcomes don't result from differences in these observable variables, but also that these groups are likely to be similar in terms of variables we do not observe. The first three columns of Table A.1 show that individuals discharged between January 1, 2005 and July 4, 2005 look observably similar to those discharged between July 5, 2005 and December 31, 2005 in terms of their age, gender, type of crime, and type of discharge. The last last two columns show that we continue to find few significant differences in the observables when we reestimate Equation 1 with these observable variables as our dependent variable.

As another robustness check, we also look at how the estimated effect of notification changes as we vary which observations are included in our sample. Our baseline regression reported in Table 5 only includes individuals who were discharged within six months of the policy change (i.e., a bandwidth of six months). Figure A.1 shows how the results on the effect of notification change as we vary the bandwidth from between three and thirty months. The figure shows that we obtain quite similar results when using alternate bandwidths.

Finally, we explore whether there are heterogeneous effects of Executive Order 42 on participation. In particular, we are interested in how the effect of notification varies with respect to baseline levels of political awareness and interest. On one hand, ex-felons who are less politically aware and interested might be less likely to know that they are now eligible to vote. On the other hand, ex-felons who are less politically aware and interested may be less likely to care that they are allowed to vote. Seeing how the effect of Executive Order 42 varies with respect to politically awareness and interest lets us tell which of these two effects dominates. Unfortunately, we do not observe any direct measures of political awareness and

interest. Rather, we draw on the results in Table 1 that shows OWI and other alcohol related offenders were substantially more likely to submit applications to get their citizenship rights restored, and look whether there are differential effects of Executive Order 42 on OWI and other alcohol related offenders.

Table 5 provides some evidence that alcohol offenders are less affected by notification. Column 4 shows that among alcohol related offenders discharged in 2005, those who are not notified and notified are registered at 37.3% and 38.0% rates respectively. In contrast, column 5 shows that among non-alcohol related offenders discharged in 2005, registration rates jump from 24.7% to 31.6% among those who are notified. We can reject the hypothesis that the increase in registration from notifcation is equal between these two groups at the $p = 0.032$ level, two-tailed. Notification also increases the turnout rates of non-alcohol related offenders by more than alcohol related offenders, although this difference is not as large as the difference in registration rates and is not statistically significant. The turnout rates of alcohol offenders increased from 19.3% to 22.7% among those who were notified, as compared to 10.6% to 14.9% among non-alcohol offenders. These findings are suggestive that notification is particularly important for the less politically aware and interested.

6 Discussion

This paper explores the elimination of barriers to ex-felon voting that occur as a result of Executive Order 42 in Iowa. The first half of the paper looks at the frequency with which ex-felons submitted applications to have their voting rights restored prior to Executive Order 42. We obseve that substantially fewer ex-felons submit applications than we observe voting in the 2008 presidential election. This finding suggests that there are ex-felons who would vote, but are dissuaded by a burdensome application process. Our results suggest ex-felon turnout in Iowa in the 2012 presidential election will be negatively affected by Executive Order 70. Given the partisan identification that we observe of ex-felons in Iowa, it is likely

that the reinstatement of the application process will hurt the Democrats in 2012.

We can use our results to try and perform a back-of-the-envelope calculation of the size of the partisan effect. Let N be the total number of ex-felons discharged between January 1, 2009 and September 20, 2012, p_d be the probability that an ex-felon supports the Democratic candidate, p_r be the probability that an ex-felon supports the Republican candidate, and p_t be the change in the probability of turnout because of reinstatement of application. The net number of votes gained by the Republicans equals $N * (p_d - p_r) * p_t$. If we assume that $N = 23,820$ (i.e., the number of ex-felons discharged between January 1, 2005 and September 30, 2008), $(p_d - p_r) = 0.288$ (i.e., the difference in the percentage of ex-felons who voted in 2008 who were registered Democrats and registered Republicans), and $p_t = 0.05$ (i.e., ex-felon turnout drops by 5 percentage points because of applications), this suggests that the Republicans would gain about 343 net votes as a result of Executive Order 70. Of course such extrapolation is highly speculative and one can quibble values assumed for the individual parameters.

