Discretionary Disenfranchisement: The Case of Legal Financial Obligations*

Marc Meredith
University of Pennsylvania
marcmere@sas.upenn.edu

Michael Morse
Harvard University
Yale Law School
michael.morse@yale.edu

June 25, 2017

Abstract

Conditioning voting rights on the payment of legal financial obligations (LFOs) may be unconstitutional if there are no exceptions for indigency. Appellate courts, though, generally have upheld felon disenfranchisement laws that withhold voting rights until all fees, fines, and restitution are paid in full. These decisions, however, have been made with limited evidence available about the type, burden, and disparate impact of criminal debt. We address this by detailing who owes LFOs, how much they owe, and for what purpose using representative, statewide samples in Alabama. The median amount of LFOs assessed to discharged felons across all of their criminal convictions is $3,956, more than half of which stems from court fees. As a result, most ex-felons remain disenfranchised after completing their sentence. People who are disproportionately indigent – those utilizing a public defender and blacks – are even less likely to be eligible to restore their voting rights.

*We thank Meredith Barnes and Sarah Still of the Alabama Board of Pardons and Paroles for allowing us to conduct this research and helping with our data collection effort. We thank Jason Grissom for helping us collect data from Tennessee State Election Commission. We thank Claire Greenberg for her terrific research assistance, as well as Gabrielle Cuccia, Kate Gheen, Socrates Li, and Rachael Peters with data collection assistance. We thank Steve Ansolabehere, Craig Burnett, Guy Grossman, Matt Levendusky, Michele Margolis, Jacob Montgomery, Douglas Spencer, and Ariel White, as well as audience members at the Harvard Kennedy School's Ash Center, the 2015 Midwest Political Science Association Annual Meeting, and the 2015 Conference on Empirical Legal Studies for their helpful comments and suggestions. We thank the Center for Undergraduate Research and Funding, the Penn Humanities Forum, and the Robert A. Fox Leadership Program, all at the University of Pennsylvania, for their financial support of this project.

1 Introduction

Over the course of the twentieth century, the Supreme Court limited states' ability to restrict citizens' eligibility to vote (Keyssar, 2000). This effort included a series of 1960s opinions in which the Court invalidated the poll tax as a violation of the Fourteenth and Twenty-Fourth Amendments. The majority opinion in *Harper v. Virginia State Board of Elections*, 383 U.S. 663, 666 (1966), struck down the state's $1.50 poll tax – one dollar of which went to the public schools, the rest to the county general fund – stating that "voter qualifications have no relation to wealth nor to paying or not paying this or any other tax."

The increased constitutional protection of voting rights, however, has not applied to people convicted of crimes (Manza and Uggen, 2006). States have broad, and increasingly unique, autonomy to determine which convicted defendants are stripped of their voting rights as well as the process by which these rights can be restored. While a majority of current disenfranchisement laws share the same broad outlines – felonies are disenfranchising and voting rights are restored at the end of prison, probation, or parole – nine states condition the restoration of the right to vote on the payment of legal financial obligations (LFOs), which include court costs, fines, and victim restitution (Fredericksen and Lassiter, 2016).[1] This requirement appears to at least meet the common understanding of a poll tax: citizens who want to vote are required to pay the state a specified amount of money before they are eligible to cast a ballot, and this money is used to fund government programs (Harris, 2016).

Such criminal disenfranchisement policies, however, routinely pass constitutional muster ("Developments in the law: The law of prisons" 2002). Without evidence of an explicitly discriminatory motivation, criminal disenfranchisement laws have survived a litany of legal challenges, largely because courts have considered the state laws under a deferential rational basis review. Although *Wesberry v. Sanders*, 376 U.S. 1 (1964), established that voting was a fundamental right, whose abridgment would warrant strict scrutiny, courts have generally

[1] This article refers to policies as of the 2016 general election. The nine states are Alabama, Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Iowa, and Tennessee.

made a distinction between the right to vote and the restoration of the right to vote to felons or ex-felons. While conditioning the restoration of voting rights on the payment of LFOs might be a poll tax, it is a constitutional poll tax.

Although courts continually hear objections about tying LFOs to the right to vote, such objections are generally dismissed, at least in part because of the limited, anecdotal evidence available about the nature of LFO assessment and payback. A fragmented criminal justice system, spread across thousands of counties and other judicial districts, makes it difficult for those challenging felon disenfranchisement laws to compile systematic data on the type, burden, and disparate impact of LFOs. We undertake a massive data collection effort to remedy this by compiling electronic court records, state corrections data, and administrative voting rights decisions to estimate a number of such quantities of interest for representative, statewide samples in both Alabama and Tennessee. Our empirical findings are relevant for assessing, and perhaps revising, current jurisprudence.

While most previous legal challenges focused on cases where ex-felons' voting rights were conditioned on criminal fines and restitution, recent scholarship highlights the growth of offender-funded justice through the assessment of fees (e.g., Beckett and Harris, 2011; Logan and Wright, 2014; Katzenstein and Waller, 2015). These LFOs, the most common of which is a docket fee, resemble a poll tax in both their uniform application to almost all defendants and their prescribed use in support of government programs. Criminal justice agencies often use these fees to reimburse themselves for the costs of operation and maintenance. Conditioning the restoration of the right to vote on such fees might pose a different set of legal questions than fines or restitution because they are assessed without respect to offenders' actions, fund programs wholly disconnected from offenders' crime of conviction, and can vary widely from courtroom to courtroom, even in the same state. But the extent of these fees remains unknown. To address this, we construct a dataset tracking individuals' criminal histories in the State of Alabama, including the specific LFOs assessed and paid back in each court case, going as far back as the early 1990s. We show that the median amount

of LFOs assessed to discharged felons in Alabama, across all of their criminal convictions, is $3,956 and that more than half of individuals' total criminal debt stems from court fees.

Policies like Alabama's, which distinguish among offenders on the basis of wealth, may also pay insufficient attention to indigency. Although less-wealthy individuals are not a suspect class, conditioning the restoration of the right to vote on LFOs without evaluating whether someone is truly unable to pay might not even satisfy a rational basis test. While we cannot observe whether a defendant is indigent in our dataset of criminal convictions, we can observe whether they were provided a public defender. We find a strong, and statistically significant, correlation between the probability of having an outstanding LFO balance and the use of a public defender, suggesting that current policy may be disenfranchising a number of people who cannot afford, rather than refuse, to buy back their right to vote.

Criminal disenfranchisement laws are rarely subject to heightened scrutiny, but neither the judges nor those challenging the laws have yet had had data available to them on the incidence of LFOs by race, which is a suspect class. Using the same individual-level dataset on court cases, we find that black defendants are significantly more likely to be ineligible to restore their voting rights due to LFOs.

We find the same disparate impact – by both class and race – in applications to restore voting rights in Alabama. We find similar racial differences in applications to restore voting rights in Tennessee, which we present as a robustness check in the appendix. Black ex-felons in the state are more likely to have their voting rights applications denied due to outstanding child support, a particular type of legal debt that is only tied to voting rights in Tennessee. Together, these findings suggest that LFOs are a general threat to racial equality above and beyond the forces of mass incarceration.

2 Legal Financial Obligations

A legal financial obligation (LFO) refers to any court-ordered monetary sanction, including victim restitution, criminal fines, and court fees (Ruback and Clark, 2011). Defendants, for example, might be ordered to pay restitution to compensate a victim or fined as a penalty for a particular crime. Defendants also often are assessed a vast array of fees to help defray the cost of their prosecution to various entities within the criminal justice system, including the jails which hold them, the prosecutors who charge them, the public defenders who represent them, and the courts which hear their cases. In family court, defendants may be ordered to pay child support, which is also considered a LFO.

Unfortunately, we know more about the typology of LFOs than the nature of them. The extant data includes no national, or even state, database on incidence or payback and the limited data available on the aggregate assessments by jurisdiction is only sometimes broken down by the form of the LFO. Thus, we know little about what LFOs are used to fund, the burden that LFOs place upon people convicted of crimes, and how this burden varies over different groups of people.

When thinking about how conditioning the restoration of the right to vote on legal financial obligations might operate as a poll tax (Simmons, 2003; Cammett, 2012) one key aspect is where the money from any collections might go. A poll tax is generally "laid upon persons... to raise money for the support of government" (*Johnson v. Bredesen*, 624 F.3d 742 (6th. Cir. 2010)). Restitution does not fit this description, as the money is transferred from offenders to victims, but restitution is also not assessed in many cases. Fees, on the other hand, are assessed in nearly all cases and can be used to fund broad government programs. For example, Greenberg, Meredith, and Morse (2016) report that Alabama counties assess defendants fees that go towards such things as funding pay raises, both for law enforcement and county employees, a local historical commission, and county general funds.

When assessing the potentially disenfranchising nature of a poll tax, a key consideration is the burden that the tax places upon people who wish to vote. But little is known about

the magnitude of LFOs. The only national data available – from the Survey of Inmates in State and Federal Correctional Facilities – simply asks inmates whether or not they were assessed any fines or fees. These data suggest that the share of imprisoned felons who were assessed fines or fees increased from 25% in 1991 to 66% in 2004 (Harris, Evans, and Beckett, 2010).

The most systematic evidence about the magnitude of the LFO assessment comes from two studies that sample state court records to construct the distribution of LFOs assessed over cases. Harris, Evans, and Beckett (2010) collected data on total LFOs assessed in a census of 3,366 cases with a felony conviction that were sentenced in Washington state during the first two months of 2004. They find that the median LFO assessment over this time period was $1,347. Similarly, Greenberg, Meredith, and Morse (2016) collected data on total LFOs assessed in a sample of 3,650 cases with a felony conviction that were initiated in Alabama during 1995, 2000, and 2005 - 2011. They report that the median amount of LFOs stemming from a case with a felony conviction doubled in the state from just under $1,000 in 1995 to about $2,000 in 2005.

One issue with interpreting these magnitudes is that individuals can accumulate LFOs from multiple cases. To get an estimate of the total LFO burden that felons accumulate over all of their cases, Harris, Evans, and Beckett (2010) followed up and collected a complete court history, including all LFOs assessed and paid, for a random subset of 500 defendants whose cases were included in their original sample. They found that the median lifetime LFOs assessment to these individuals was $7,234.[2] To put this in context, using the National Longitudinal Survey of Youth, Western (2006) estimated that the average income of the formerly incarcerated population was about $9,000 in 2004.[3] A convenience survey using a sample convicted felons in Alabama reports a similar figure (Cook, 2014). Thus, accumu-

[2]It is unclear whether these statistics apply to the population of people convicted of a felony in January or February of 2004, given that individuals who had multiple felony cases during the first two months of 2004 would be more likely to selected into Harris, Evans, and Beckett's sample than individuals with a single case.

[3]This may be because the mark of a criminal record makes it more difficult to navigate the labor market (Pager, 2008).

lating $7,000 dollars in LFOs, as in Washington state, means that the median ex-felon owes about 75% of their annual income to the state.

Given this high criminal-debt-to-income ratio, we expect that many ex-felons will struggle to be able to payoff these debts. For example, Harris, Evans, and Beckett (2010) estimate that people convicted of a felony in 2004 still owed 77% of their total lifetime LFO assessments in 2008. And as Greenberg, Meredith, and Morse (2016) discuss, because most states give little consideration to ability-to-pay when assessing LFOs, the struggle to payoff debts is likely to be particularly acute among low-wealth defendants. A recent study in Allegheny County, Pennsylvania reports some evidence of this, finding a positive association between the probability of recidivism and the amount owed in LFOs among a cohort of juvenile defendants, many of whom are hampered by their lack of employment prospects (Piquero and Jennings, Forthcoming). Given the strong link between race and wealth in America (Conley, 1999), we also expect that these debts will disproportionately burden black ex-felons.[4]

3 Criminal Disenfranchisement

Criminal disenfranchisement has deep, often racist, roots in the United States (Behrens, Uggen, and Manza, 2003), but its impact was long muted, both because of the relatively low and stable incarceration rate through the middle of the twentieth century and states' wide latitude to restrict the franchise through other means. A tandem of a substantial poll tax, lengthy residency requirements, and literacy tests were often used to suppress the political power of the poor and blacks alike through the early part of the twentieth century (Keyssar, 2000). By the mid-1960s though, a combination of Congressional acts and Supreme Court decisions not only eliminated these electoral devices but also increased the scrutiny surrounding the right to vote when it involved protected classes.

[4]Harris, Evans, and Beckett (2010) find that the median black owed 72% of their lifetime LFO assessments, suggesting blacks were paying off their debts at a faster rate than non-blacks. However, Harris, Evans, and Beckett only observe 64 blacks in their sample, limiting their statistical power when making this comparison.

People convicted of crimes, however, were not included in these expanded constitutional protections. Less than a decade after striking down the poll tax, the Court found in *Richardson v. Ramirez*, 418 U.S. 24 (1974), that felons do not have a fundamental right to vote. The Court concluded that the Fourteenth Amendment contained an "affirmative sanction" (*Ramirez*, 418 U.S. at 54) for criminal disenfranchisement, relying on a narrow and literal reading of § 2, which obliquely permitted disenfranchisement "for participation in rebellion, or other crime." Around this time, the incarceration rate began its steady five-fold climb and, by 2010, nearly six million citizens were disenfranchised because of a criminal conviction (Uggen, Shannon, and Manza, 2012). The Fourteenth Amendment, intended to expand voting rights to blacks, instead became the ironic constitutional basis (Chin, 2004) for policies that Uggen, Shannon, and Manza estimate disenfranchised more than seven percent of the black voting-age population in 2010.

