

Predicting the Effects of Ex-Felon Enfranchisement on the 2020 Presidential Election in Florida

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Introduction and Overview

Florida is the epicenter of ex-felon disenfranchisement. The Sentencing Project estimates that “6.1 million Americans cannot vote because of a felony conviction”, and 1.6 million of these Americans reside in the state of Florida (“State-by-State Data” 2019). This means that there are more disenfranchised ex-felons in Florida than there are people in the entire state of Hawaii. The size of this population is so large that you will meet one disenfranchised ex-felon for every ten people in Florida. The story is even worse for black Floridians – nearly one fourth (23.3%) of the black population in Florida is disenfranchised because of a felony conviction (“Number of People...” 2017). This racial disparity exists because a disproportionate number of black Floridians are charged and convicted with felonies (compared to non-black Floridians). Florida, therefore, is an extreme when it comes to ex-felon disenfranchisement – in magnitude and in racial impact. This means that changes to ex-felon voting laws should have a more exaggerated impact in Florida than in any other state – changes that have recently manifested.

In 2018, Floridians passed Amendment 4 by popular referendum which re-enfranchised all ex-felons in the state who have not been charged with a sex offense or a murder – about 1.4 million people (Simon 2018, 2)¹. Shortly thereafter, the state legislature in Florida passed Senate Bill 7066 which requires ex-felons to meet all financial obligations to the Court before they can vote. The analysis that follows will predict the effect of these two changes on the 2020 presidential election in Florida. It should be noted that the status of Senate Bill 7066 has been up in the air since October 2019 when a federal judge blocked a part of the law (Lockhart 2019).

¹ This estimate was reached by subtracting 1.8% from the total post-sentence population in Florida to account for people who have been convicted of a sex offense or a murder. This 1.8% figure is based on dispositions from 2015-16, so it may not be representative for the entire post-sentence population in the state.

The hypothesis for this analysis is that Amendment 4 will advantage the 2020 Democratic presidential candidate in Florida, and Senate Bill 7066 will reduce the size of this advantage. This hypothesis is based on a review of the existing literature, which demonstrates that there is a disproportionate number of non-white ex-felons living in Florida (“State-by-State Data” 2019). Non-white people are more likely to vote Democratic, so it’s likely that this newly enfranchised constituency will favor the Democratic nominee in 2020.

To test this hypothesis, a linear regression will be built based on historical data from 2000-2016 for each county in Florida. This timeframe was chosen because it best approximates current attitudes in Florida, because of limitations in the data available, and because it contains data from elections that swung toward both major parties. This model will be used to predict election results in 2020 based on demographic variables – which will be adjusted to account for the effects of Amendment 4 and Senate Bill 7066.

Literature Review

The existing literature about ex-felon disenfranchisement suggests that ex-felons favor Democrats – but they probably won’t swing an election because ex-felon turnout is low. To understand the impact of Amendment 4 and SB 7066, a proper analysis is necessary based on four things: the demographics of felon disenfranchisement, the history of re-enfranchisement, experimental research about ex-felon participation, and the facts about court fines. To start, however, it’s important to understand the history of ex-felon disenfranchisement in Florida.

In an effort to stay in the Union and to comply with the First Reconstruction Act, Florida passed a new Constitution in 1868 “granting the right to vote to all adult males, including African-Americans” (Lewis 2018, 11). Like many former Confederate states, however, Florida

adopted more subtle means of voter suppression at the same time to maintain power over black citizens. Florida's 1868 Constitution mandated "automatic disenfranchisement of felons", which uses race-neutral language to achieve a racist result (Lewis 2018, 11). We know that this is the case because the list of felonies under this new provision included "bribery, perjury, larceny, or an infamous crime", which were the same crimes that were "recognized and expanded by Florida through the Black Code" (Lewis 2018, 11). A century later, Florida ratified its 1968 Constitution which is still in effect today. This Constitution once again provided for automatic disenfranchisement of felons with a new exception allowing gubernatorial administrations the power to "craft [their] own clemency rules whereby ex-felons may regain their voting rights" (Lewis 2018, 12). Despite this provision, very few ex-felons have regained their voting rights in Florida because governor's have been reluctant to restore voting rights to this group. This history proves that the demographics of ex-felon disenfranchisement should not be discounted.