The first half of the paper also looks at the characteristics of applications that are denied. We find that ex-felons who are sentences for violent crimes, and particularly sex crimes, are substantially more likely to have their applications rejected. It is worth noting that relatively shortly after these applications are denied, Governor Vilsack changed the policy to restore citizenship rights to *all* ex-felons. This creates a puzzle of why he would deny specific applications, while simultaneously supporting restoring voting rights for everyone? One consequence of using an application system like Iowa's is that a political official must take a position on each application. This creates political risk because opponents can cherry pick cases for campaigns where the facts of the case make the public the most opposed to restoring voting rights. Moreover, opponents can accurately claim that the incumbent supported restoring voting rights in the specific case.[13] By pooling all cases together, political actors may be able to reduce the political risk from having to defend specific decisions that

[13] An opponent could do the same in cases where the political official denied an application that the public supports, although we expect this to be less likely to occur.

disagrees with, and instead force the opponent to criticize the broader policy which Manza, Brooks and Uggen's (2004) results indicate is generally popular.

The last part of the paper estimates the effect of notifying ex-felons that their voting rights are restored on registration and turnout. Our point estimates suggest that notification increased turnout in the 2008 presidential election by somewhere between four and eight percentage points. This finding is consistent with studies showing that ex-felons often are confused about whether they are eligible to vote. Some scholars have speculated that getting ex-felons to vote may be a tool to help reduce recidivism (Uggen and Manza, 2004; Manza and Uggen, 2006). If this is in fact true, this may make notification a relatively cost effective way to help reduce crime. Indeed, New Jersey, New York, and North Carolina have all passed laws in recent years mandating that ex-felons be notified when their voting rights are restored. Further work is needed to see if these reforms also increase political participation, and if so, whether this political participation helps to reduce crime.

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Appendix Description of Matching Procedure

In this section we detail the matching procedure that we use to match discharge records from the Iowa Department of Corrections to records in the Iowa voter file. Our baseline matching procedure looks for people that have the same first name, middle name, last name, and birthdate in both data sources. The primary difficulty in matching records between these two sources is that the same individual's records may differ slightly between these two sources. This may occur because someone uses a shorten version of their first name in one source but not the other (e.g. Mike in one source, Michael in the other), a middle name in one source and a middle initial in the other (e.g. Andrew in one source, A. in the other), or a spelling error (e.g., Nicholus instead of Nicholas). We use the following procedure to overcome these issues.

1. We look for all cases where the first name, middle name, last name, and birthdate match exactly. We match 15,461 cases this way.

2. For all the remaining unmatched observations in the corrections file, we look for cases where the first name, last name, and birthdate match exactly. We manually check if the middle names contradict each other (e.g., middle name of "I" in one source and "Frederick" in the other). If not, we call this a match. We also call cases a match where the difference between the two middle names appears to be a typo (e.g., "Loy" and "Joy"). In sum, we match 3,727 cases this way.

3. For all the remaining unmatched observations in the corrections file, we look for cases where the last name and birthdate match exactly. We manually check cases where the first name in one source contains a regular expression of the first name in the other source, the first and middle initials match each other, the middle names match each other exactly. If the first names and middle names appear to be the same, we call these a match. We also call cases a match where the first name and middle names are switched across the two sources. In sum, we match 787 cases this way.

4. For all the remaining unmatched observations in the corrections file, we look for cases where the birthdate matches exactly. We manually check cases where the first name in one source contains a regular expression of the first name in the other source, and either the last name in one source contains a regular expression of the last name in the other source or the first three letters of the last names in both sources match. If the first names, middle names, and last names appear to be the same, we call these a match. In sum, we match 121 cases this way.