We refer to criminal disenfranchisement as discretionary disenfranchisement in our title to underscore how, unlike most contemporary voting qualifications, each state can decide which crimes are disenfranchising, specify the length of disenfranchisement, and institute additional procedures in order for voting rights to be restored. We use the term discretionary disenfranchisement in the spirit of the civil rights lawyer Michelle Alexander's claim that "once a person is labeled a felon, he or she is ushered into a parallel universe in which discrimination, stigma, and exclusion are perfectly legal..." (Alexander, 2012). Many states use the discretion allowed under *Ramirez* to require that people convicted of crimes pay all outstanding LFOs before they can regain the right to vote (Fredericksen and Lassiter, 2016). Nine states do so explicitly. In these states, ex-felons who have completed their term of supervision must have no outstanding LFOs in order for their voting rights to be restored, although the form of the LFOs in question varies. Twenty-one other states do so implicitly. In these states, people on probation cannot vote and probation can be extended because of non-payment of LFOs.

The practice of directly tying voting rights to the payment of LFOs has been challenged

as a violation of the Eighth Amendment's ban on "excessive fines," the Fourteenth's guarantee of equal protection, and the Twenty-Fourth's prohibition of a poll tax. But these state policies have survived, largely because appellate courts, following *Ramirez*, evaluated the state laws under a deferential rational basis review, rather than with strict scrutiny. Although the right to vote is considered a fundamental right, whose abridgment would warrant strict scrutiny, courts generally have made a distinction between citizens' right to vote and offenders' or ex-offenders' restoration of the right to vote.

Courts previously have rejected these Twenty-Fourth Amendment claims, at least in part, because the form of LFOs being challenged were not considered similar enough to a tax. For example, the majority opinion in *Johnson v. Bredesen*, 624 F.3d 742, 751 (6th Cir. 2010), concluded "even if the Twenty-Fourth Amendment applies, Tennessee's re-enfranchisement statute does not violate it because the restitution and child-support payment provisions fail to qualify as the sort of taxes the Amendment seeks to prohibit." Likewise, the majority opinions in *Harvey v. Brewer*, 605 F.3d 1067 (9th Cir. 2010), and *Johnson v. Bush*, 214 F.Supp.2d 1333 (S.D. Fla. 2002), found that Arizona and Florida, respectively, were not violating the Twenty-Fourth amendment by conditioning ex-felons' restoration of voting rights on the full payment of fines and restitution.

While *Howard v. Gilmore*, 205 F.3d 1333 (4th Cir. 2000), upheld Virginia's $10 application fee to request the restoration of voting rights, previous case law has not addressed whether ex-felons' voting rights can be conditioned on the payment of court fees, which we show are orders of magnitude larger. As we discussed in the previous section, court fees more closely resemble a tax than these other LFOs, both in how they are structured and how they are distributed. In Alabama, for example, docket fees are applied uniformly without consideration to the crime of conviction. And they can be used to fund a general government service, like a county historical commission (Greenberg, Meredith, and Morse, 2016, p. 1113). Thus, knowledge of the share of LFOs that are assessed for fees, as opposed to fines, restitution, or child support, may be useful when assessing Twenty-Fourth Amendment

challenges to tying LFOs to voting rights.

Courts also have suggested that evidence of indigency may be relevant to assessing the constitutionality of tying voting rights to the payment of LFOs. The Supreme Court dealt with a similar issue in the 1970s when considering the case of an Illinois man whose sentence was extended because of his non-payment of LFOs. In *Williams v. Illinois*, 399 U.S. 235 (1970), the Court ruled that courts must assess a defendant's indigency and distinguish between those who can and cannot afford to pay. But most states which extend offenders' period of disenfranchisement due to outstanding LFOs, either directly or indirectly, fail to make any such consideration. Although indigency was not relevant in *Howard* because the number of people who truly cannot afford to pay a one-time assessment of $10 is small, the majority opinion in *Harvey*, noted that "perhaps withholding voting rights from those who are truly unable to pay their [LFOs] due to indigency would not pass this rational basis test" (605 F.3d at 1080).

Criminal disenfranchisement laws also may be subject to more scrutiny than a rational basis review if they involve suspect classifications. Laws without accommodations for indigency are likely to have a disparate impact on the poor and conditioning the restoration of the right to vote on legal financial obligations makes a distinction among offenders based on wealth. While the plaintiffs in *Johnson v. Bredesen* note this, this did not heighten the level of scrutiny under which an Equal Protection claim was considered because less wealthy individuals are not a protected class. The link between race and wealth in the United States is so durable that a law which has has a disparate impact on less wealthy individuals also likely has a disparate impact on African-Americans as well, who are a protected class. However, this link has yet to be investigated empirically in the case of LFOs.

4 Case Selection

We focus primarily on how LFOs affect the ability of ex-felons in Alabama to restore their voting rights for both substantive and data availability reasons. Alabama is one of nine states that explicitly requires that LFOs are paid before ex-felons' voting rights can be restored (Fredericksen and Lassiter, 2016). It is also one where criminal disenfranchisement could be most politically consequential (Manza and Uggen, 2006). Uggen, Shannon, and Manza (2012) estimate that about seven percent of the voting-age population in Alabama is criminally disenfranchised. However, it is unknown what share of this population is disenfranchised because of LFOs. That is, they've satisfied all other criteria necessary to be eligible to restore their voting rights except for the payment of LFOs. Finally, given that one of the primary goals of this paper is to study disparate impact it is essential that we observe both the race and a proxy for the wealth of people who apply to restore their voting rights. Although we found no state where we could directly observe these variables, in Alabama we were able to gain access to multiple datasets that – once combined – allow us to observe this information. The remainder of this section gives a brief overview of Alabama's criminal disenfranchisement policies.

Section 8.1 of the appendix considers Tennessee as a robustness check for much the same reasons as Alabama. Tennessee, like Alabama, requires that fees, fines, and restitution are paid before ex-felons' voting rights can be restored, but it also requires that applicants be current on the payment of any child support, another form of legal debt typically imposed in family court. An agent of the court prevents ex-felons who have not paid their fees, fines, and restitution from applying at all, effectively censoring their application, though this agent does not check the status of child support. Thus, we should only observe applicants who have paid their fees, fines, and restitution, some of whom will have outstanding child support obligations and be denied. Others will not have child support obligations or be current on their support and be approved, provided they meet the other requirements.

4.1 Alabama Law

Much of the basic framework of criminal disenfranchisement in Alabama was established by the Constitution of 1901. Article VIII, §182 of the Constitution states that,

> "No person convicted of a felony involving moral turpitude, or who is mentally incompetent, shall be qualified to vote until restoration of civil and political rights or removal of disability."

The meaning of moral turpitude has shifted over time — to be both more and less restrictive — depending on the political climate. The Constitution of 1901 specified 23 crimes of moral turpitude, which included some misdemeanors, like adultery and worthless checks, in addition to a number of felonies. Noting that the law "would not have been adopted by the convention or ratified by the electorate in the absence of the racially discriminatory motivation," the Supreme Court eventually ruled in *Hunter v. Underwood*, 471 U.S. 222 (1985), that only felonies of moral turpitude could be disenfranchising.[5] The state attorney general has periodically issued opinions outlining crimes not included on this original list that he believed involved moral turpitude — and thus also result in the loss of voting rights. These new crimes encompassed a wider array of offenses, including aggravated assault, theft, and sale of marijuana. The Attorney General also confirmed that several felonies – assault, aiding prisoners to escape, doing business without a license, DUI, possession of marijuana, and violation of liquor laws – are not crimes of moral turpitude. Table A.5 compiles every felony that either is or is not explicitly a crime of moral turpitude. Not every felony is listed, as the attorney general has said that their "office cannot provide an exhaustive list of every felony involving moral turpitude."[6] In practice, the Board of Pardons and Paroles treats all felonies as crimes of moral turpitude unless they have been explicitly identified otherwise.

Historically, the only way someone convicted of a crime of moral turpitude could restore their voting rights was to receive a full pardon from the Board of Pardons and Paroles. In

[5] Amendment 579 subsequently amended the state Constitution in 1996 to its current language.
[6] See Ala. Op. Atty. Gen. No. 2005-092 (March 18, 2005), 2005 WL 1121853 (Ala. A.G.).

2003, Alabama supplemented the traditional pardon process with a Certificate of Eligibility to Register to Vote. This streamlined system is available to restore voting rights to a majority of disenfranchised ex-felons, although the state legislature has specified 14 statutory offenses – ranging from murder to a litany of sex crimes – for which a convicted felon must receive a full pardon to restore his or her voting rights. An ex-felon who is eligible for a Certificate of Eligibility to Register to Vote must apply to the Board to receive the certificate. For the Board of Pardons and Paroles to grant a certificate, a person must complete their entire sentence, including any probation or parole; have no pending felony charges; and have paid all fines, court costs, fees, and victim restitution ordered by the sentencing court. Although traffic cases cannot be disenfranchising by themselves, these LFOs are also considered in the restoration process. Unlike with the pardon process, there is little discretion in the awarding of a Certificate of Eligibility to Register to Vote – someone is to be awarded a certificate if and only if he or she meets the specified criteria.

5 Data

Electronic court records, state corrections data, and administrative voting rights decisions are all examples of a wave of fine-grained public information that has become available to legal scholars.[7] These records offer several advantages – they are often universal in their scope, relatively unobtrusive, and quite detailed – but they may be as difficult to obtain as they are useful to employ. In this section, we describe the case record and voting rights restoration application data that we were able to collect in Alabama. In Section 8.1.2 of the appendix, we present the offender data, as well as the voting rights restoration application data, available in Tennessee.

[7]The data we received from the Alabama Board of Pardons and Paroles, described below, is not public record though, and was obtained via an agreement between the researchers and the Board.

5.1 Case Record Data

We collected Alabama court records through an online interface known as Alacourt. Alacourt is a relatively comprehensive database of case records for all non-municipal court cases in Alabama going back to at least the mid-1990s. Although many people who are disenfranchised in Alabama never serve time in a prison or other correctional facility, most will have a record of being convicted of a felony in a circuit court, which has jurisdiction over all felony criminal prosecutions.[8]

Figure A.5 shows a sample case record downloaded from Alacourt. A typical court record includes the defendant's full name, date of birth, gender, race, and whether they used a public defender.[9] Each case record also lists the criminal charge and the court action, which we can use to determine if the defendant has lost their right to vote. Most important for this project, each record includes the fines, fees, and restitution assessed to the defendant, including a description of each financial obligation, the amount due, the amount paid, and the remaining balance. Although Alacourt records only identify the reason for each assessment with an administrative code, we were able to categorize each code as a fee, fine, or restitution using the state code. Table A.7 details the corresponding statute and classification of each assessment and administrative code observed. The remaining balance owed by ex-felons indicates whether they are eligible or ineligible for a restoration of voting rights. Many other details, such as the terms of confinement and the period of probation, are also observed, but not shown in Figure A.5.

5.2 Sampling Case Records

Greenberg, Meredith, and Morse (2016) collected a sample of circuit court cases in 1995, 2000, and 2005 - 2011. They downloaded a systematic sample of every 51st case in each

[8]The exceptions are individuals who have been convicted of a felony in federal or another state's court. Alabama does not expunge convictions from criminal records.

[9]Generally, a defendant whose income is at or below 125% of the federal poverty level is eligible for a public defender, but those with an income of up to 200% of the poverty level may qualify if the trial judge finds that not providing council would pose a substantial hardship. See Ala. Code § 15-12-1.

circuit court-year, beginning with a randomly selected integer between and 1 and 51. We are limited in our ability to characterize the disenfranchised population using this case-level random sample because disenfranchisement applies to an individual, not a case. A disenfranchised ex-felon is only eligible to restore their voting rights if he or she has paid off all LFOs, and an individual who has paid all of the LFOs on one case may still owe a balance on another.

To address this, we collect the full case history of every person convicted of a felony in Greenberg, Meredith, and Morse's (2016) case sample between 2005 - 2011.[10] We refer to the case which brought an individual into this dataset as the seed case.[11] Because Alacourt does not assign each defendant a global identifier, we use Alacourt's party search query, seen in Figure A.6b, in which Alacourt returns all of the court records associated with a specific last name and date of birth, to construct this full case history. Section 8.3 in the appendix details our strategy for determining whether a given defendant is the same as the defendant in the seed case.

We use the full case history to construct an individual-level dataset containing the aggregated LFOs for each of the individuals sampled from the case-level data in Greenberg, Meredith, and Morse (2016). We identify the race and public defender status of each individual using the details of the seed case.[12] We determine whether each individual in our sample is off supervision, one of the requirements to restore voting rights. We do this by examining whether a given individual has completed the max sentence received for each conviction in each of their cases.[13] This is a conservative approach, as it is often the case that part or all of the total sentence is suspended, rather than imposed.

[10] Most people are convicted of a felony in Alabama have a case in circuit court. However, this sampling strategy will miss the few individuals who are convicted of a felony in district court.

[11] For the small number of people who were sampled multiple times by Greenberg, Meredith, and Morse, we randomly selected one of these cases as a seed case.

[12] This approach is superior to defining public defender status as some function of all of the cases associated with an individual because individuals with more cases will be more likely to employ a public defender in any one of them.

[13] When cases include multiple convictions, the case record identifies whether the sentences are to be served concurrently.

Not all people convicted of a felony between 2005 - 2011 are equally likely to be selected into Greenberg, Meredith, and Morse's (2016) sample. Someone convicted of a felony in multiple cases is more likely to be selected into their sample than someone who was convicted of a felony in a single case. Because our individual-level dataset is drawn from this sample, people convicted of felonies in multiple cases will be overrepresented in our data. But knowledge of someone's complete case history is sufficient to calculate π_i – the probability that convicted felon i was selected into Greenberg, Meredith, and Morse's sample. We show how we solve for π_i given an individual's complete Alacourt history in Section 8.2 of the appendix. Thus, we can account for unequal probability of selection by weighting observations by $\frac{1}{\pi_i}$ when conducting individual-level analyses.