The demographics of felon disenfranchisement tell a clear story. Minorities are more likely to be incarcerated and they are more likely to support Democrats. This is especially true for blacks. In fact, in 2013 "non-Hispanic blacks comprised the largest portion of male inmates under state or federal jurisdiction" in the United States at 37%, despite being just 13.4% of the population (Carson 2014, 1). In addition, blacks in 2016 voted "overwhelmingly (90%) for the Democratic candidate" in the presidential election (Tyson 2018). This proves that there is a strong voting bloc of black voters who favor Democrats. Demographic data also reveals something about the geography of felon disenfranchisement. Southern states are much more likely to have strict restrictions on voting for felons than Northern states (Uggen 2016). Florida is the worst offender in this category because "no state disenfranchises more of its citizens than Florida... more than 1.6 million people have lost their right to vote" (Wood 2016, 1). This means

that Amendment 4 has the potential to dramatically change the election results for 2020 in Florida. But demographics don't tell the whole story.

One reason to discount the partisan effect of Amendment 4 is that ex-felons are not very likely to vote in Florida. A small group of about 150,000 ex-felons had their right to vote restored under governor Charlie Crist from 2007-2011 under the governor's exclusive power to restore the right to vote. This group of individuals provides us a small window into the political participation of ex-felons, and the results aren't great. Research reveals that "just 16 percent of black and 12 percent of nonblack ex-felons voted" from this cohort (Meredith 2018). In addition, there is no reason to believe that felons will favor Democrats just because they've been to prison. It turns out that race is a much better predictor for party affiliation, which suggests that ex-felons will not vote as a bloc in 2020 (Chan 2019). This will reduce the power that an ex-felon coalition may have over the election. Vox predicts that Amendment 4 will generate "about 102,000 additional votes for Democrats and about 54,000 additional votes for Republicans, with about an additional 40,000 votes that could be cast on behalf of either party" (Meredith 2018).

There is some reason to believe that ex-felons will buck the trend of low participation in 2020, however. Experimental research out of Connecticut shows that ex-felons may have low participation rates because neither party has worked hard to get out the vote of this constituency. Researchers were able to analyze GOTV efforts aimed at ex-felons in Connecticut in 2012, which proved that "reach[ing] out to felons can mitigate this disruption [in participation], addressing an important political consequence of felony conviction" (Gerber et al. 2014, 14). This research suggests that the parties in Florida can boost turnout among ex-felons by reaching out directly to them. If Senate Bill 7066 stays on the books, however, there will be less reason to expect a major shift.

Senate Bill 7066 was passed in 2019 by the Florida legislature as a part of a broader elections package. This law “requires people with felony convictions to pay all fines and fees related to their sentences before they can register to have their voting rights restored” (Lockhart 2019). This will have a huge impact on the newly enfranchised population, especially because former inmates have a harder time getting jobs and they often amass large debts to the court that are difficult to pay back. Some estimates suggest that “more than half a million people will be affected by the financial obligation-paying requirement”, which will significantly reduce the impact of Amendment 4 (Lockhart 2019). There is reason to believe, however, that Senate Bill 7066 may not go into effect. On October 18, 2019 a federal judge “issued a limited ruling blocking part of SB 7066” (Lockhart 2019). This ruling is limited in scope, but it suggests that the entire law may be struck down in federal court after a trial next year. It’s unclear at this point what may become of the law, and it may stick around in part or in whole.

It’s almost certain that Amendment 4 will favor Democrats, but it’s unclear how big of an effect this will have. If formerly incarcerated individuals maintain their low rates of political participation, then we’re not likely to see a major swing in the election. But the parties have a chance to change this trend by working hard to get out the vote in 2020. Still, Senate Bill 7066 will significantly reduce the number of eligible voters if it stays on the books. These legal changes may ultimately have a marginal impact on the election. In a state that’s known for its razor thin margins, however, this may make all the difference in the next presidential election.

