

## **EXPERT REPORT OF DR. TRACI BURCH**

**May 8, 2020**

### I. Background and Qualifications

My name is Traci Burch. I am an Associate Professor of Political Science at Northwestern University and a Research Professor at the American Bar Foundation. I received my Ph.D. in Government and Social Policy from Harvard University in 2007.

Over the past 15 years, I have led several large, long-term quantitative and qualitative research projects on political participation in the United States, with a particular focus on the ways in which interactions with the criminal justice system can either mobilize or inhibit political participation. I am widely regarded as an expert on the intersection of criminal justice and political participation, having produced some of the first direct estimates of the voting patterns of individuals who had been convicted of felony offenses. I have produced these estimates for several states, including North Carolina, for multiple years and in multiple articles.

My work in this field has been widely cited and replicated and has won several awards. In particular, my dissertation on the effects of felony disenfranchisement on voting in North Carolina, Georgia, and other states, “Punishment and Participation: How Criminal Convictions Threaten American Democracy” won the Robert Noxon Toppan Prize for the Best Dissertation on a Subject of Political Science at Harvard in 2007. I also achieved national recognition for this work; the dissertation was also awarded the E.E. Schattschneider Award from the American Political Science Association for the best dissertation in American Government, and the William Anderson Award for the best dissertation in federalism, intergovernmental relations, and state and local politics. Several articles from this dissertation, including work evaluating voting patterns among people with felony convictions in North Carolina, Georgia, Florida, Missouri,

and Michigan, have been published in leading peer-reviewed journals. In particular, my articles “Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout and Party Registration of Florida’s Ex-Felons” and “Turnout and Party Registration among Criminal Offenders in the 2008 General Election,” which appeared in the peer-reviewed journals *Law and Society Review* and *Political Behavior*, respectively, included my calculations of felony disenfranchisement and its effects in North Carolina. My academic book on the community-level effects of criminal convictions on political participation, *Trading Democracy for Justice*, was published by the University of Chicago Press and also won multiple national awards from the American Political Science Association and its sections, including the Ralph J. Bunche Award for the best scholarly work that explores the phenomenon of ethnic and cultural pluralism and best book awards from the law and politics and urban politics sections. *Trading Democracy for Justice*, as well as the articles “The Effects of Imprisonment and Community Supervision on Political Participation” and “The Old Jim Crow: Racial Residential Segregation and Neighborhood Imprisonment,” also rely on my analyses of data from North Carolina.

I have testified before the U.S. Commission on Civil Rights about the collateral consequences of felony convictions with respect to voting and other issues. I have received several grants for my work, including a grant from the Stanford University Center on Poverty and Inequality. I also serve as co-Principal Investigator on a National Science Foundation grant that supports graduate and postdoctoral fellowships at the American Bar Foundation. I have served on Editorial Boards of several leading journals including *Political Behavior* and *Law and Social Inquiry*. Currently, I am on the Board of Overseers for the General Social Survey, a longstanding national public opinion survey run by the National Opinion Research Center at the University of Chicago. I routinely review the work of my peers for tenure, scholarly journals,

university presses, and grants and have served as a reviewer for the *American Political Science Review*, *The American Journal of Political Science*, *The Journal of Politics*, *Political Behavior*, the National Science Foundation, Cambridge University Press, Princeton University Press, the University of Chicago Press, Oxford University Press, and many other entities.

My curriculum vitae is provided in the **Appendix**. I am being compensated \$300 per hour for work in this case, plus expenses. This is my second engagement as an expert witness. I previously testified at trial and in a deposition in one case in federal district court in Florida, *Kelvin Jones vs. Ron DeSantis, etc. et al.* (Consolidated Case No. 4:19-cv-300).

Counsel for the Plaintiffs in the above-captioned litigation retained me to analyze voter turnout and registration statistics for persons who have been subject to North Carolina's felony disenfranchisement law. I also was asked to evaluate the claims of government interests asserted by the defendants in this case in light of the scholarly literature on criminal sentencing, felony disenfranchisement and the political participation of people with felony convictions. Finally, I was asked to discuss the individual and societal harms that may result from felony disenfranchisement of persons living in the community.

In formulating my opinions in this report, I draw primarily on standard sources and methods in political science to offers opinions based on the scholarly literature, and to undertake my own analysis of voting patterns among offenders in North Carolina, including the population currently under community supervision. In the course of conducting this research, I rely upon publicly available data and reports produced by the North Carolina State Board of Elections and the North Carolina Department of Public Safety as well as reports published by other state and local agencies, national public interest groups, and scholarly research and studies.