5.3 Voting Rights Restoration Application Data

The Alabama Board of Pardons and Paroles provided data on the population of applications submitted for a Certificate of Eligibility to Register to Vote between January 2000 and June 2014. We observe whether each applicant was granted voting rights, denied voting rights, or reminded that they never actually lost their right to vote.[14] We also observe applicants' full name, unique Alabama Institutional Serial (AIS) number, date of birth, date of application, and granted date if applicable. Note that we do not observe either race or public defender status in these data.

The Board uses an additional literal field to make non-standardized comments. These internal notes elaborate on the reason for each application decision and allow us to differentiate between applications that were denied because of outstanding LFOs and those that were denied for other reasons, such as the nature of the crime requiring a pardon instead of a Certificate.[15]

[14] In some cases, the Board also lists applications as pending review. In others, applications are closed after a complete review – if required sentencing information is unavailable, for example.

[15] These crimes are defined in Ala. Code § 15-22-36.1(g) and listed in Table A.5

5.4 Linking Application Data

We link application data to court records in order to get information on the race and public defender status of applicants for a restoration of voting rights. Linking application data to court records is difficult because there is not a common identifier in the two datasets. We manually searched Alacourt for court records that have a similar full name and the same birthdate as an applicant. Because of the time constraints involved with carrying out these searches,[16] we only searched for a random sample of 884 of the 25,961 applications we observe. We match 71.5% of applicants to a felony case record in Alacourt. Table A.6 shows a stylized example of our linked dataset.

As we discuss in Section 8.4 of the appendix, we also linked application data to a census of Alabama prison discharge records. Doing so allowed us to calculate the rate at which people who have been imprisoned in Alabama submit applications to restore their voting rights.

6 Results

6.1 Alabama Court Records

Figure 1 shows that a substantial share of LFOs assessed in Alabama are fees, rather than fines and restitution.[17] As mentioned in Section 5, we focus on individuals who have completed their maximal sentence(s), weight observations by each individual's probability of selection into our sample, and exclude any traffic cases for generalizability with other states.[18] The dark bars pool the LFOs assessed over all cases in the sample to calculate the share of the total LFO assessment by type, giving each dollar assessed to a defendant an equal weight. We show that fees comprise about 44% of the total amount of LFOs assessed. The

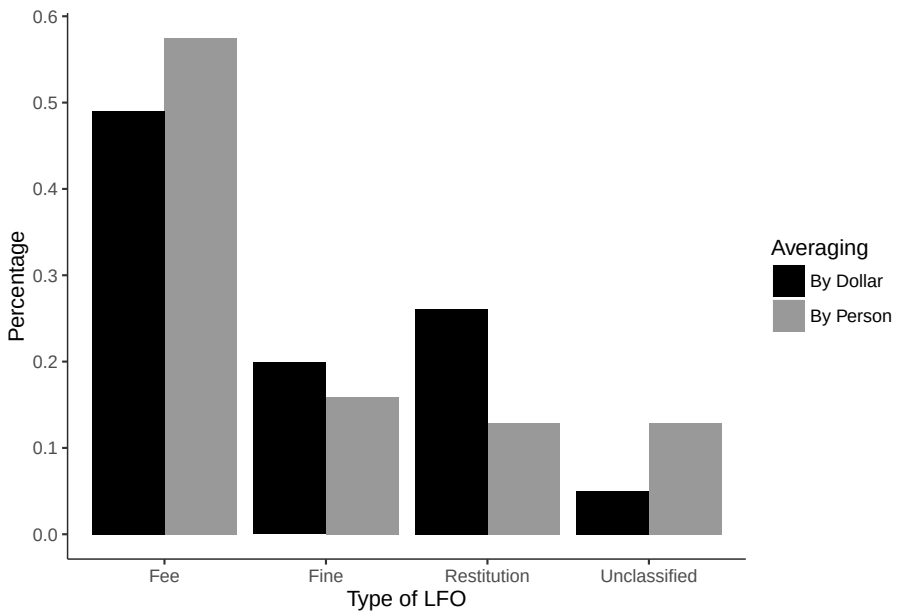
[16] We did these searches on site at the Alabama Board of Pardons and Paroles on July 1 & 2, 2014.

[17] Table A.7 documents how we classified administrative LFO codes into each of these four categories.

[18] Table A.8 in the Appendix compares how these results change when we include people who have not completed their maximum sentence and include LFOs stemming from traffic cases.

gray bars present the average share of LFOs by type assessed to each individual, so that each person, rather than each dollar, receives equal weight. We find that, on average, fees make-up about 57% of an individual's total LFO assessment. The difference between the black and grey bars demonstrates the importance of our individual-level data. In particular, a small number of large assessments makes the total share of restitution larger than the share of restitution faced by the typical offender.

Figure 1: Share of LFOs by Type



Note: Only cases from persons who completed all of their sentence(s) and case(s) are included, and LFOs from traffic cases are excluded.

Table 1 disaggregates the general category of fees in Figure 1 and presents the share of each particular fee in the pool of total fees assessed. The most common fee is a docket fee, which is assessed in all cases and uniform within, but not across, a judicial district.[19] The next most common fee is assessed to defendants who make use of a public defender. The District Attorney's Collection Fee, a surcharge equal to 30% of outstanding debt after 90

[19]The docket fee in each judicial district in 2012 is available here: `http://www.alacourt.gov/distributionCharts.aspx`.

days, is the third most common fee. These three fees together make up about 70% of all fees assessed.

Table 1: Prevalence of Particular LFO Fees

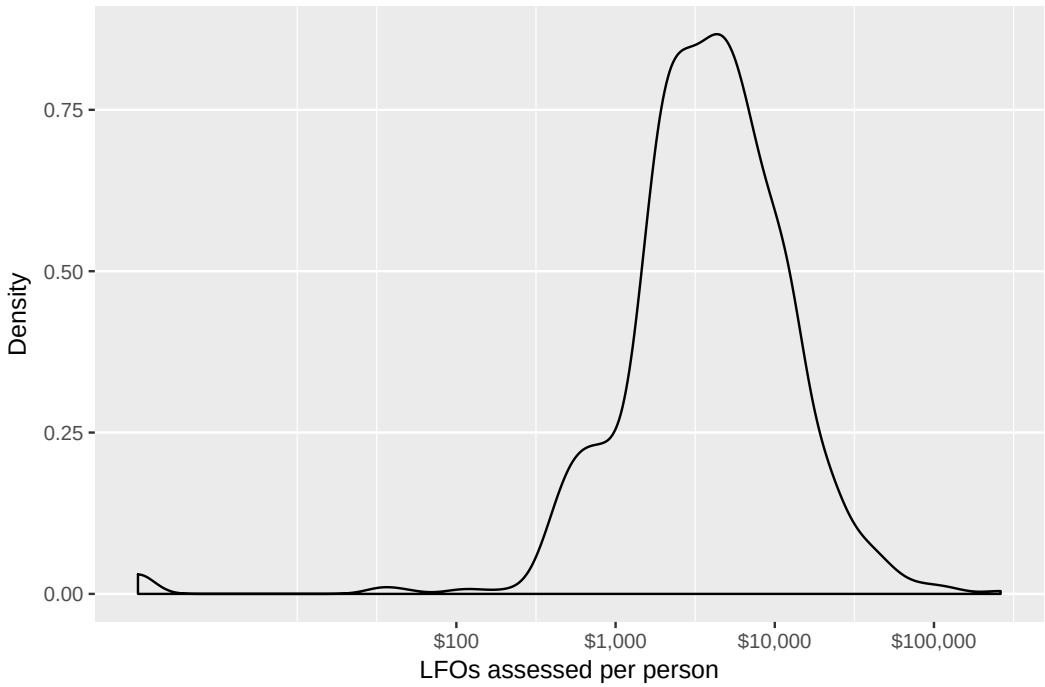
Type of Fee	Share of All Fees
Docket Fee	26.89%
Public Defender's Fee	23.67%
District Attorney's Collection Fee	20.52%
Crime Victims Fund (Mandatory)	5.78%
Drug Fee	5.47%
Subpeoana Fee	3.9%
Criminal History Fee	3.66%
Crime Victims Fund (Discretionary)	3.16%

It is hard to understand how burdensome these fees might be without understanding the total amount of LFOs assessed. Figure 2 shows a kernel density plot of the total amount of criminal LFOs assessed to individuals who have completed their maximum sentence. We log-scale the x-axis because of the considerable right-skew, in which a few ex-felons are assessed more than $100,000 over all of their cases. Thus, throughout the paper we focus on the 25th, 50th, and 75th percentiles of the distribution to minimize the influence of these outliers. Table 2 shows that these percentiles of the distribution of total assessments are $1,995, $3,956, and $7,720, respectively. Thus, while the Court ruled that a $10 application fee was permissible in *Howard*, the fees in questions in Alabama are orders-of-magnitude larger. Tables A.9 and A.10 in the appendix show these number increase somewhat when we also include felons who have not completed their maximal sentence and also include traffic LFOs, respectively.

Because reinstatement of voting rights requires having no LFO balance, we are particularly interested in knowing the likelihood that an ex-felon who has completed supervision is carrying an LFO balance on at least one of their cases.[20] The left panel of Figure 3 uses our

[20] We believe that 39 of the 1010 people included in this sample would require a pardon in order to restore

Figure 2: Distribution of Amount Assessed Per Person



Note: Although the x-axis is measured in dollars, it is in log scale. This kernel density plot considers people who have completed their maximal sentence, weights people by the inverse probability of selection into the sample, and excludes LFOs accrued in traffic cases.

Table 2: Distribution of LFOs by Person

	Sample Size	Estimated Population	Amount Due by Quantile 25th	50th	75th	Balance by Quantile 25th	50th	75th	% Balance Remaining
All	1010	45,610	1,995	3,956	7,721	42	2,044	5,433	0.771
		(361)	(121)	(169)	(320)	(110)	(140)	(274)	(0.013)
Public Defender									
Yes	664	30,081	2,019	4,015	7,813	530	2,346	5,627	0.823
		(291)	(150)	(209)	(395)	(132)	(171)	(338)	(0.016)
No	346	15,530	1,949	3,731	7,534	0	993	4,832	0.671
		(214)	(206)	(283)	(549)	(156)	(195)	(466)	(0.022)
Difference			70	284	279	530	1,353	795	0.152
			[0.784]	[0.419]	[0.680]	[0.010]	[0.000]	[0.168]	[0.000]
Black									
Yes	431	19,266	1,916	3,961	7,904	489	2,602	6,134	0.826
		(239)	(186)	(266)	(488)	(172)	(234)	(462)	(0.020)
No	579	26,344	2,049	3,951	7,571	0	1,773	4,993	0.732
		(271)	(160)	(218)	(422)	(133)	(178)	(344)	(0.017)
Difference			-133	10	333	489	829	1,141	0.094
			[0.588]	[0.977]	[0.606]	[0.025]	[0.005]	[0.048]	[0.000]

Note: This table considers people who have completed their maximal sentence, weights people by the inverse probability of selection into the sample, and excludes LFOs accrued in traffic cases. Parentheses denote standard errors and brackets denote p-value on difference being equal to zero.

sample of more than 1,000 individuals who have completed their sentence(s) to estimate that about 75% have such a remaining balance. The large sample size allows us to be relatively confident that the population parameter is close to this estimate. The fact that the loss of voting rights is just one of a number of collateral consequences for non-payment suggests that many individuals may be unable, rather than unwilling, to pay.[21] And as we show in the next sub-section, even individuals who have demonstrated a clear desire to vote still have a remaining balance.

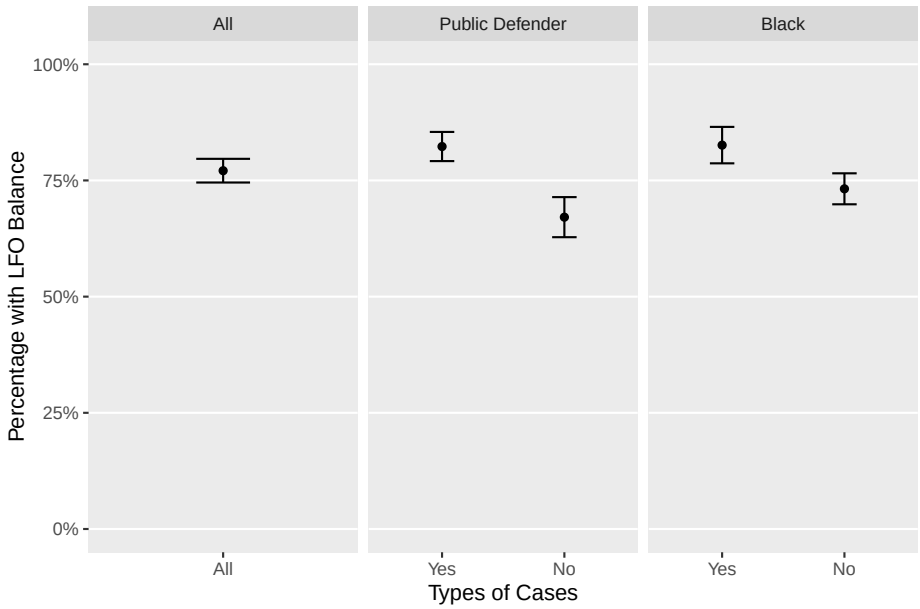
To further study how indigency plays a role in disenfranchisement, we next consider whether an individual's use of a public defender – a proxy for their ability to pay – is associated with their LFO balance.[22] If ability to pay is preventing payment, we expect

their voting rights because they were convicted of one of the 14 crimes identified in Table A.5.