Methodology

There were four main steps to this analysis: building a base model that explains historical presidential election results, using this base model to create a control prediction for 2020,

Variables. The dependent variable that was predicted by the regression was the percent of votes for the Democratic presidential candidate in each county from 2000-2016. There were several independent variables that were considered for the model, and not all of them proved to be statistically significant. Please refer to Table 2 for an overview of each of the independent variables that were considered for the final model.

Table 2. Independent Variables Considered

Variable Name	Variable Description	Statistically significant?
Population	County population (as a % of the total state population)	Yes
%BlackDem	Proportion of all registered blacks who registered as Democrat	Yes
%WhiteDem	Proportion of all registered whites who registered as Democrat	No
%OtherDem	Proportion of all non-black and non-white registered voters who registered as Democrat ²	No
WeightBlack	Proportion of registered blacks out of all registered people	Yes
WeightWhite	Proportion of registered whites out all registered people	No
WeightOther	Proportion of non-black and non-white registered voters out of all registered people	No
InteractionBlack	Interaction effect calculated by multiplying %BlackDem * WeightBlack	Yes
InteractionWhite	Interaction effect calculated by multiplying %WhiteDem * WeightWhite	No
InteractionOther	Interaction effect calculated by multiplying %OtherDem * WeightOther	No

Four variables proved to be statistically significant: Population, %BlackDem, WeightBlack, and InteractionBlack. Next, the base model was trained using these independent variables to explain the percent of votes received by the Democratic presidential candidate from 2000-2016. After training the model, the regression spit out an output which we can analyze to understand the explanatory power of the model and the usefulness of each variable.

² This measure was chosen over more specific racial measures because the Florida Department of State tracked Hispanic groups and Asian groups differently over this 16-year period, which made the data inconsistent.

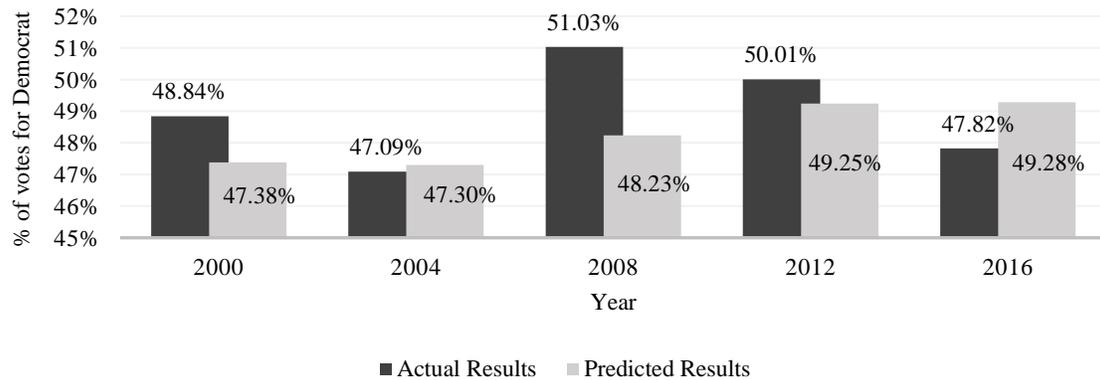
Regression Output. The regression has explanatory power, but it has clear limitations. The R-squared for this regression is .4663, which means that 46.63% of the variation in the presidential election results can be accounted for by the independent variables in this model (Figure 1). This means that the regression is useful, but it doesn't account for all of the variation in presidential elections results. Another reason for caution is that the standard error is .0873. This means that the model has a large margin of error – we can be 95% confident that the regression is accurate within a margin of +/- .1746 (Table 3). This margin of error certainly limits the predictive capacity of the model, but this level of uncertainty is not entirely unexpected. By relying on demographic data alone, this model fails to capture the effects of other variables like current events and candidate traits.

Table 3. Regression Statistics

Regression Statistics	
Multiple R	0.682849658
R Square	0.466283656
Adjusted R Square	0.459814367
Standard Error	0.08731854
Observations	335

A closer look at the regression also reveals that this model performed the worst when there wasn't an incumbent on the ballot (Figure 1). This suggests that the regression may be better at predicting elections with an incumbent, like the election in 2020 which is likely to include Donald Trump.