## II. Summary of Opinions Offered

As my report details below, I review a large number of scholarly articles on the impact of felony disenfranchisement laws, voting patterns among people with felony convictions, and the intersection of felony disenfranchisement laws with laws imposing legal financial obligations. Additionally, I merged data from the North Carolina State Board of Elections with data from the North Carolina Department of Public Safety in order to calculate voter registration and turnout rates among several categories of North Carolina offenders, including the population currently serving probation and parole sentences in the community for felony convictions. I am able to offer several opinions based on this work.

First, consistent with previous research on the registration and turnout of people in felony convictions in North Carolina and other states, I find that many of the people currently under supervision for felony convictions in the community in North Carolina would register and vote if they were not currently disenfranchised. This assessment is based on my calculations that 38.5 percent of people currently under community supervision had registered to vote in the past, and about 20.1% of U.S. citizens who were over the age of 18 and who were not actively serving a sentence for a felony conviction at the time voted in the 2016 presidential election. Further, I calculate that 27.7% U.S. citizens aged 18 and older who had finished serving prison, probation, or parole sentences in North Carolina by the time of the 2016 presidential election voted in that election. These estimates are conservative for several reasons, as I note in the body of the report.

Second, in my opinion, neither this research nor the wider scholarly literature supports the defendants' claim that North Carolina's disenfranchisement law advances the governmental interests that they state. With respect to the interests the defendants assert in ensuring that people convicted of felonies serve out their entire sentence and complete all the obligations and conditions imposed as part of probation and parole, the literature shows that this requirement

imposes undue burdens that many indigent people with felony convictions cannot overcome. Instead, felony disenfranchisement, rather than removing arbitrariness and promoting uniformity as the defendants assert, can predicate re-enfranchisement on individuals' ability to pay, creating what has aptly been described as "wealth-based penal disenfranchisement."<sup>1</sup> North Carolina's felony disenfranchisement law also fails to advance the defendants' stated interest in promoting restoration and voting among people who have finished serving their sentences. The extant scholarship shows that felony disenfranchisement laws sow confusion about rights even in states with automatic restoration, and research demonstrates that North Carolina's notification process does not overcome these issues. The introduction of notification at discharge in North Carolina was found to have no effect on registration and turnout among people who have finished serving their sentences.<sup>2</sup>

Third, I find, based on existing scholarship, that felony disenfranchisement produces harmful effects for individuals, families, and communities. Disenfranchisement sends harmful messages of social and political exclusion that can hurt reintegration. Further, at the micro level, disenfranchisement rates can get so high that they produce spillover effects that suppress voting among the families and communities of disenfranchised citizens.

### III. Voting Participation Rates among People Serving Felony Sentences in the Community in North Carolina

#### A. Literature Review

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<sup>1</sup> Beth Colgan. 2019. "Wealth-Based Penal Disenfranchisement." *Vanderbilt Law Review* 78(1): 55-187.

<sup>2</sup> Meredith, Marc and Michael Morse. 2014. "Do Voting Rights Notification Laws Increase Ex-Felon Turnout?" *The Annals of the American Academy of Political and Social Science*: 651.

Many studies have examined the voting participation of individuals at various stages of interactions with the criminal justice system. All studies that directly examine the self- or government-reported registration and turnout of people involved with the criminal justice system find that people who are arrested, convicted, punished, and disenfranchised for felony and misdemeanor offenses tend to participate in politics less than demographically-similar people who do not experience criminal justice contact. Weaver and Lerman find that escalating contacts with the justice system, from arrest to conviction, decrease voter turnout.<sup>3</sup> Other work also finds relatively low registration and turnout among ex-prisoners and ex-probationers in several states across the United States.<sup>4</sup>

However, despite the reportedly low turnout of people with felony convictions, the evidence suggests that many individuals in North Carolina register and vote both before and after their felony convictions. In North Carolina, my previous research estimated that in 2008,<sup>5</sup> 35.5% of male ex-felons were registered to vote in the state, and 24.2 voted in the 2008 general

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<sup>3</sup> Weaver, Vesla M. and Amy E. Lerman. 2010. "Political Consequences of the Carceral State". *American Political Science Review*. 104(4): 817–833.