5. For all the remaining unmatched observations in the corrections file, we look for cases where the last name, birth year, and birth month, but not birth day, match exactly. We manually check cases where the first name in one source contains a regular expression of the first name in the other source, and the middle name in one source matches the middle name in the other source. If the first names and middle name appear to be the same, we call this a match. We match 157 cases this way.

6. For all the remaining unmatched observations in the corrections file, we look for cases where the last name, birth year, and birth day, but not birth month, match exactly. We manually check cases where the first name in one source contains a regular expression of the first name in the other source, and the middle name in one source matches the middle name in the other source. If the first names and middle name appear to be the same, we call this a match. We match 53 cases this way.

7. For all the remaining unmatched observations in the corrections file, we look for cases where the last name, birth month, and birth day, but not birth year, match exactly. We manually check cases where the first name in one source contains a regular expression of the first name in the other source, and the middle name in one source matches the middle name in the other source. If the first names and middle name appear to be the same, and the birth years in the two sources are from the same decade or share the same ones digit, we call this a match. We match 113 cases this way.

One remaining issue is that we will not be able to match people who are listed under different last names in the two different datasets. In particular, this will make it difficult to match women who get married and charge their last name after exiting the criminal justice system. To get some sense of the potential bias that this introduces into our measures of felon turnout, we count the cases where people share the same birthdate, first name, and whose middle name are consistent with each other, but have a different last name. There are 801 cases like this in our data. Evem if all of these cases represent matches, this represents a small enough portion of the sample that it unlikely to substantially affect our results.

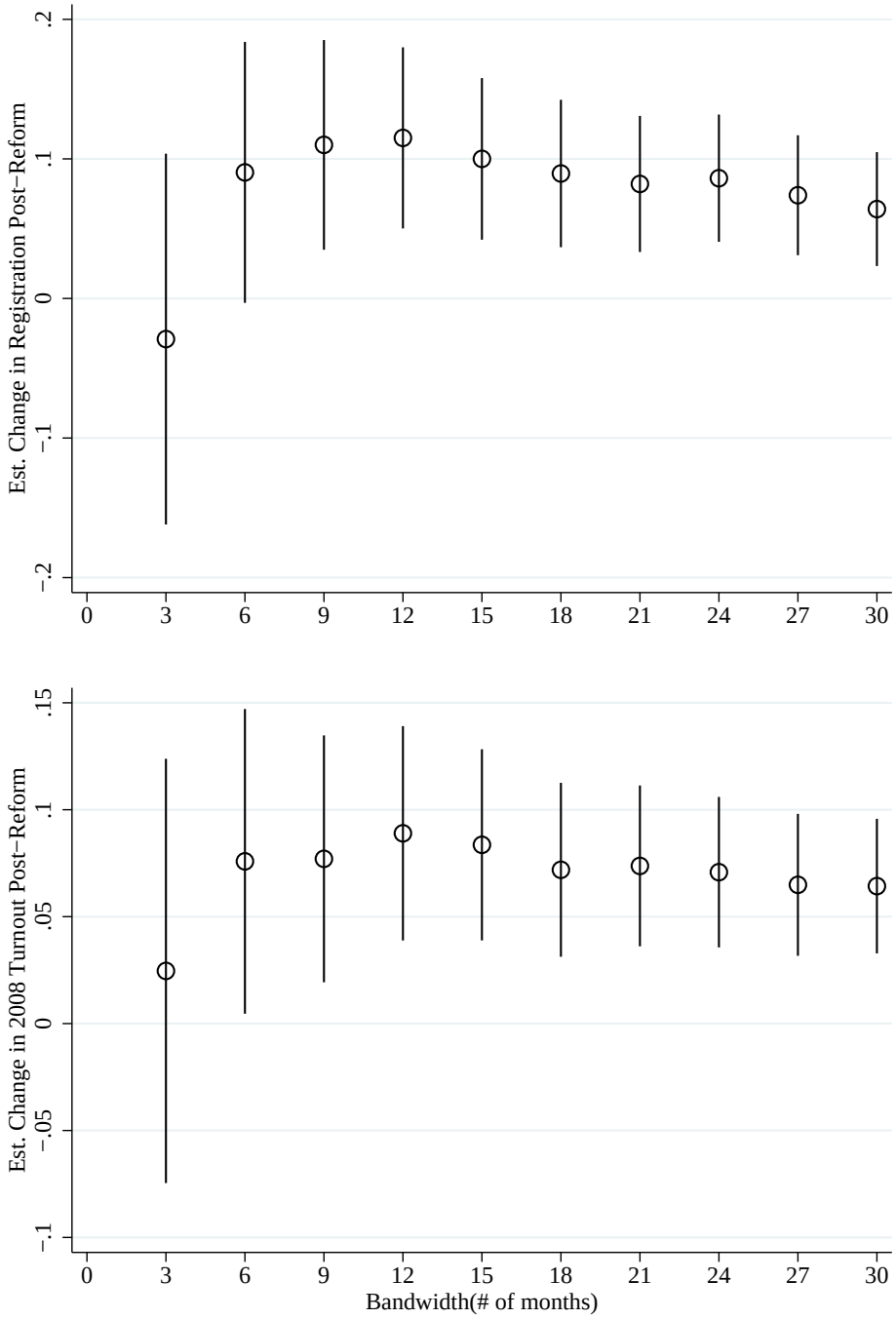
Table A.1: Characteristics of Individuals Discharged Pre- and Post-Reforms in 2005