Figure 1. Regression Predictions Compared to Actual Election Outcomes



The last important element of the regression output is the independent variable summary. This summary provides information about the coefficients and the p-values for each independent variable, along with other relevant statistics (Table 4).

Table 4. Independent Variable Summary

	Coefficients	Standard Error	t Stat	P-value	Lower 95%	Upper 95%
Intercept	0.677326638	0.185089415	3.659456	0.000294159	0.313222687	1.041430588
%BlackDem	-0.377064034	0.19393433	-1.94429	0.052710322	-0.758567513	0.004439444
WeightBlack	-9.668381782	2.987414399	-3.23637	0.001333376	-15.54515968	-3.791603884
Population	2.613823618	0.224268301	11.6549	1.59623E-26	2.172647799	3.054999437
InteractionBlack	10.41838615	3.062747206	3.401647	0.000752132	4.393415162	16.44335714

The coefficients tell us that counties with a large population and a lot of black Democrats are more likely to favor the Democratic presidential candidate. The negative coefficients associated with %BlackDem and WeightBlack can be a bit misleading, since the interaction effect from these two variables absorbs the overwhelmingly positive effect they have in this regression. Nevertheless, the Democratic presidential candidate should expect to do better in populous counties with many black Democrats. The p-values in this summary also confirmed

that each variable is statistically significant. After the regression was evaluated, the next step was to create a control prediction for 2020.

Creating a Control Prediction for 2020

To apply this model to the next presidential election, it was necessary to estimate the value of each independent variable in 2020 for each county in Florida. The first iteration of this will assume that Amendment 4 and Senate Bill 7066 never existed in order to create a control prediction for comparison purposes. To build this control prediction, three assumptions were made about Florida's demographics in 2020. These assumptions were necessary to create a control prediction, but any changes to them would affect the model's accuracy.

Assumptions.

- Blacks won't abandon their normal pattern of Democratic registration in 2020
- Blacks will not move to or from each county more or less often than usual in 2020
- Each racial group will maintain their normal pattern for birth rates and death rates in 2020

By taking these assumptions into consideration, estimates for each of the independent variables in 2020 were calculated. Next, the regression used these variables to predict the percent of votes that the Democrat will receive in each county in 2020 without Amendment 4 or SB 7066 on the books. This output was used to produce a control prediction: without Amendment 4 or SB 7066, the Democratic presidential candidate in 2020 is expected to receive 50.3133% of the vote in Florida.

Adjusting the Prediction for Amendment 4

To predict the effect of Amendment 4, the control prediction had to be adjusted to account for the new group of enfranchised ex-felons in Florida. Assumptions about these ex-felons were necessary in order to determine their effect on the election. These assumptions were made on account of the existing literature about ex-felons in Florida, and an expanded discussion about these assumptions can be found in the literature review.

Assumptions.

- 1,400,000 ex-felons regained eligibility under Amendment 4 (Simon 2018)
- 16% of black ex-felons in Florida will vote in 2020 (Meredith 2018)
- 12% of non-black ex-felons in Florida will vote in 2020 (Meredith 2018)
- Ex-felon status alone does not make someone more or less likely to register as a Democrat (Chan 2019)
- The assumptions from the control prediction hold true

After making these assumptions, new estimates were produced for each of the independent variables in 2020. As before, the regression used these variables to predict the number of votes that the Democrat will receive in each county in 2020 with only Amendment 4 in effect. This output was used to produce a new prediction for 2020: with Amendment 4, the Democratic presidential candidate in 2020 is expected to receive 50.4091% of the vote in Florida.

Readjusting the Prediction for Senate Bill 7066

To add in the effect of Senate Bill 7066, only one new assumption was used. This assumption asserts that 40% of ex-felons have not completed their restitution payments to the court (Simon 2018). The text of Senate Bill 7066 states that these people will be barred from voting. This assumption suggests that the size of the impact of Amendment 4 will be reduced.

Assumptions.