<sup>4</sup> Burch, Traci 2007. "Punishment and Participation: How Criminal Convictions Threaten American Democracy". Ph.D. thesis, Harvard University. Burch, Traci 2011. "Turnout and Party Registration among Criminal Offenders in the 2008 General Election". *Law & Society Review*. 45(3): 699–730. Burch, Traci 2012. "Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout Rates and Candidate Preferences of Florida's Ex-Felons". *Political Behavior*. 34(1): 1–26. Meredith, Marc and Michael Morse. 2014. "Do Voting Rights Notification Laws Increase Ex-Felon Turnout?" *The Annals of the American Academy of Political and Social Science*: 651. Haselswerdt, Michael V. 2009. "Con Job: An Estimate of Ex-Felon Voter Turnout Using Document-Based Data". *Social Science Quarterly*. 90(2): 262–273. Hjalmarsson, Randi and Mark Lopez. 2010. "The Voting Behavior of Young Disenfranchised Felons: Would They Vote if They Could?" *American Law and Economics Review*. 12(2): 265–279. Gerber, Alan S., Gregory A. Huber, Marc Meredith, Daniel R. Biggers, and David J. Hendry. 2015. "Can Incarcerated Felons Be (Re)integrated into the Political System? Results from a Field Experiment." *American Journal of Political Science* 59(4): 912–26. White, Ariel. 2019. "Misdemeanor Disenfranchisement? The demobilizing effects of brief jail spells on potential voters." *American Political Science Review* 113(2): 311–324.

<sup>5</sup> For 2012 turnout estimates, see Meredith and Morse, 2014.

election.<sup>6</sup> After weighting the data for mortality and mobility, I estimated that 27.5 percent of North Carolinians who had been re-enfranchised following felony convictions voted in the 2008 general election.<sup>7</sup> I also found that among North Carolinians who would be convicted of their first offense only after the 2008 election, turnout was 17.3 percent.<sup>8</sup>

Registration and turnout varied by certain demographic characteristics. Similar to the wider population, among people with felony convictions, blacks were slightly more likely than whites to have voted in the 2008 election post release.<sup>9</sup> Registration and turnout increased with age, such that older voters were more likely to participate than younger voters.<sup>10</sup> There were slight differences between people who had served time in prison and those who had not, with ex-prisoners being slightly less likely to have voted in 2008 than people who had not served time in prison for their felony convictions.<sup>11</sup>

Finally, I noted in my article after comparing turnout in 2008 with that of 2004 and 2000 that voting among people with felony convictions increased over time across the states that I examined in the study. The increasing turnout is not likely to have resulted from policy changes, but almost entirely reflects the greater mobilization of black voters generally, and even in the felon population, on behalf of Barack Obama in 2008.<sup>12</sup>

## B. Methodology

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<sup>6</sup> Burch, 2011.

<sup>7</sup> Burch, 2011.

<sup>8</sup> Burch, 2011.

<sup>9</sup> Burch, 2011.

<sup>10</sup> Burch, 2011.

<sup>11</sup> Burch, 2011.

<sup>12</sup> Burch, 2011.

To examine more recent voter registration and turnout statistics of people in North Carolina with felony convictions, I join data on felony offenders from the North Carolina Department of Public Safety to voter registration and history data containing information on all registered voters from the North Carolina State Board of Elections. I first introduced these procedures in my dissertation and have used them to produce estimates of voting participation among people convicted of felonies in several other papers.<sup>13</sup> The procedure was also replicated by other researchers.<sup>14</sup> These files are updated regularly by the secretary of state and contain the last name, first name, middle name and birth year for all voters. I downloaded the voter registration and history files and most department of public safety files on March 26, 2020 (with the exception of two files downloaded on April 7, 2020). To create the datasets used for the analysis of offenders, the names of individuals from the state offender files were linked electronically to those found in the voter files in a multi-step process. First, the last name, first name, middle name birth year, race, and gender were used to match as many offenders as possible. In instances in which voters' last name, first name, middle name, birth year, race and gender produced duplicate identifiers, subsequent inactive entries were deleted. A second round of matching was conducted using only the last name, first name, birth year, race, and gender for those offenders who remained unmatched after the first round. A final round of matching for the remaining individuals used only the last name, first name, birth year, and gender.

It is worth noting that exact matching criminal records to voter records in this way produces conservative estimates of registration and turnout for several reasons. First, the process underestimates the registration and turnout of women, who may change their names without updating voter or criminal records. Second, the process will fail to match individuals whose

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<sup>13</sup> Burch, Traci 2007; Burch, Traci 2011; Burch, Traci 2012.

<sup>14</sup> For an example, see Meredith and Morse. 2014..



names or other information is incorrect because of typographical errors. Finally, individuals may not be matched in the voter files in North Carolina because they may have moved out of state.