	Discharged By 7/4/2005 N = 3195	Discharged After 7/4/2005 N = 2958	Difference in Means	Linear Trend	Cubic Trend
Age	38.48	38.37	0.11	1.16	2.00
	(0.19)	(0.20)	(0.27)	(0.55)	(1.10)
% Male	81.94	80.76	1.18	-2.07	-3.59
	(0.69)	(0.72)	(0.99)	(2.00)	(4.03)
% Felony	57.93	59.13	-1.19	0.57	0.46
	(0.87)	(0.91)	(1.26)	(2.53)	(5.10)
% Violent	18.72	17.99	0.73	0.61	1.21
	(0.69)	(0.71)	(0.99)	(1.99)	(4.01)
% Property	28.48	27.08	1.40	-0.37	1.46
	(0.79)	(0.82)	(1.14)	(2.30)	(4.64)
% OWI or other Alcohol	22.66	23.43	-0.77	2.20	0.19
	(0.74)	(0.77)	(1.07)	(2.16)	(4.36)
% Drug	21.50	22.21	-0.71	-2.43	-1.62
	(0.73)	(0.76)	(1.05)	(2.12)	(4.28)
% Other Crime	8.64	9.30	-0.66	-0.01	-1.24
	(0.51)	(0.53)	(0.73)	(1.47)	(2.96)
% Prison Discharge	16.62	17.28	-0.66	-2.83	-1.52
	(0.66)	(0.69)	(0.96)	(1.93)	(3.88)
% Parole Discharge	23.04	22.11	0.93	-2.88	-3.40
	(0.74)	(0.77)	(1.07)	(2.15)	(4.33)
% Probation Discharge	60.34	60.62	-0.27	5.71	4.92
	(0.87)	(0.90)	(1.25)	(2.51)	(5.06)

Notes: Sample includes all discharges between January 1, 2005 and December 31, 2005. Linear trend and cubic trend refer to the estimate of β when equation 1 is estimated with the listed variable as the dependent variable when $k = 1$ and $k = 3$ respectively.

Appendix Additional Tables and Figures

Figure A.1: Robustness of estimates of the effect of notification to alternate specifications of the bandwidth



Notes: Estimates of β in Equation 1 obtained using a third-order control function (i.e., k = 3). Circles represent point estimates, bars represent 95 percent confidence intervals. Bandwidth refers to the maximum number of months that an ex-felon can be discharged before or after the July 2005 reforms and still be included in the regression.