- 40% of ex-felons in Florida have not completed their restitution payments (Simon 2018)
- The assumptions from both of the previous predictions hold true

The independent variables for the regression were adjusted to accommodate for this 40% reduction in eligibility for ex-felons. Using the regression and the new variables, the model was able to produce a new prediction for 2020: with Amendment 4 and SB 7066 on the books, the Democratic presidential candidate in 2020 is expected to receive 50.3843% of the vote in Florida.

Results

In a world without Amendment 4 or SB 7066, the 2020 Democratic presidential candidate is expected to receive 50.3133% of the vote in Florida. Amendment 4, which enfranchised ex-felons in the state, increases this result to 50.4091% for the Democratic candidate. SB 7066 reduces the size of this advantage to 50.3843% by requiring ex-felons to pay back all of their outstanding fines and fees to the court before voting.

This result should not be overinterpreted because all of these predictions fall well within the regression's margin of error. This result also depends on a number of assumptions about the electorate that may or may not hold true for 2020. Nevertheless, the relative change between the

control prediction and the two other predictions provides a useful result that can inform the discourse about ex-felon enfranchisement.

Discussion

The outcome from this quantitative analysis proves that ex-felon enfranchisement can have a measurable impact on partisan politics. Before taking this result to heart, it's important to understand the reason for this. The research that this study is based on found that ex-felon status alone does not make someone more or less likely be a Democrat. This means that enfranchised felons don't inherently favor the Democratic party. Instead, the 1,400,000 ex-felons that were enfranchised under Amendment 4 will likely give a boost to the Democratic party because this group is disproportionately black. Minorities in general and blacks in particular are more likely to favor Democrats. Vote suppression targeted at ex-felons has a partisan effect because it has a disproportionate impact on black people.

The partisan result from this analysis may explain why Republicans tend to favor voting restrictions for ex-felons and why Democrats tend to favor enfranchisement for ex-felons. Nevertheless, this result suggests that Republicans can improve their performance with ex-felons by appealing to black voters more generally. This result should also nuance the discussion about mass incarceration by suggesting that there is a partisan incentive to the system.

The partisan effect of Senate Bill 7066 also raises the stakes of this bill. By advantaging Republicans, this bill may be more likely to impact the result of the next election. The status of the bill is currently up in the air, and the court's decision may prove to be extremely consequential. The plaintiffs arguing against SB 7066 assert that it is illegal to require ex-felons to pay their fines and fees before voting because this is a poll tax. The state legislature, on the

other hand, claims that they are simply clarifying ambiguities in the language of Amendment 4. This case has implications for felon voting rights across the country, and it may strengthen or weaken the power of the Voting Rights Act by clarifying what is and is not a poll tax.

The fate of SB 7066 is not the only thing that may impact the result of this study. The outcome of this study may also be changed if the assumptions do not hold true. The impact that ex-felons have on the election may be increased if ex-felons participate at higher rates than expected. The political parties in Florida have a chance to improve their performance with ex-felons by targeting this group in their GOTV efforts. Current events and candidate traits may also impact the election by impacting voter participation rates more broadly.

Conclusion

This study confirms the hypothesis that Amendment 4 will advantage Democrats in the 2020 presidential election and that SB 7066 will reduce the size of this advantage. This study also found that these effects were rather small – less than 1% in both cases. The regression used in this analysis is not accurate enough to predict whether or not this will swing the next election because there are many more variables at play that will affect election results. Nevertheless, the Democratic candidate should expect to see a bump from this new group of voters.

This outcome depends on the disproportionate number of black ex-felons in Florida. Like many methods of voter suppression, vote suppression targeted at ex-felons has a partisan effect because it has a disproportionate impact on blacks. This result should not be overinterpreted, however, because the parties in Florida can change this outcome by appealing more broadly to minorities and by appealing to this constituency.

Future research on this topic should be used to gain a greater understanding of ex-felon disenfranchisement. This topic should be revisited after the 2020 election in an effort to explain (instead of predict) the election results. Furthermore, future researchers can examine the quality of this model by questioning the validity of the assumptions on which it rests. Finally, it may be useful to see if the rhetoric surrounding felon voting has any impact on the 2020 election in Florida.

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