### C. Results—Voting Participation

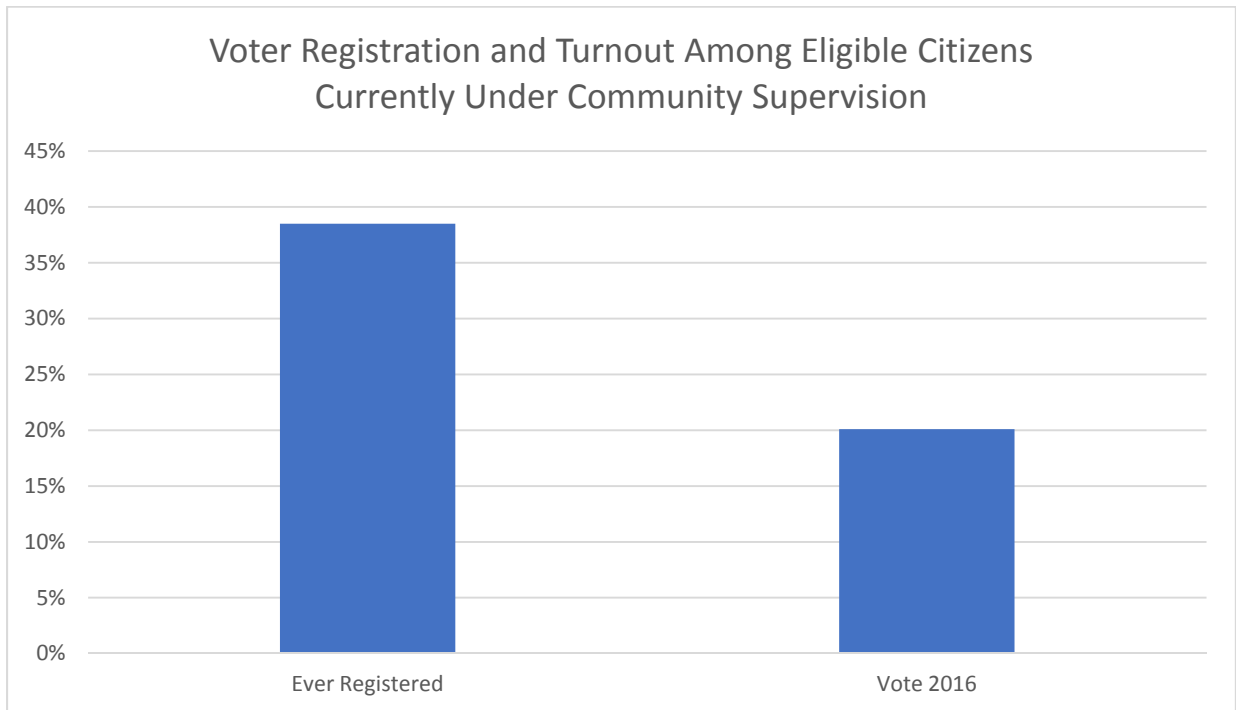
Looking closely at the data on the prior voting participation of individuals currently serving probation or parole for felony convictions, it is clear that **North Carolina’s felony disenfranchisement law prevents a significant number of people who had voted in the past (before their felony convictions) from participating in elections.** Table 1 reports, and Figure 1 shows, for eligible<sup>15</sup> individuals, past voter registration as well as turnout in the 2016 general election for the community supervision population currently serving sentences for felony convictions in North Carolina. A large number of people currently on probation or post-release supervision in North Carolina demonstrated an interest in voting prior to their convictions. **Out of 52,826 U.S. citizens over the age of 18 currently under community supervision following a felony conviction in North Carolina, 38.5% or 20,362 individuals, were matched in the voter file as having registered to vote at some point prior to their felony conviction.** Many of these individuals voted in recent elections when they could: as noted in the table, 36,508 of the 52,826 U.S. citizens now under community supervision were eligible to have voted in the 2016 general election, meaning that they were over age 18 and not serving a felony sentence at the time of the election. **The data show that 20.1% of these people voted in the 2016 general election.** This turnout rate is similar to what we might expect from similar individuals in the general population: the Census Bureau estimates that 19.6% of men and 20.6% of women in the

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<sup>15</sup> Eligible individuals include U.S. citizens over the age of 18 who were not in prison or on probation, parole, or post-release supervision for felony convictions at the time of the election.

general population with less than a high school diploma report that they voted in the 2016 general election.<sup>16</sup>

*Figure 1 Voter Registration and Turnout Among U.S. Citizens over the age of 18 Currently Under Community Supervision in North Carolina. Data excludes individuals serving active felony sentences at the time of the election*



<sup>16</sup> “Reported Voting and Registration by Age, Sex, and Educational Attainment: November 2016.” <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-580.html>

*Table 1: Voter Registration and Turnout among North Carolina's Community Supervised Population. Data from state board of elections and department of public safety*