[21] Bannon, Nagrecha, and Diller (2010) detail some of these other collateral consequences. In Alabama, failure to pay can result in the extension of probation, the suspension of a driver's license, and the addition of interest. See Rule 26.11.i.3 in the Code of Alabama.

[22] As a reminder, a defendant whose income is at or below 125% of the United States poverty level is eligible for a public defender, but those with an income of up to 200% of the poverty level may qualify if the

Figure 3: Percentage Ineligible Due to LFO Balance



Note: This figure visualizes the estimated percentage of individuals with a positive balance remaining, given our sample in Table 2, along with a 95% confidence interval on the population parameter. It only considers people who have completed their maximal sentence, weights people by the inverse probability of selection into the sample, and excludes LFOs accrued in traffic cases.

to observe that those who use a public defender are more likely to carry an LFO balance than those who do not. The center panel of Figure 3 confirms this hypothesis – 82.3% of public defense users have a balance compared to 67.1% of those who retain counsel. Table 2 shows that we can reject the null hypothesis of no difference with a p-value of less than .01. These findings are particularly relevant given Justice O'Connor's recent decision in *Harvey* in which she speculated that "perhaps withholding voting rights from those who are truly unable to pay... due to indigency would not pass [a] rational basis test."

One concern that people may have about our interpretation of this result is that those who employ a public defender may be assessed more in LFOs to begin with, either because of the quality of their counsel or the fact that public defense is not free, as shown in Table 1. While Table 2 shows that defendants represented by a public defender are assessed slightly more, the importance of this is swamped by the plethora of different LFOs that everyone going through the Alabama criminal justice system is assessed. In fact, we cannot statistically distinguish between the two distributions at the 25th, 50th, or 75th percentiles.

These findings are consistent with plaintiffs' claims in *Harvey* and *Bredsen* that conditioning voting rights on LFOs has a disparate impact on the poor. However, courts generally have not recognized this as grounds for overturning state disenfranchisement policies. Courts distinguishing between the right to vote and the restoration of the right to vote already limits a potential avenue to increase judicial scrutiny. The fact that wealth is also not considered a protected class has meant that these laws have been considered under a deferential rational basis review, where they are unlikely to be struck down.

Many laws that have a disparate impact on the poor also are likely to have a disparate racial impact because of the strong link between race and wealth in America. But while race is a suspect class, neither the judges nor those challenging disenfranchisement laws had data available to them on the incidence of LFOs by race.

The right panel of Figure 3 supplies the missing data and demonstrates that black ex-

court finds that not providing counsel would pose a substantial hardship

felons are about 9.4 percentage points (p.p.) less likely to be eligible to vote because of an outstanding LFO debt. Table 2 shows that we can reject the null hypothesis of no racial difference with a p-value of less than .01. This table also shows that there is little difference in the distribution of the total amount assessed to black and non-black defendants. This is a point worth underscoring. This is not Selma, 1965 – local judges do not systematically treat blacks differently than similarly situated non-blacks and we see evidence of this racial parity in similar assessments. Instead, disparate impact today stems from lingering racial disparities in wealth that make blacks less able to pay increasingly steep LFOs than non-blacks.

6.2 Alabama Applications

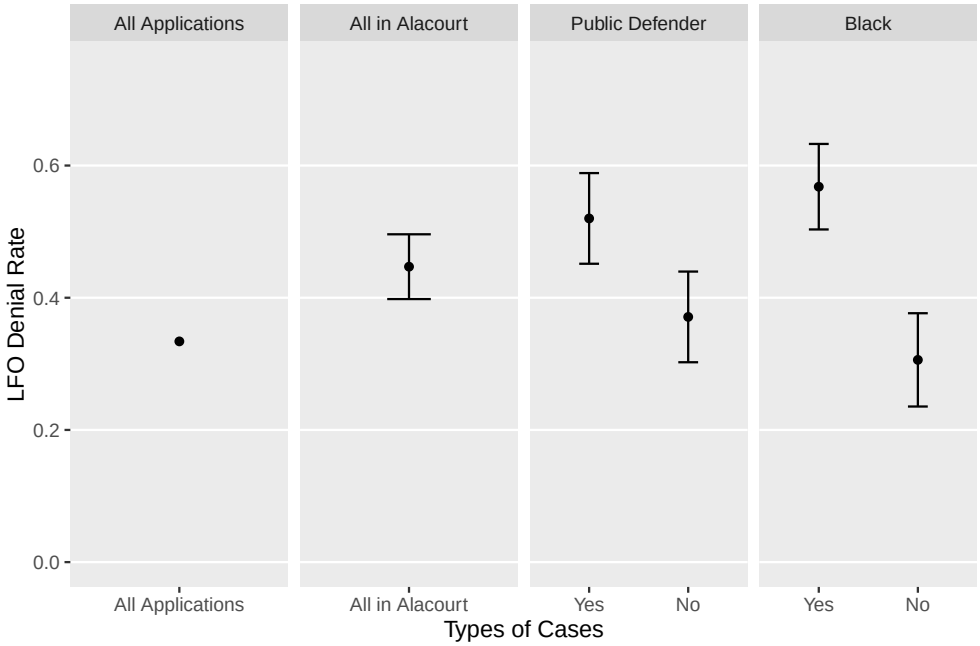
While the vast majority of ex-felons, despite completing their sentence, are not eligible to regain their vote in Alabama, ex-felons are not equally harmed because not all are interested in voting. In this section, we shift our focus from the population of ex-felons in the state to the subset of ex-felons who applied to the Board of Pardons and Paroles for a Certificate of Eligibility to Register to Vote. We do this to investigate whether there exists a detectable interest in voting among those who are ineligible to restore their voting rights because of LFOs.

Figure 4 presents the share of applications denied due to LFOs when all other conditions for re-enfranchisement are met.[23] The left panel shows that a third of all applications, otherwise complete, are denied to an outstanding debt.

To learn more about the demographic characteristics of individuals who had their application denied due to LFOs, we utilize the random sample of applicants whom we linked to Alacourt records. The chief advantage of this constructed dataset is that we learn the public defender status and race of applicants, neither of which is included in the Board of

[23]Table A.11 shows that 38.7% of all applications (35.5% of all applications matched to a record in Alacourt) were neither granted nor denied due to LFOs. In these cases, either some other conditions for re-enfranchisement were not met or voting rights had never been lost. Table A.12 details all of the reasons why applications were neither granted nor denied to LFOs.

Figure 4: Application Denial Rate due to LFOs



Note: This figure visualizes the LFO denial rate along with a 95% confidence internal on the population parameter. The denial rate represents the share of applications denied due to LFOs when all other conditions for re-enfranchisement are met (i.e., completed sentence, no pending charges, crime of conviction is eligible for re-enfranchisement). It is the number of applications denied solely for outstanding legal financial obligations divided by the sum of the total number of applications granted and the total number of applications denied solely due to outstanding LFOs. See Table A.11 for further detail on the statistics visualized.

Pardons and Paroles' administrative files. The second panel in Figure 4 shows that 44% of applicants who were linked to an Alacourt record were denied due to LFOs. We speculate that individuals in our linked dataset are slightly more likely to be denied because people with older convictions are both more likely to pay off their LFOs and less likely to appear on Alacourt.

The third and fourth panels of Figure 4 reveal that the disparate impact in eligibility is reproduced in the share of applications denied. Applicants who used a public defender are 15 p.p. more likely to be denied due to an outstanding debt than applicants who retained counsel, while black applicants are 26 p.p. more likely to be denied due to an outstanding debt than non-black applicants. These patterns suggest that the disparate impact in the probability of having a non-zero LFO balance is also present within the subpopulation that is most harmed, because they want to restore their voting rights.

One downside of looking at disparate impact in application denial, as opposed to the probability of a non-zero balance, is that we do not observe the universe of cases of people who would want to restore their voting rights. This is both because of awareness of the application process and the the fact that some people know that their application will be denied because of a LFO balance. An alternative explanation for these patterns is that blacks and non-blacks are equally harmed by the LFO requirement, but blacks with LFO debt who wish to vote are more likely to apply than non-blacks with LFO debt who wish to vote.

Although we cannot definitively rule out this alternative explanation, we doubt it explains all of the racial differences we observe in application denial. To indirectly assess this possibility, Table 3 presents the application rate of ex-prisoners by race and sex. Just over five percent of formerly imprisoned blacks applied to restore their voting rights, as compared to just over four percent of formerly imprisoned non-blacks. The 20% higher application rate among blacks than non-blacks could mean that black applicants are 20% more likely to be uninformed about the law than non-black applicants. This would explain most of the

difference in the denial rate. But observing a higher application rate among blacks than non-blacks is consistent with previous work showing that black ex-felons are more politically active than non-black ex-felons. For example, Burch (2011) finds that black ex-felons in five automatic-restoration states were about 15% more likely to vote than non-black ex-felons in the 2008 presidential election. Thus, while strategic application could explain some portion of the differential denial rate between blacks and non-blacks, it is unlikely to explain the entire 26 p.p. difference.

Table 3: Application Rate in Alabama

	Discharged by 2012		Discharged by 2009	
Felony Offenders	Population	App. Rate	Population	App. Rate
All Offenders	68,787	4.81%	42,106	6.51%
Black Male	31,490	4.83%	19,057	6.42%
Non-Black Male	26,321	3.92%	15,881	5.55%
Black Female	4,108	9.27%	2,888	11.39%
Non-Black Female	6,868	5.47%	4,280	7.17%

Because the black community is more affected by felon disenfranchisement than the non-black community, our expectation is that blacks would be at least as informed about Alabama's policy as non-blacks. Unfortunately, we are not aware of any data that would allow us to directly examine differences in awareness of disenfranchisement policy by race. But Table A.11 does allow us to compare the share of applicants who applied to restore their voting rights despite never having lost them in the first place, suggesting confusion about the law. We find that the share of applications that are unnecessary is slightly lower for blacks than non-blacks, although we cannot reject the null of no difference in the population. This suggests that there are not massive informational differences between black and non-blacks, at least with respect to the application process.

6.3 Tennessee Applications

In an effort to show that LFOs have a more general impact on voting rights beyond the confines of Alabama, we also consider the impact of a similar policy in Tennessee. An ex-felon who has not paid their fines, fees, and restitution may not apply to restore their voting rights in the state. An ex-felon who has paid their fines, fees, and restitution may do so, though they will only be successful if they are also current on their child support, another form of legal debt. We perform a similar analysis, with Figure A.3 organized as an analog to Figure 4, and observe a similar pattern, with black, male applicants four times more likely to be denied because of child support than their non-black, male counterparts.[24]

7 Conclusion

The Supreme Court has heard only two cases on criminal disenfranchisement, affirming California's law in 1974 but striking down Alabama's a decade later. *Ramirez*, discussed in Section 3, laid out the constitutional defense of criminal disenfranchisement, while *Hunter* outlined when a state might take the "affirmative sanction" too far (*Ramirez*, 418 U.S. at 54). Together, these two opinions – decided on the eve of mass incarceration – set the standard by which other criminal disenfranchisement schemes are evaluated. While the former is better known for offering lower courts a deferential standard to evaluate criminal disenfranchisement policies, the latter is more important to understanding how the right to vote is still entangled with the ability to pay legal financial obligations, despite the disparate class and racial impact we document.

Hunter focused on the racial intent of policymakers when establishing Alabama's disenfranchisement policy. The state law – like those of many Southern states – was born out of a constitutional convention called to undermine Reconstruction. The Court, citing the raw racial goals of the delegates, found that the law "would not have been adopted by the con-

[24] Additional details, including assessments of potential alternative explanations, are available in the appendix.

vention or ratified by the electorate in the absence of the racially discriminatory motivation" (*Hunter*, 471 U.S. 222, 231 (1985)).[25]

The Supreme Court decision – the only to overturn a criminal disenfranchisement statute – set such a high bar for a legal challenge that no state policy has been subsequently struck down. For example, although a court of appeals granted a Tennessee black man's claims that the state's disenfranchisement law was part of a history of racial discrimination that continued into the present, it found no violation of the Voting Rights Act or the Fourteenth Amendment because the plaintiff could not prove malicious intent (*Wesley v. Collins*, 791 F. 2d 1255 (1986)). Even with hard-to-come-by historical evidence on the racial motivations of legislators, lower courts have interpreted *Hunter* such that a state can effectively save its law from its racist roots by subsequently modifying it. For example, an appeals court acknowledged the explicit racial animus of Mississippi's 1890 constitutional convention that introduced criminal disenfranchisement, but considered subsequent facially neutral mid-century modifications to have "overcome its odious origin" (*Cotton v. Fordice*, 157 F.3d 388 (1998)).

Given this standard, broad statistical evidence of the type presented here – about impact, not intent – does not ordinarily implicate the Constitution. But we suggest that judges might want to scrutinize disparate impact claims more closely the more contemporary institutions of disenfranchisement look like the tainted ones of the past. In this case, Alabama's contemporary policy still bares a close resemblance to its historical antecedent. The state's practice of permanent disenfranchisement stems from the 1901 Constitution, while the use of legal financial obligations has roots in the era of convict leasing (Greenberg, Meredith, and Morse, 2016). While Alabama used to tie the right to vote to the payment of these fees, fines, and orders of restitution through an informal pardon process, it has now made these

[25] Alabama chose to disenfranchise "any crime involving moral turpitude," introducing the vague, elastic, and politically potent definition in addition to twenty-three specifically enumerated crimes. One of them was assault and battery of the wife, which (Gross, 1969, p. 244) claims was included by the provision's author, John Burns, because Burns believed that it would disenfranchise sixty percent of African-Americans. For much of its history, Alabama interpreted "moral turpitude" to encompass certain misdemeanor crimes – such as worthless checks – but the Supreme Court, restricted the practice to felonies.

conditions explicit. In other words, the current disenfranchisement regime was layered upon, rather than substituted for, the policy at the heart of *Hunter*. Alabama has been able to mollify courts by passing a constitutional amendment modifying who it disenfranchises and plausibly extinguishing any animus from the drafting process. This outcome, though, might be different were a judge to evaluate the contemporary evidence of continued disparate racial impact in light of, instead of despite, the state's historical racial animus.