Characteristic	2016 Eligible Population	Vote 2016	Current Eligible Supervised Population	Ever Registered
All	36508	7356	52826	20362
	100.00%	20.10%	100.00%	38.50%
Female	8838	1923	11144	4804
	100.00%	21.80%	100.00%	43.10%
Male	27670	5433	41682	15558
	100.00%	19.60%	100.00%	37.30%
Asian	124	9	156	24
	100.00%	7.30%	100.00%	15.40%
Black	15011	3030	23106	9208
	100.00%	20.20%	100.00%	39.90%
American Indian	632	82	978	313
	100.00%	13.00%	100.00%	32.00%
Other	626	52	976	225
	100.00%	8.30%	100.00%	23.10%
Unknown	172	26	232	62
	100.00%	15.10%	100.00%	26.60%
White	19943	4157	27378	10530
	100.00%	20.80%	100.00%	38.50%
Age 18-29	14728	2206	20638	7448
	100.00%	15.00%	100.00%	36.10%
Age 30-44	14125	2971	19391	7758
	100.00%	21.00%	100.00%	40.00%
Age 45-60	5801	1743	8054	3886
	100.00%	30.00%	100.00%	48.20%
Age 61 and Up	823	301	1075	538
	100.00%	36.60%	100.00%	50.00%
No time in Prison	19876	4085	23144	9385
	100.00%	20.60%	100.00%	40.50%
Served Time in Prison	16632	3271	29682	10977
	100.00%	19.70%	100.00%	37.00%
Open Financial Record	7264	1939	11028	4966
	100.00%	26.70%	100.00%	45.00%

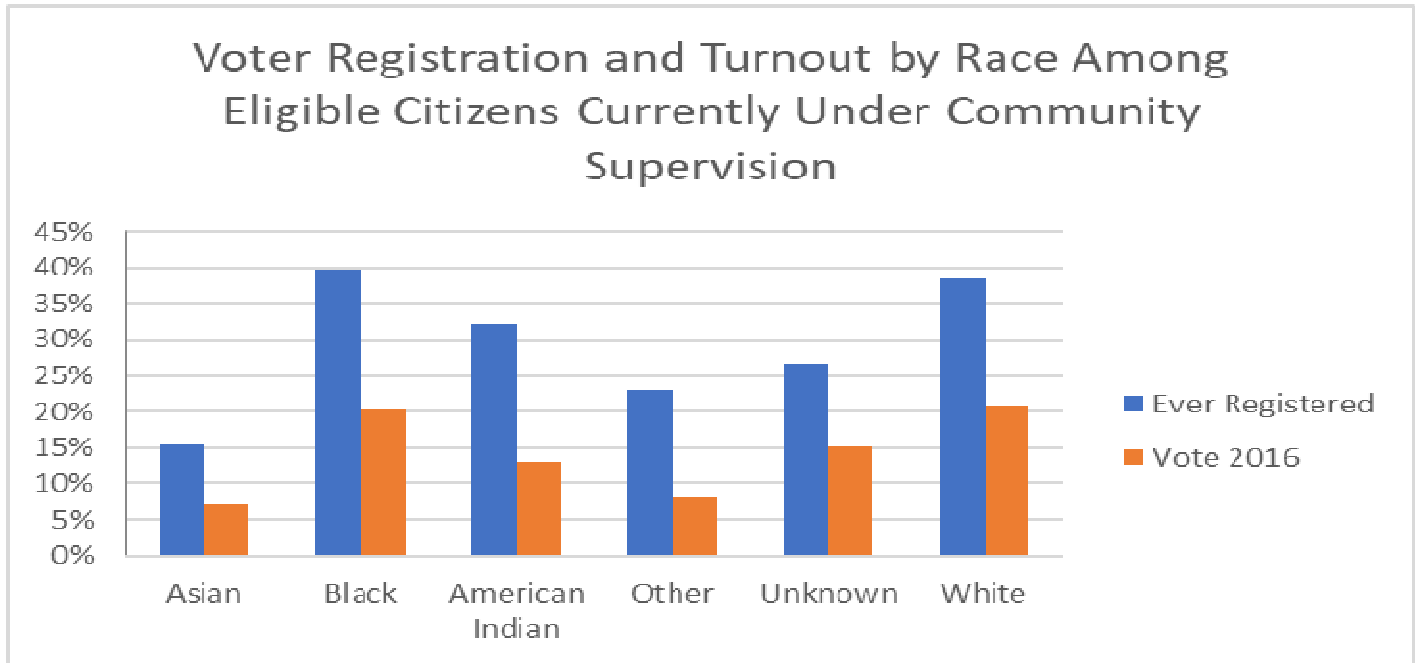
## *Race*

With respect to racial disparities, the community supervision population is disproportionately African-American. **According to the Census Bureau, African-Americans make up only 22.2% of the population of North Carolina, but are 43.7% of the U.S. citizens currently under community supervision. However, with respect to past electoral participation, black participation rates are similar to those of whites.** As reported in Table 1 and shown in Figure 2, 39.8% of blacks (9,208) in the community supervision population had ever registered to vote, compared with 38.5% of whites (10,530) currently under community supervision.<sup>17</sup> Voter turnout (again only for U.S. citizens over the age of 18 and who were not serving active felony sentences at the time of the election) is also similar between the two groups: 20.3% of blacks currently under community supervision voted in the 2016 general election, while 21.3% of whites currently under community supervision did so. However, despite the similar registration and turnout rates for blacks and whites, it is important to note that about 1.5 million black people were registered to vote in North Carolina in 2016, compared with 4.8 million white people. Thus, the disenfranchisement of blacks from the community supervised population relative to the overall number of black registered voters is 3 times as high as the relative disenfranchisement of whites in the community supervised population. In other words, despite roughly similar turnout in the past among blacks under community supervision, the disenfranchisement law has a greater impact on black voter turnout than white voter turnout because blacks are a smaller percentage of the population.

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<sup>17</sup> Please see Table 5 in the appendix for data on race and ethnicity.

Figure 2: Voter Registration and Turnout by Race Among Eligible Citizens Currently Under Community Supervision in North Carolina.



It is worth noting in the section on racial disparities that, although they are not overrepresented in the community supervision population, electoral participation is lower for American Indian and Asian citizens in this group. For instance, only 7.8% of eligible Asians and 11.8% of eligible American Indians currently under community supervision voted in the 2016 general election. Fifteen percent of Asians and 32% of American Indians had registered to vote in the past.

### Gender

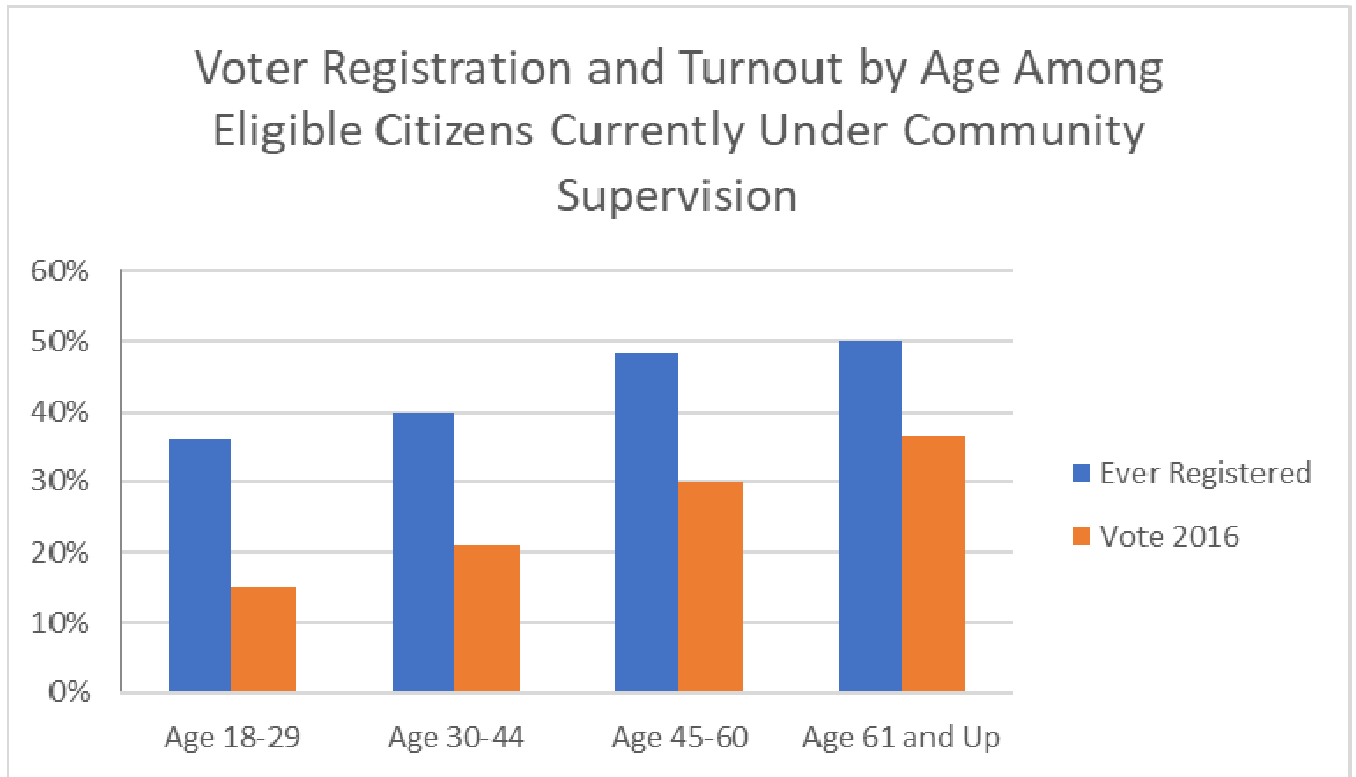
As noted in the methodology discussion, it is difficult to discuss gender differences, primarily because the matching strategy will underestimate voter registration and turnout among women who change their names because of entering or leaving a marriage. However, even with these caveats, it is clear from Table 1 that women had registered in the past at higher rates than men: 43.1% of women currently under community supervision had registered to vote in the past,