Although the role of race is crucial in the extant case law, surely guiding our efforts here, this should not obscure the fact that our data shows a majority of all ex-felons in Alabama – white, black, or otherwise – cannot vote because of a debt they owe to the state. This is in keeping with previous work that found traditional poll taxes reduced the turnout of the poor, across all races (Filer, Kenny, and Morton, 1991). While there is a process in place for the restoration of voting rights in Alabama, state officials and policymakers should recognize that it is not available to many of ex-felons. This fact about debt and disenfranchisement has been obscured by the decentralized administration of LFO policy, where where both state and local legislators set court fees and fines (Greenberg, Meredith, and Morse, 2016), local judges assess them, and local clerks collect and distribute the proceeds throughout the state, with a state executive agency handling voter restoration. State officials should move to centralize this process – in terms of both policymaking and, critically, record-keeping – so that parties are no longer blind to the increasingly tangled web of collateral consequences.

The decision to make relief from one collateral consequence of a criminal conviction – the loss of the right to vote – explicitly dependent on another – the payment of court fees, fines, and restitution – has reshaped the electorate. Alabama's policy, tantamount to permanent disenfranchisement for many, illustrates where and why criminal disenfranchisement policy is consequential. In the vast majority of states, felons are stripped of the vote during periods of supervision, but ex-felons, of which there are many more, may vote. In this case, criminal disenfranchisement, is unlikely to be electorally significant (see e.g. Miles, 2004; Hjalmarsson and Lopez, 2010; Meredith and Morse, 2015). But this is less true where the vast majority

of ex-felons also are stripped of the vote. In the fifteen Senate races that Manza and Uggen (2006) estimate would have been won by Democrats, but for criminal disenfranchisement, between 1978 and 2000, all but one of the states had a policy of post-sentence disenfranchisement, swelling the number of ex-felons barred from the voter rolls.

Scholars should continue to investigate the potential redistributive effects of bringing the criminally disenfranchised back into the political process. More research is also needed on the causal effect of legal debt on a host of defendant outcomes, such as recidivism, employment, and health, perhaps leveraging the recent increase in LFOs across a range of jurisdictions. We also need a better understanding of the state and local political processes that have generated this growth, particularly in court fees.

References

Alexander, Michelle (2012). *The new Jim Crow: Mass incarceration in the age of colorblindness*. The New Press.

Bannon, Alicia, Nagrecha, Mitali, and Diller, Rebekah (2010). *criminal justice debt: a barrier to reentry*. Tech. rep.

Beckett, Katherine and Harris, Alexes (2011). "On cash and conviction." *Criminology & Public Policy* 10(3): 509–537.

Behrens, Angela, Uggen, Christopher, and Manza, Jeff (2003). "Ballot manipulation and the "menace of negro domination": Racial threat and felon disenfranchisement in the United States, 1850-2002." *American Journal of Sociology* 109(3): 559–605.

Burch, Traci (2011). "Turnout and party registration among criminal offenders in the 2008 general election." *Law & Society Review* 45(3): 699–730.

Cammett, Ann (2012). "Shadow citizens: Felony disenfranchisement and the criminalization of debt." *Penn State Law Review* 117: 349–405.

Chin, Gabriel J (2004). "Reconstruction, felon disenfranchisement and the right to vote: Did the Fifteenth Amendment repeal Section 2 of the Fourteenth Amendment?" *Georgetown Law Journal* 92: 259.

Conley, Dalton (1999). *Being black, living in the red: Race, wealth, and social policy in America*. University of California Press.

Cook, Foster (2014). "The burden of criminal justice debt in Alabama." University of Alabama Birmingham. URL: `http://goo.gl/eXtsWo`.

"Developments in the law: The law of prisons" (2002). *Harvard Law Review* 115(7): 1939?–1963.

Filer, John E, Kenny, Lawrence W, and Morton, Rebecca B (1991). "Voting laws, educational policies, and minority turnout." *The Journal of Law & Economics* 34(2): 371–393.

Fredericksen, Allyson and Lassiter, Linnea (2016). "Disenfranchised By Debt: Millions Impoverished By Prison, Blocked From Voting." Alliance for a Just Society. URL: http://goo.gl/wWXJST.

Greenberg, Claire, Meredith, Marc, and Morse, Michael (2016). "The growing and broad nature of legal financial obligations: Evidence from Alabama court records." *Connecticut Law Review* 48(4): 1079–1122.

Gross, Jimmie (1969). "Alabama politics and the negro." PhD thesis. University of Georgia.

Harris, Alexes (2016). *A Pound of Flesh*. Russell Sage Foundation.

Harris, Alexes, Evans, Heather, and Beckett, Katherine (2010). "Drawing blood from stones: Legal debt and social inequality in the contemporary United States." *American Journal of Sociology* 115(6): 1753–1799.

Hjalmarsson, Randi and Lopez, Mark (2010). "The voting behavior of young disenfranchised felons: Would they vote if they could?" *American Law and Economics Review* 12(2): 356–393.

Holloway, Pippa (2014). *Living in infamy*. Oxford University Press.

Katzenstein, Mary Fainsod and Waller, Maureen R (2015). "Taxing the poor: Incarceration, poverty governance, and the seizure of family resources." *Perspectives on Politics* 13(03): 638–656.

Keyssar, Alexander (2000). *The right to vote*. Basic Books.

Logan, Wayne A and Wright, Ronald F (2014). "Mercenary criminal justice." *University of Illinois Law Review*.

Manza, Jeff and Uggen, Christopher (2006). *Locked out: Felon disenfranchisement and American democracy*. Oxford University Press.

Meredith, Marc and Morse, Michael (2015). "The politics of the restoration of ex-felon voting rights: The case of Iowa." *Quarterly Journal of Political Science* 10(1): 41–100.

Miles, Thomas J (2004). "Felon disenfranchisement and voter turnout." *The Journal of Legal Studies* 33(1): 85–129.

Pager, Devah (2008). *Marked: Race, crime, and finding work in an era of mass incarceration*. University of Chicago Press.

Piquero, Alex R and Jennings, Wesley G (Forthcoming). "Research Note Justice System–Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders." *Youth Violence and Juvenile Justice*. URL: http://journals.sagepub.com/doi/pdf/10.1177/1541204016669213.

Ruback, R Barry and Clark, Valerie (2011). "Economic sanctions in Pennsylvania: Complex and inconsistent." *Duquesne Law. Review* 49: 751–772.

Simmons, Jill E (2003). "Beggars can't be voters: Why Washington's felon re-enfranchisement law violates the Equal Protection Clause." *Washington Law Review* 78: 297.

Sorensen, Elaine and Zibman, Chava (2000). "A look at poor dads who don't pay child support." The Urban Institute. URL: http://goo.gl/L2LY0l.

Uggen, Christopher, Shannon, Sarah, and Manza, Jeff (2012). "State-level estimates of felon disenfranchisement in the United States, 2010." The Sentencing Project. URL: http://goo.gl/2SgYnm.

Western, Bruce (2006). *Punishment and inequality in America*. Russell Sage Foundation.

8 Appendix

8.1 Tennessee

8.1.1 Criminal Disenfranchisement Law

Tennessee's practice of criminal disenfranchisement originated with Article IV, §3 of the Constitution of 1835, which states that,

> "`Laws may be passed excluding from the right of suffrage persons who may be convicted of infamous crimes.`"

Unlike moral turpitude in Alabama, Tennessee's code clearly delineated between infamous and non-infamous crimes (Holloway, 2014, p. 5), and all felonies became infamous crimes in 1981. Holloway also notes that by 1840, Tennessee established a system in which people convicted of infamous crimes were permanently disenfranchised, although they could petition a circuit court to have their civil rights, including their voting rights, restored once they had completed their sentence.

This nineteenth-century restoration system largely endured until 2006, when the legislature simplified the restoration process. Instead of having ex-felons petition a circuit court to restore their voting rights, an agent of the court, such as a probation or parole officer or criminal court clerk, submits an application to a county election clerk on behalf of an ex-felon who wants to restore their voting rights. The law also established for the first time an objective, formal set of criteria that an ex-felon must meet to have their voting rights restored. In addition to being granted final release from their sentence, an ex-felon also must have paid all court ordered restitution and be current on the payment of any child support. The law was amended in 2010 so that ex-felons must also have paid any court fees and fines they were assessed.

Figure A.1 displays a copy of the application that an agent of the court must submit on behalf of an ex-felon who wishes to restore their voting rights. The figure shows that prior to submitting an application, the agent of the court certifies that all court costs have been paid. Thus, people who are ineligible to restore their voting rights because of unpaid court costs are not likely to submit an application in the first place. In contrast, the state verifies that the applicant does not have any outstanding child support payments or arrearages only after the application is submitted. Thus, we anticipate that unpaid child support will be the primary reason that an application gets denied in Tennessee.

Figure A.1: Current Tennessee Restoration of Voting Rights Application

Division of Elections
Tre Hargett, Secretary of State

State of Tennessee
312 Rosa L. Parks Avenue, 7th Floor
Nashville, Tennessee 37243
615-741-7956

CERTIFICATE OF RESTORATION OF VOTING RIGHTS

for Persons Convicted of a Felony on or After May 18, 1981

This includes all federal convictions, state convictions within Tennessee or state convictions from another state.

TO BE COMPLETED BY AN AGENT OF THE PARDONING AUTHORITY, AN AGENT OR OFFICER OF THE INCARCERATING AUTHORITY, OR A PROBATION/PAROLE OFFICER OR AGENT OF THE SUPERVISING AUTHORITY. A SEPARATE FORM MUST BE COMPLETED FOR EACH FELONY CONVICTION WITH A DIFFERENT DOCKET/CASE NUMBER. THE PERSON CONVICTED OF THE FELONY OFFENSE MAY NOT COMPLETE THIS FORM.

1. I hereby certify that the following information is true and correct:
   a. Applicant's Name: _____ (First) _____ (Middle) _____ (Last)
   b. Applicant's County of Residence: _____
   c. Felony Conviction: _____
   d. Month/Day/Year of Conviction: _____ TOMIS ID: (if applicable) _____
   e. Date of Birth: _____ f. Soc. Sec. No.: _____

2. On the _____ day of _____ , _____ ***(check one)***
   - ☐ The above individual received a pardon which contained no special conditions pertaining to the right of suffrage. A copy of said pardon is attached hereto; *or*
   - ☐ The maximum sentence imposed for such infamous crime has been served by the above individual; *or*
   - ☐ The maximum sentence imposed for such infamous crime has expired; *or*
   - ☐ The above individual has been granted final release from incarceration or supervision by the Board of Probation/Parole, the Department of Correction, or county correction authorities.

Signature: _____ Date: _____
Printed Name: _____ Title: _____
Address: _____ Phone Number: _____

3. I hereby certify that the following is true and correct: ***(check one)***
   - ☐ The court did not order the above individual to pay any restitution as part of his or her sentence; *or*
   - ☐ All of the restitution ordered by the court as a part of the sentence for the above individual has been paid.

Signature: _____ Date: _____
Printed Name: _____ Title: _____
Address: _____ Phone Number: _____

4. I hereby certify that the following is true and correct: ***(check one)***
   - ☐ The court did not order the above individual to pay any court cost as part of his or her sentence; *or*
   - ☐ All court cost assessed against the above individual has been paid; *or*
   - ☐ The court has made a finding at an evidentiary hearing that the above individual is indigent at the time of application.

Signature: _____ Date: _____
Printed Name: _____ Title: _____
Address: _____ Phone Number: _____

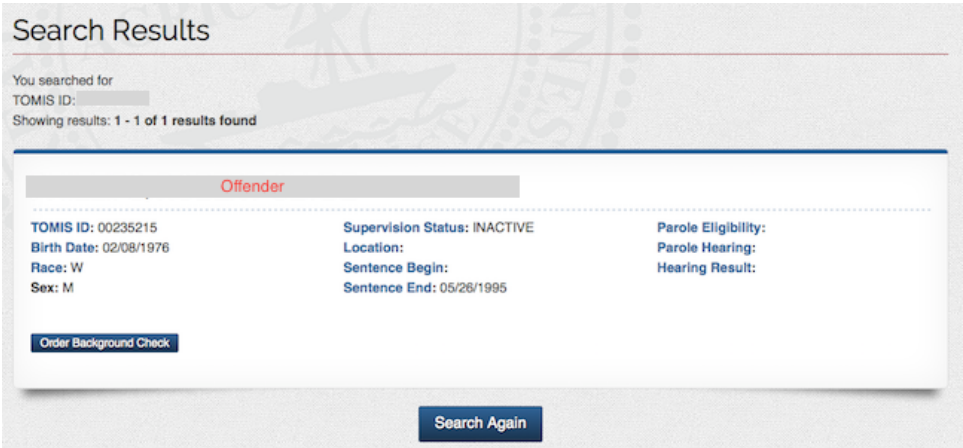
SS-3041 (Rev. 6/13) SEE REVERSE FOR INSTRUCTIONS RDA S836-1

8.1.2 Data

Offender Data We collect data on criminal justice records in Tennessee using an electronic search tool —the Felony Offender Information Lookup (FOIL) system – that provides information on people who have been convicted of felonies in Tennessee since the mid-1990's. The FOIL system can be searched by ID number – either a Tennessee Offender Management Information System (TOMIS) ID or state identification (SID) number – or by name.