compared with 37.3% of men. Turnout rates (again only for U.S. citizens who were over the age of 18 and who were not serving active felony sentences at the time of the election) in the presidential election also are higher: 21.8% of women voted in the 2016 general election, compared with 19.6% of men.

### *Age*

The pattern of voting participation by age largely mirrors that of the broader population: older people demonstrate higher voter participation than the young, and **voting among younger cohorts in the community supervised population lags significantly behind voting among older members of the community supervision population.** As shown in Figure 3, among citizens age 18 to 29 at the time of the 2016 election currently under community supervision for a felony conviction (about 39% of the community supervised population), 36.1% had ever registered to vote and 15.1% voted in the 2016 general election. Among citizens age 30 to 44 at the time of the 2016 election, 40% had ever registered to vote and 21% voted in the 2016 general election. Among those age 45 to 60 at the time of the election, 48.2% had ever registered to vote and 30% turned out to vote in 2016. Those over the age of 61 at the time of the election reported the highest participation: 50% had registered and 36% voted in the 2016 general election.

Figure 3 Voter Registration and Turnout by Age Among Eligible Citizens Currently Under Community Supervision in North Carolina. (For U.S. citizens who were over the age of 18 and who were not serving active felony sentences at the time of the election)



### *Punishment Type*

Among the overall community supervised population, there are some small participation differences between people who had served time in prison for a felony conviction and those who had not. Among those eligible citizens currently under community supervision who had never served time in prison for a felony conviction, 40.5% had ever registered to vote and 20.6% voted in the 2016 general election.<sup>18</sup> Among those who had served time in prison for a felony

<sup>18</sup> Again, only for U.S. citizens who were over the age of 18 and who were not serving active felony sentences at the time of the election.

conviction in the past, 37.0% had ever registered to vote and 19.7% voted in the 2016 general election.<sup>19</sup>

Additionally, with respect to legal financial obligations, the department of public safety lists 11,028 of the U.S. citizens currently under community supervision as having entries defined as “open” in their financial files. Of those individuals, 4,966 (45.0%) have ever registered to vote and 1,939 or 26.7% of those currently supervised who were eligible to vote in 2016 did so.

### *Other Estimates of Impact*

In addition to looking at the past voting participation of the people currently supervised in the community for felony convictions, we can also look at the participation of two other groups to get a sense of how many people can be expected to vote but for the disenfranchisement law. First, I will examine the participation of people who had finished serving felony sentences at the time of the 2016 presidential elections. Next, I will calculate the turnout in 2016 for people who were convicted of their first felonies only after those elections. These comparison groups provide insight into what participation was like before any experience of disenfranchisement as well as after being re-enfranchised following a period of disenfranchisement.

### Participation after Completing Felony Sentences

To generate these counts of voter registration and turnout among people who had finished serving felony sentences in North Carolina, I used the same procedures outlined in the methods section to match entries in the voter registration and history files to offender records from the department of public safety. These estimates contain only U.S. citizens who were aged 18 and

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<sup>19</sup> Again, only for U.S. citizens who were over the age of 18 and who were not serving active felony sentences at the time of the election.



older at the time of the election in question, who were not listed as deceased in department of public safety records, who had been convicted of felonies prior to the election in question, and who, as of November 1 of the election year, had completed the terms of their sentence (including probation, parole, or post-release supervision) following felony convictions.<sup>20</sup> The population has been adjusted to account for mortality but not out-of-state mobility; thus these figures likely underestimate the true turnout of this population post completion of the sentence.<sup>21</sup>

As noted in Table 2, 372,422 individuals fit these criteria by the time of the 2016 general election. **Of those, 103,130 or 27.69% voted in the 2016 general election post-completion of their sentence.** These numbers have been adjusted to account for mortality among the ex-felon population.