Figure A.2 provides an example of the information available about individual offenders, including their full name, TOMIS ID, date of birth, race, sex, sentence start and end date, and supervision status. One limitation of Tennessee's FOIL database is that it only reports an individual's current status in the Tennessee criminal justice system. This status is our best indication of whether a felony offender is potentially eligible to restore their right to vote: an offender status of "INACTIVE" indicates that a felony offender is not currently under supervision. Records with an inactive status indicate that an individual is eligible to restore their voting rights if he or she has paid all of their LFOs, including child support. We are unable to observe whether someone has any outstanding LFOs.

Figure A.2: Screen Shot of Tennessee Felony Information Search



Because a CAPTCHA code needs to be entered along with each search of the FOIL database, we were unable to scrape the entire contents of the underlying database. Just as in Alabama, we randomly sample offender records from FOIL, although here it is much more straightforward because each convicted felon has a single record in this database. Tennessee's FOIL database is searchable by TOMIS ID and our initial searches of the database allowed us to determine that a feasible TOMIS ID is a number between 1 and 600,000. We randomly generated 6,000 numbers between 1 and 600,000, manually entered each of these into the TOMIS search, and downloaded the resulting output from each of these 6,000 searches.

Voting Rights Restoration Application Data We collected restoration data on 11,698 applications for a Certificate of Restoration of Voting Rights from the Tennessee Secretary of State that were received between between March 1986 and July 2013.[26] In addition to observing whether each application was approved or denied, we observe each applicants' full name, date of birth, county of conviction, and date of decision. If an applicant's voting rights were restored, we learn their criminal charge and their date of conviction. If an applicant's voting rights were not restored, we learn the reason for denial. About 80% of denials are the result of unpaid child support obligations. Other reasons given include unpaid restitution or court costs and incomplete or insufficient documentation. We do not observe the race or sex of either approved or denied applicants.

Linking Application Data Because there isn't a common identifier in the application and offender data, we link application data to offender records using a process similar to that detailed in Meredith and Morse (2015). This process searches for a record in FOIL that has a similar name and the same birthdate as each offender record. We attempted to link all applicants that were denied, and random subset of 20% of the applicants who were approved. Table A.1 shows what the dataset looks like that we produce by linking application data to a random sample of offender records.

Table A.1: Stylized Example of Application Records Linked to Corrections Record

Application Records						Corrections Records		
First	Name Middle	Last	DOB	Decision	Comment	Race	Sex	Supervision Status
[redacted]	[redacted]	[redacted]	[redacted]	Denied	Child Support	Black	Male	Inactive
[redacted]	[redacted]	[redacted]	[redacted]	Approved	–	White	Male	Inactive
[redacted]	[redacted]	[redacted]	[redacted]	Denied	Child Support	—	—	—
[redacted]	[redacted]	[redacted]	[redacted]	Denied	Other	Black	Male	Inactive

We also linked application data to our sample of inactive records collected from FOIL. Doing so allowed us to calculate the rate at which people who have been discharged from supervision in Tennessee submit applications to restore their voting rights.

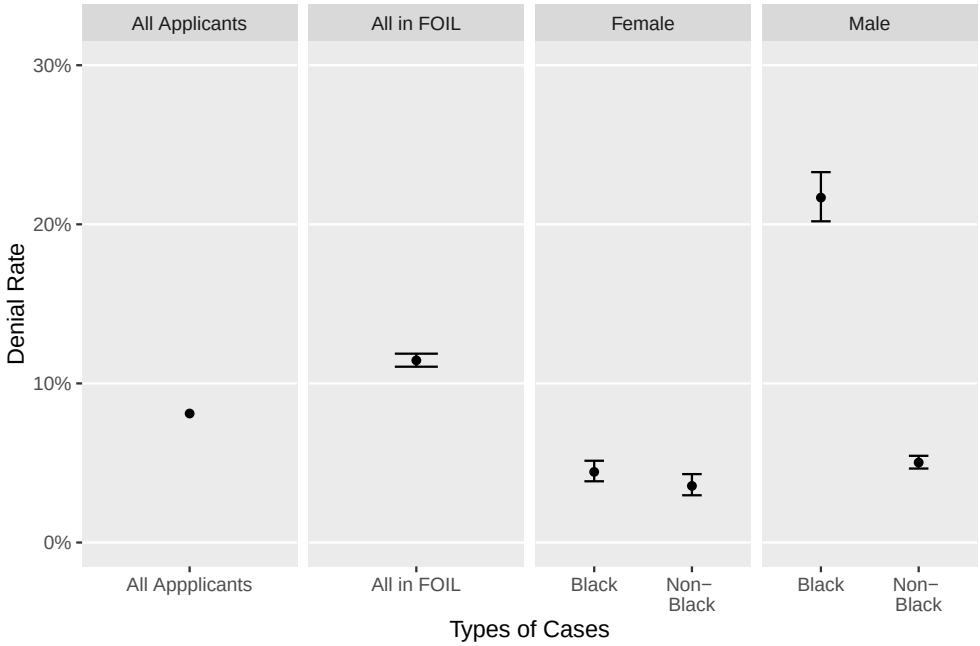
8.1.3 Results

In addition to payment of fees, fines, and restitution, Tennessee requires that ex-felons are current on child support obligations before voting rights can be restored. As we discussed in Section 8.1, an agent of the court certifies that applicants have paid fee, fines, and restitution prior to the submission of an applications. Because this prevents applicants with unpaid fees, fines, and restitution from submitting an application, most denials occur

[26] Figure A.4 shows a substantial increase in the number of voting rights restoration applications submitted in recent years, suggesting that the 2006 policy reform increased the number of ex-felons who restored their voting rights. The state processed almost 3,000 applications in 2008, as compared to just a few hundred in most years prior. More applications tend to be submitted in even-numbered years, perhaps because at least some people are motivated to apply by a desire to participate in a specific election.

because the applicant has outstanding child support payments or arrearages. Given that previous research shows blacks, and especially black males, are more likely to owe child support than non-blacks (Sorensen and Zibman, 2000), we expect to observe that black males have their voting rights applications denied at higher rates. We perform a similar analysis of applications in Tennessee as we did in Alabama, with Figure A.3 organized as an analog to Figure 4.

Figure A.3: Application Denial Rate due to LFOs



Note: The denial rate is the number of denied applications divided by the estimated number of approved applications plus the number of denied applications. Table A.2 details the specific statistics visualized.

Panels one and two of Figure A.3 shows that about 9% of applicants are denied, compared with almost 12% of applicants we could link to the state corrections data. The linkage allowed us to learn the race and sex of applicants, but not the public defender status, as these data are from the Department of Corrections, instead of the court system.

While panel three reveals little racial difference among female applicants, black, male applicants are four times more likely to be denied than their non-black, male counterparts. There is a nearly 20 p.p. racial gap in the probability of denial among male applicants in panel four.

Table A.3 investigates what share of people who have completed their sentence applied to restore their their voting rights. The first row of Column 1 shows that our sample of 6,000

Table A.2: Applications For a Restoration of Voting Rights in Tennessee

	Number of Approvals	Denials	Denial Rate
All	6677	808	8.11%
All in FOIL	4,555	589	11.45%
	(4,374, 4,734)		(11.07%, 11.87%)
Black Female	667	31	4.44%
	(572, 775)		(3.85%, 5.14%)
Black Male	1,604	444	21.68%
	(1,463, 1,755)		(20.19%, 23.28%)
Non-Black Female	433	16	3.56%
	(356, 523)		(2.97%, 4.3%)
Non-Black Male	1,851	98	5.03%
	(1,701, 2,008)		(4.65%, 5.45%)

TOMIS IDs produced a total 1,436 inactive records in the Tennessee FOIL database. Given that this represents a one percent sample of all TOMIS IDs, this implies that our best estimate is that there are a total of 143,600 inactive records and we are 95% sure that there are between 137,214 and 150,137 inactive records. Column 3 shows that we were able to match 49 of these 1,436 inactive records to a name and birthdate in the application data for an estimated application rate of 3.4%. We are 95% confident that the population application rate is between 2.5% and 4.9%. This application rates provide an upper bound on the legal limit of ex-felons eligible to vote: the vast majority of ex-felons do not apply to restore their right to vote and thus remain ineligible.

Table A.3: Estimate Appliation Rate in Tennessee by Subgroup

	Sample Inactive	Population Inactive	Application Rate
All	1,436	143,600	3.41%
		(7,355, 11,133)	(0.69%, 9.33%)
Black Female	91	9,100	3.3%
		(12,373, 17,107)	(0.17%, 4.86%)
Black Male	473	47,300	4.23%
		(137,214, 150,137)	(2.53%, 4.49%)
Non-Black Female	146	14,600	1.37%
		(43,323, 51,523)	(2.6%, 6.45%)
Non-Black Male	726	72,600	3.31%
		(67,759, 77,661)	(2.13%, 4.88%)

The remainder of Table A.3 looks at heterogeneity in application rates by race and gender.

A potential alternative explanation for the patterns in Figure A.3 is that blacks who wish to vote, but owe child support, are more likely to submit applications than similarly situated non-blacks. One implication of this alternative explanation is that we should observe higher application rates among black males than non-black males. Table A.3 does show slightly higher applications rates within our sample among black males (4.2%) and non-black males (3.3%). But black females also apply at higher rates than non-black females, suggesting that black males may apply slightly more often than non-black males for non-strategic reasons, such as blacks are more interested in restoring their voting rights. While Table A.3 also suggests that female apply less often than males to restore their voting rights, although it is possible that this is an artifact of female names being more difficult link across administrative sources (Meredith and Morse, 2015).

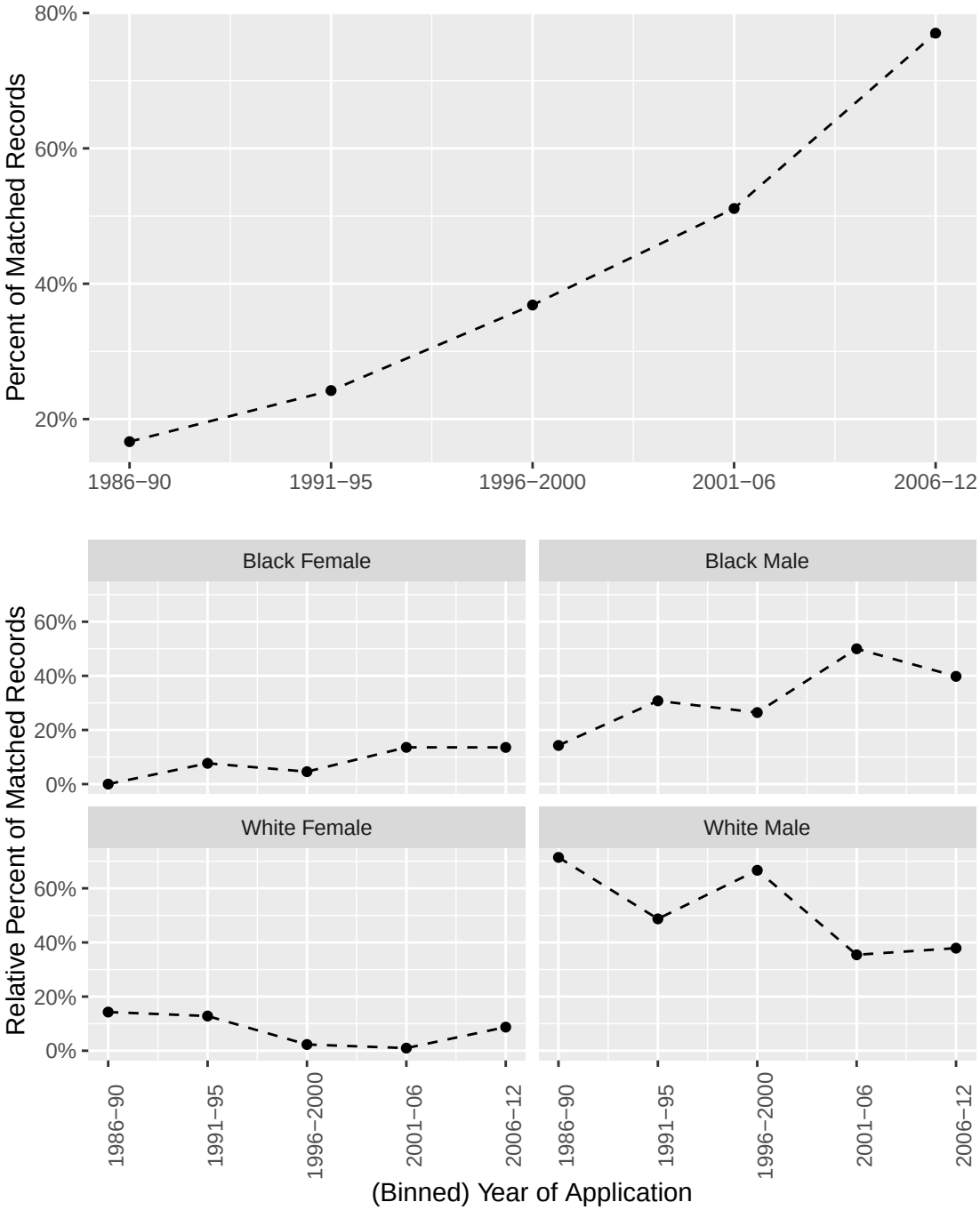
Another indirect test that we can use to assess whether blacks who wish to vote, but owe child support, are more likely to submit applications than similarly situated non-blacks is to examine whether the percentage of African-American applicants changed before and after the LFO requirement was added to the law in 2006. If non-blacks who owed LFOs were more likely to be dissuaded from applying than blacks who owed LFOs, we would expect to observe the percentage of African-Americans applying to be higher after the law change. In contrast, Figure A.4 shows that while we are more likely to match more recent applications in FOIL, African-American males made up a similar percentage of the applicants before and after the 2006 law change. While not conclusive, this suggests that strategic behavior is unlikely to be the primary reason why we observe applications from African-American males being denied more than four times as often as applications from non-African-American males.

8.2 Sampling Alacourt Records

Alacourt is a database that contains a relatively comprehensive set of case records associated with criminal charges filed in Alabama state court. Greenberg, Meredith, and Morse (2016) used Alacourt's case number search query, seen in Figure A.6a, to collect the court records associated with a set of case numbers. A case number in Alabama consists of a county, case year, and judicial division, plus a six-digit identifying number and a two digit extension.[27] Cases are sequentially numbered in each judicial division in a case year. Thus, the first case in a judicial division in a given year is number 1, the second case of the year is number 2, and so forth. Greenberg, Meredith, and Morse used systematic sampling to collect a sample of circuit case records from 1995, 2000, and 2005 - 2011. In each judicial division j and case year y, they drew a random integer $X_{j,y} \in [1, 51]$. In that judicial division and case year, Greenberg, Meredith, and Morse downloaded the case records associated with case numbers $X_{j,y} + 51 * 0, X_{j,y} + 51 * 1, X_{j,y} + 51 * 2, X_{j,y} + 51 * 3, \ldots$ until they reached a k such that $X_{j,y} + 51 * k$ was larger than the highest case number in judicial division j and case year y.

[27] The Alabama court system uses case extensions to differentiate between types of hearings. They only collected the initial case with a .00 extension, and did not collect subsequent hearings, such as those concerning probation revocation, with different case extensions.

Figure A.4: Tennessee Applications Over Time



We use Greenberg, Meredith, and Morse's (2016) sample of Alabama Circuit Court case records to construct a complete case history, including LFOs assessment and payback, for the subsample of individuals convicted of a felony in Alabama Circuit Court between 2005 and 2011. To construct our individual-level sample, we used Alacourt's party search query, seen in Figure A.6b, in which Alacourt returns all of the court records associated with a specific last name and date of birth. We first constructed a list of every last name and date of birth combination attached to a case with a felony conviction between 2005 - 2011 in Greenberg, Meredith, and Morse's circuit court sample. We downloaded every court record associated with a last name and date of birth combination contained in this list. We then processed the data, using the rules outlined in Section 8.3, and discarded records that appeared to be for a different individual with the same last name and date of birth. Finally, we sum the LFOs accrued and the balance remaining over all of the non-discarded cases associated with that last name and date of birth.

Some convicted felons are more likely than others to get selected into Greenberg, Meredith, and Morse's (2016) case-level sample. Define π_i as the probability that convicted felon i was selected into Greenberg, Meredith, and Morse's case-level sample. To make our sample representative of the population of people convicted of felonies in Alabama between 2005 and 2011, we weight each observation by $\frac{1}{\pi_i}$ when conducting individual-level analyses. Fortunately, knowledge of convicted felon i's complete Alacourt history is sufficient to be able to calculate π_i. We first calculate $n_{i,j,y}$ – the number of integers between 1 and 51 that would have caused convicted felon i to be selected into the case-level sample in district j and year y – using our knowledge of the case numbers in which individual i was convicted of at least one felony. π_i is equal to $1 - \prod_j \prod_y (1 - \frac{n_{i,j,y}}{51})$.

8.3 Alabama Felon Sample Filtering

This subsection details the matching procedure we used to create a case history of a random sample of felony offenders. As explained in Section 5, we first downloaded all cases associated with a last name and date of birth of someone convicted of a felony in Alabama Circuit Court between 2005 and 2011. We then use a matching procedure that determines whether the full name in each of these records is sufficiently similar to the full name of the individual convicted of a felony. We implement this by computing the Levenshtein distance for standardized first, middle, and last names. This distance is missing when either or both of the comparison records are not available (e.g. the query record has the middle name "Jacob" but the felon sample record reports no middle name). A query record is matched

to a seed case when they meet the following criteria:

1. The DOB of both the query record and seed record must be valid and they must exactly match.

2. The last name of both the query record and seed record must be valid and the transformation distance must be less than or equal to one.

3. The first name of both the query record and seed record must be valid and the transformation distance must be less than or equal to two.

4. If both the query and seed records have a valid middle name, the transformation distance for the middle name must be less than or equal to one. In the case of a middle initial, both middle names are truncated to one character before filtering.

8.4 Alabama Application Rate

The Alabama Department of Corrections provided individual-level incarceration records on the population of offenders who entered the state corrections system between January 1, 2000 and December 31, 2011. The data contain an individual's full name, unique AIS number, year of birth, gender, race, date of entry, date of discharge, and all known offenses. Because some people are discharged from incarceration to parole or probation, we do not know precisely when these individuals potentially became eligible to restore their voting rights. We also do not observe people in these data who are convicted of a disenfranchising felony, but never incarcerated.

Table A.4 shows a stylized example of the state corrections records to estimate the application rate of ex-felons for a Certificate of Eligibility to Register to Vote. Although we observe the population of applicants, we do not have a complete census of ex-felons who would need to apply to the Board of Pardons and Paroles to restore their voting rights. Instead, we estimate an application rate on the subset of ex-felons who were incarcerated on or after January 1, 2000, released by December 31, 2011, and qualify for a Certificate of Eligibility to Register to Vote.[28]

Table A.4: Stylized Example of Population of Corrections Records Linked to Application Record

Corrections Records				Application Records					
			Date		Name				
Race	Sex	Offense	Discharge	First	Middle	Last	DOB	Decision	Comment
Black	Male	Theft of Property	2012	[redacted]	[redacted]	[redacted]	[redacted]	Denied	Owes money
White	Male	Possession of Marijuana	2012	—	—	—	—	—	—
Black	Male	Assault	2011	—	—	—	—	—	—
White	Female	DUI	2009	–	—	—	—	—	—

There are some limitation of using these data to estimate an application rate. An ex-felon is an individual who was convicted of a felony and has since completed their entire sentence, including any probation or parole. Because we use data from the Alabama Department of Corrections, we are not able to identify individuals who were convicted of a felony but never incarcerated. We also cannot precisely identify when an individual released from the ADOC becomes an ex-felon, as we do not observe potential parole status. To address the latter issue, we also estimate at application rate when we subset the data to

[28] We keep individuals who have at least one crime that might be a crime of moral turpitude. Our definition includes the crimes whose disenfranchising status has not been identified in statute or by the AG. The Board of Pardons and Paroles communicated to us that they treat "all felonies as disenfranchising for restoration purposes unless specifically defined by case law or the AG as being non-moral turpitude felonies."

individuals discharged by 2009 in Table 3. These individuals are most likely to have completed parole and probation.

8.5 Additional Figures and Tables

Figure A.5: Sample Case Record from Alacourt

(a) Case Details and Demographic Information

ALABAMA SJIS CASE DETAIL

alacourt.com

County: 63 Case Number: [redacted] Court Action: GUILTY PLEA

Style: STATE OF ALABAMA V. Name

Real Time

Case

Case Information

County: 63-TUSCALOOSA Case Number: [redacted] Judge: MBA-M. BRADLEY ALMOND

Defendant Status: JAIL Trial Type: Charge: THEFT OF PROP 1ST

Related Cases: [redacted] Court Action: GUILTY PLEA

Probation Office #: [redacted] Probation Office Name: [redacted]

Jury Demand: True Traffic Citation #: DL Destroy Date:

Grand Jury Court Action: Inpatient Treatment Ordered: Previous DUI Convictions: 000

Case Initiation

Case Initiation Date: 03/15/2005 Case Initiation Type: ARREST Offense Date:

Filing Date: 03/16/2005 Agency ORI: Arresting Agency Type: COUNTY

Arrest Date: 03/15/2005 Arresting Officer: JACOBS City Code/Name: 00

Indictment Date: 03/09/2005 Grand Jury: 05-321 Domestic Violence: NO

Defendant Information

Name: [redacted] Alias 1: Alias 2:

Address 1: [redacted] Address 2:

City: [redacted] State: AL Zip: [redacted] Country:

DOB: [redacted] SSN: XXX-XX-X802 Phone: 0

Driver License N : AL State ID: AL000000000 Eyes/Hair: BRO/BLK

Height : 5'09" Weight: Race/Sex: B/M

Youthful Date:

AL Institutional Service Num: 000000

Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Prosecutor 1	HAR092		HARGETT CHRISTOPHER WARRE	CWHARGETT@HOTMAIL.COM	(205) 339-8628
Attorney 1	PUB001	A-APPOINTED	PUBLIC DEFENDER'S OFFICE		(205) 349-8200

(b) Legal Financial Obligations

Enforcement

Enforcement

Payor: D001 Enforcement Status: ACTIVE: PERMITS MAILERS, RECEIPTING OR DA TURNOVER Placement Status:

Amount Due: $4,117.10 Amount Paid: $2,422.00 Balance: $1,695.10

Due Date: 07/22/2013 Last Paid Date: 05/19/2014 Frequency: Frequency Amt: $0.00

Over/Under Paid: $0.00 TurnOver Date: 05/13/2009 TurnOver Amt: $0.00 D999 Amt: $731.10

PreTrial: YES PreTrail Date: PreTrial Terms: YES Pre Terms Date:

Delinquent: YES Delinquent Date: DA Mailer: YES DA Mailer Date:

Warrant Mailer: YES Warrant Mailer Date: Last Update: 05/19/2014 Updated By: TEP

Comments:

Financial

Fee Sheet

Fee Status	Admin Fee	Fee Code	Payor	Payee	Amount Due	Amount Paid	Balance	Amount Hold	Garnish Party
ACTIVE	N	D999	D001	000	$731.10	$731.10	$0.00	$0.00	
ACTIVE	N	CF71	D001	000	$25.00	$25.00	$0.00	$0.00	
ACTIVE	N	CF72	D001	000	$25.00	$25.00	$0.00	$0.00	
ACTIVE	N	CF00	D001	000	$227.00	$227.00	$0.00	$0.00	
ACTIVE	N	CFW0	D001	000	$42.00	$42.00	$0.00	$0.00	

Table A.5: Moral Turpitude in Alabama

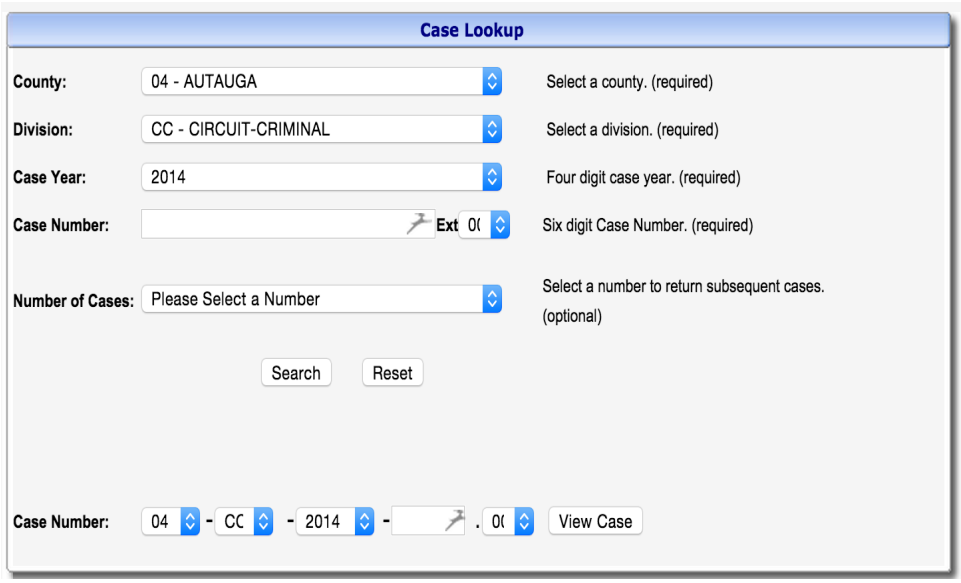
Note: All felonies are disenfranchising in practice, except those explicitly identified otherwise (column 3).

Status:	Disenfranchising	Disenfranchising	Not Disenfranchising
Source:	Statute[1]	AG[2]	AG
Restoration Mechanism:	Pardon	Certificate	Never Lose Vote
	Impeachment	Aggravated Assault[3]	Assault[4]
	Murder	Bigamy[5]	Aiding prisoner to escape[6]
	Rape in any degree	Conspiracy to commit fraud[7]	Doing business without a license[8]
	Sodomy in any degree	Forgery[9]	DUI[10]
	Sexual abuse in any degree	Income tax evasion[11]	Possession of marijuana[12]
	Treason	Manslaughter[13]	Violation of liquor laws
	Possession of obscene matter	Possession of marijuana for sale[14]	
	Production of obscene matter involving a minor	Robbery[15]	
	Parents permitting children to engage in obscene matter	Sale of marijuana[16]	
	Possession with intent to distribute child pornography	Theft[17]	
	Enticing a child to enter vehicle for immoral purposes	Transport stolen vehicles across state lines[18]	
	Soliciting a child by computer		

[1] §15-22-36.1 of the Code of Alabama;
[2] Each of these crimes are listed in AG opinion 2005-092 and supported by reference to various precedents, which are cited below;
[3, 13, 17] *Johnson v. State*, 629 So. 2d 708;
[4, 8, 11, 14, 15] *Ex parte Mcintosh*, 443 So. 2d 1283;
[5] *Lawson v. State*, 33 So. 2d 388;
[6] *McGovern v. State*, 205 So. 2d 247(1967);
[7] *G.M. Mosley v. Phillips*, 487 So.2d at 879;
[9] *Moton v. State*, 69 So. 235 (1915);
[10] *Finley v. State*, 661 So. 2d 762;
[12] *Neary v. State*, 469 So. 2d 1321;
[16] *Gholston v. State*, 338 So. 2d 454;
[18] *Matthews v. State*, 286 So. 2d 91

Figure A.6: Multiple Ways to Query Alacourt Database

(a) Alacourt Search by Case Number



(b) Alacourt Search by Party Name

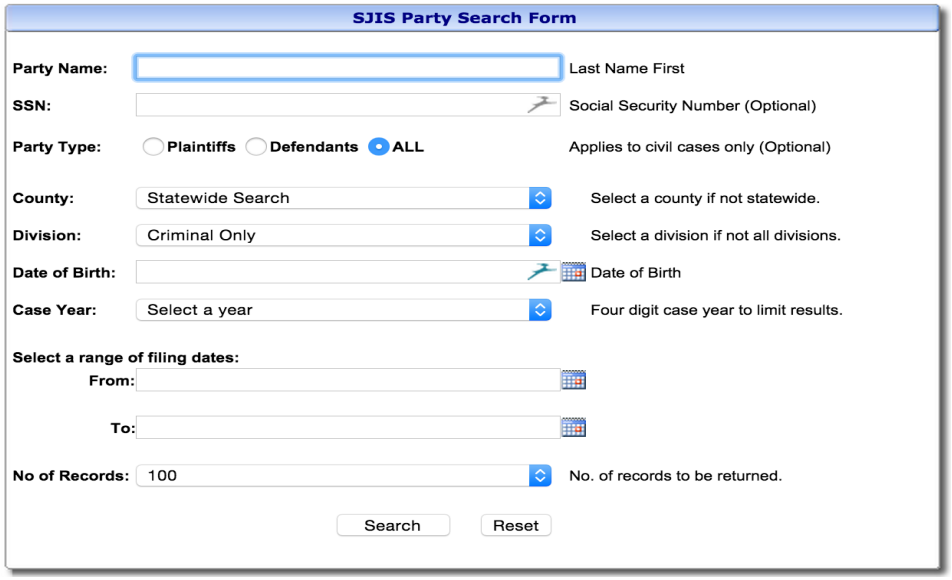


Table A.6: Stylized Example of Sample of Application Records Linked to Court Records

Application Records						Court Records					
	Name							LFOs	LFOs	Sentence	Sentence
First	Middle	Last	DOB	Decision	Comment	Race	Sex	Assessed	Balance	Imposed	Suspended
[redacted]	[redacted]	[redacted]	[redacted]	Denied	Owes money	Black	Male	$5030	$2510	5Y	0Y
[redacted]	[redacted]	[redacted]	[redacted]	Approved	–	White	Male	$2070	$0	2Y	2Y
[redacted]	[redacted]	[redacted]	[redacted]	Denied	Owes money	—	—	—	—	—	—
[redacted]	[redacted]	[redacted]	[redacted]	Denied	Other	Black	Male	$4230	$4230	1Y	1Y

Note: Note all variables in our dataset are shown here.

Table A.7: Statute & Classification of LFOs

Admin. Code	Category	Fee Purpose	Section
R001	Restitution	–	15-18-65 through 15-18-78
D999	Fee	Interest	12-17-225.4
CF10	Fine	–	13A-5-11
CF70	Fee	Attorneys Fees	15-12-25
SF10	Fine	–	13A-5-11
SF70	Fee	Attorneys Fees	15-12-25
R002	Restitution	–	15-18-65 through 15-18-78
CF00	Fee	Docket Fee	12-19-171 through 12-19-179
SF65	Fine	–	13A-12-231
CF65	Fine	–	13A-12-231
SF00	Fee	Docket Fee	12-19-171 through 12-19-179
CM00	Fee	Docket Fee	12-19-171 through 12-19-179
R003	Restitution	–	15-18-65 through 15-18-78
SO75	Fee	Criminal History Fee	12-19-180
SF73	Fee	Crime Victims Fund - Discretionary	15-23-17
B001	Unclassified LFO	–	12-19-311
SF30	Fee	Subpoena Fees	12-19-171(b)
SO15	Fee	Drug Fee	12-19-181
CF73	Fee	Crime Victims Fund - Discretionary	15-23-17
R004	Restitution	–	15-18-65 through 15-18-78
R015	Restitution	–	15-18-65 through 15-18-78
ST90	Fee	Jail Fee	
B003	Unclassified LFO	–	12-19-311
CM10	Fine	–	13A-5-12
CM60	Fee	Worthless Check Fees	12-17-224
CF71	Fee	Crime Victims Fund	15-23-17
ST17	Fine	–	32-5A-191
CF72	Fee	Crime Victims Fund	15-23-17
CM70	Fee	Attorneys Fees	15-12-25
SM00	Fee	Docket Fee	12-19-171 through 12-19-179
CM61	Fee	85% Enhancement	12-17-224e.1.(i)II.
SF71	Fee	Crime Victims Fund	15-23-17
DRF3	Fee	Drug Fee	12-19-181
SF72	Fee	Crime Victims Fund	15-23-17
DRF2	Fee	Drug Fee	12-19-181
R008	Restitution	–	15-18-65 through 15-18-78
BND2	Unclassified LFO	–	12-19-311
R006	Restitution	–	15-18-65 through 15-18-78
SM10	Fine	–	13A-5-12
B002	Unclassified LFO	–	12-19-311
R005	Restitution	–	15-18-65 through 15-18-78
SM60	Fee	Worthless Check Fees	12-17-224
SF80	Fee	Preliminary Hearing	12-19-171(a)(1)e.
LCSF	Fee	Solicitor Fee	12-19-182
R007	Restitution	–	15-18-65 through 15-18-78
SFW0	Fee	Alias Writ	12-19-171(a)(2)a.
SM70	Fee	Attorneys Fees	15-12-25
CFW0	Fee	Alias Writ	12-19-171(a)(2)a.
CADM	Fee	Docket Fee	Act 2012-535
R029	Restitution	–	15-18-65 through 15-18-78
CF50	Fee	Warrant Fee	
SF50	Fee	Warrant Fee	
R009	Restitution	–	15-18-65 through 15-18-78
SM30	Fee	Subpoena Fees	12-19-171(b)
CF30	Fee	Subpoena Fees	12-19-171(b)
CM71	Fee	Crime Victims Fund	15-23-17
CM72	Fee	Crime Victims Fund	15-23-17
R028	Restitution	–	15-18-65 through 15-18-78
CF80	Fee	Preliminary Hearing	12-19-171(a)(1)e.
SWSF	Fee	Solicitor Fee	12-19-182
DRF1	Fee	Drug Fee	12-19-181
SHER	Fee	Sherriff's Service Fee	Const Amend 661; 45-25-81.60(Dekalb County)
ST15	Fee	Head Injury Fee	32-5A-191(m)
R023	Restitution	–	15-18-65 through 15-18-78
R011	Restitution	–	15-18-65 through 15-18-78
R022	Restitution	–	15-18-65 through 15-18-78
R013	Restitution	–	15-18-65 through 15-18-78
CM65	Fine	–	13A-12-231
R020	Restitution	–	15-18-65 through 15-18-78
R012	Restitution	–	15-18-65 through 15-18-78
R018	Restitution	–	15-18-65 through 15-18-78
R019	Restitution	–	15-18-65 through 15-18-78
R016	Restitution	–	15-18-65 through 15-18-78
R017	Restitution	–	15-18-65 through 15-18-78
CM73	Fee	Crime Victims Fund - Discretionary	15-23-17
CF40	Unclassified LFO	–	12-19-171(a)

Table A.8: Share of LFOs by Type and Accounting

		Completed Sentence		All Persons	
LFO Category	Averaging	No Traffic LFOs	Yes Traffic LFOs	No Traffic LFOs	Yes Traffic LFOs
Fee	By Dollar	0.44	0.42	0.49	0.46
Fee	By Person	0.57	0.57	0.57	0.57
Fine	By Dollar	0.19	0.18	0.20	0.19
Fine	By Person	0.15	0.15	0.16	0.16
Restitution	By Dollar	0.32	0.30	0.26	0.24
Restitution	By Person	0.16	0.16	0.13	0.13
Unclassified	By Dollar	0.06	0.09	0.05	0.11
Unclassified	By Person	0.11	0.11	0.13	0.13

Table A.9: Distribution of LFOs by Person

	Sample Size	Estimated Population	Amount Due by Quantile 25th	50th	75th	Balance by Quantile 25th	50th	75th	% Balance Remaining
All	2924	113,370	2,521	5,349	11,500	815	3,523	9,224	0.852
		(801)	(91)	(147)	(331)	(77)	(130)	(315)	(0.007)
Public Defender									
Yes	1999	76,399	2,633	5,524	11,543	1,333	3,815	9,530	0.886
		(671)	(111)	(181)	(386)	(99)	(156)	(365)	(0.008)
No	925	36,971	2,209	5,072	11,409	42	2,831	8,171	0.779
		(435)	(155)	(258)	(635)	(122)	(226)	(544)	(0.011)
Difference			424	452	134	1,291	984	1,359	0.107
			[0.026]	[0.151]	[0.857]	[0.000]	[0.000]	[0.038]	[0.000]
Black									
Yes	1365	52,937	2,452	5,290	10,702	1,312	3,789	9,226	0.897
		(541)	(133)	(214)	(413)	(120)	(188)	(393)	(0.010)
No	1559	60,433	2,544	5,436	12,175	436	3,188	9,224	0.812
		(590)	(124)	(205)	(501)	(99)	(175)	(509)	(0.009)
Difference			-92	-146	-1,473	876	601	2	0.085
			[0.615]	[0.622]	[0.023]	[0.000]	[0.019]	[0.998]	[0.000]

Note: This table replicates Table 2 but includes all persons, regardless of whether they completed their maximal sentence. This is the sample is most directly comparable to Harris, Evans, and Beckett (2010).

Table A.10: Distribution of LFOs by Person

	Sample Size	Estimated Population	Amount Due by Quantile 25th	50th	75th	Balance by Quantile 25th	50th	75th	% Balance Remaining
All	1005	45,380	2,357	4,884	8,979	372	2,390	5,709	0.854
		(360)	(150)	(206)	(339)	(113)	(151)	(271)	(0.011)
Public Defender									
Yes	662	30,004	2,346	4,978	9,052	729	2,663	6,127	0.881
		(290)	(185)	(257)	(418)	(142)	(187)	(356)	(0.014)
No	343	15,377	2,387	4,827	8,919	108	1,683	5,118	0.801
		(214)	(258)	(349)	(589)	(173)	(232)	(454)	(0.019)
Difference			-41	151	133	621	980	1,009	0.080
			[0.897]	[0.728]	[0.854]	[0.006]	[0.001]	[0.081]	[0.001]
Black									
Yes	431	19,266	2,290	4,739	8,870	711	2,958	6,462	0.878
		(239)	(227)	(311)	(506)	(180)	(248)	(470)	(0.017)
No	574	26,114	2,369	4,998	9,052	226	2,133	5,456	0.836
		(270)	(202)	(276)	(456)	(144)	(191)	(348)	(0.015)
Difference			-79	-259	-182	485	825	1,006	0.042
			[0.795]	[0.533]	[0.790]	[0.036]	[0.009]	[0.085]	[0.061]

Note: This table replicates Table 2 but includes LFOs accrued in traffic cases.

Table A.11: Alabama Applications for Restoration of Voting Rights

	Sample Size	Population Size	Application %	Application Denied for LFOs	Voting Rights Never Lost	Application Other Status	LFOs Denial Rate
All Applications		25,961	0.402	0.202	0.171	0.217	0.334
All in Alacourt	632	18,560	0.358	0.288	0.169	0.186	0.447
		(388)	(0.019)	(0.018)	(0.015)	(0.016)	(0.025)
Public Defender							
Yes	303	8,898	0.333	0.358	0.137	0.173	0.520
		(408)	(0.028)	(0.026)	(0.022)	(0.023)	(0.035)
No	329	9,662	0.381	0.224	0.199	0.198	0.371
		(415)	(0.027)	(0.025)	(0.021)	(0.022)	(0.035)
Difference			-0.047	0.135	-0.062	-0.025	0.149
			[0.220]	[0.000]	[0.040]	[0.433]	[0.003]
Black							
Yes	340	9,985	0.282	0.368	0.149	0.203	0.568
		(418)	(0.026)	(0.025)	(0.021)	(0.021)	(0.033)
No	292	8,575	0.446	0.196	0.192	0.167	0.306
		(404)	(0.028)	(0.026)	(0.022)	(0.023)	(0.036)
Difference			-0.164	0.172	-0.043	0.036	0.262
			[0.000]	[0.000]	[0.153]	[0.256]	[0.000]

Table A.12: Reasons Applications Neither Granted Nor Denied Due to LFOs

	Number	Share
Did Not Lose Voting Rights	4373	43.52%
Ineligible – Under Supervision	1522	15.15%
Other Category	1225	12.19%
Ineligible – Out of State	1088	10.83%
Ineligible – Crime	820	8.16%
More Information Needed	444	4.42%
Ineligible – Pending Case	192	1.91%
Ineligible – No Details	142	1.41%
Voting Rights Not Requested	129	1.28%
Ineligible – Outstanding LFOs and Under Supervision	114	1.13%