As is the case with the population currently under supervision, turnout among people who had finished serving their felony sentences varies by demographic characteristics, with some groups much more likely to vote than these averages suggest. Blacks voted at slightly higher rates than whites in 2016 (29.8% and 26.3% respectively). Turnout among Asians and American Indians lagged behind both groups. Post-release voting in the group under age 30 is lower (13.1% in 2016) than that of the oldest group of voters (35.46% in 2016). People who had only served time under community supervision voted at slightly higher rates than people who had served some time in prison (28.5 vs. 27.3% respectively in 2016).

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<sup>20</sup> Moving this date to September 1 does not substantially alter the counts or conclusions discussed here.

<sup>21</sup> “Life Tables for the United States Social Security Area 1900-2100.” [https://www.ssa.gov/oact/NOTES/as120/LifeTables\\_Tbl\\_6\\_2010.html](https://www.ssa.gov/oact/NOTES/as120/LifeTables_Tbl_6_2010.html) Please see Table 6 in the appendix for unadjusted voter turnout.

*Table 2 Voter Turnout among people who have finished serving felony sentences. Data adjusted for mortality. Data from state board of elections and department of public safety.*

Characteristic	2016	
	Eligible Population	Vote 2016
Total	372422	103130
	100.00%	27.69%
Female	67589	18976
	100.00%	28.08%
Male	304833	84154
	100.00%	27.61%
Asian	628	39
	100.00%	6.21%
Black	189434	56562
	100.00%	29.86%
American Indian	7549	1502
	100.00%	19.90%
Other	5218	420
	100.00%	8.05%
Unknown	381	35
	100.00%	9.19%
White	169213	44572
	100.00%	26.34%
Age 18-29	31481	4111
	100.00%	13.06%
Age 30-44	127116	28442
	100.00%	22.37%
Age 45-60	151290	48434
	100.00%	32.01%
Age 61 and Up	62425	22133
	100.00%	35.46%
No time in Prison	124762	35566
	100.00%	28.51%
Served Time in Prison	247660	67564
	100.00%	27.28%

### Pre-Conviction Participation

Turning now to examining turnout among people who experienced their first felony conviction and disenfranchisement post-election, it is clear yet again that a substantial number of

people participated in the 2016 general election. After using the same procedures described above to match voter records to department of public safety records, I identified individuals in the department of safety records who were U.S. citizens, aged 18 or older at the time of the election in question, had no felony convictions before November 1 of the election year, but had felony convictions in the future, after the election.

As noted in Table 3, I identified 34,644 individuals who were convicted of their first felony offense only after the 2016 general election. In 2016, 20.4% voted. It is clear that, like with the population currently under community supervision, turnout rates are lower among this group than the population who has finished serving their felony sentences because this group is disproportionately younger: among those convicted after the election, half were under age 30 at the time of the 2016 election, while only about 8% of the post release group was under age 30 at the time of the 2016 election. Similarly, the population currently under supervision skews disproportionately younger and thus has lower turnout overall than the post-release group.

*Table 3 Voter Turnout among people convicted of their first felonies in North Carolina after the 2016 election. Data from state board of elections and department of public safety*

Characteristic	2016 Eligible Population	Vote 2016
All	34644	7070
	100.00%	20.40%
Female	9357	2005
	100.00%	21.40%
Male	25287	5065
	100.00%	20.00%
Asian	128	10
	100.00%	7.80%
Black	12806	2604
	100.00%	20.30%
American Indian	719	85
	100.00%	11.80%
Other	828	84
	100.00%	10.10%

Unknown	225	36
	100.00%	16.00%
White	19938	4251
	100.00%	21.30%
Age 18-29	17344	2715
	100.00%	15.70%
Age 30-44	10963	2499
	100.00%	22.80%
Age 45-60	4105	1357
	100.00%	33.10%
Age 61 and Up	639	291
	100.00%	45.50%
No time in Prison	18721	4255
	100.00%	22.70%
Served Time in Prison	15923	2815
	100.00%	17.70%

Still looking at Table 3, the demographic pattern of turnout is the same as with the groups examined previously. Pre-felony conviction and pre-disenfranchisement, blacks and whites voted at roughly similar rates in 2016; Asians and American Indians voted at lower rates. Voter turnout increases with age such that the relatively small group who experienced their first felony conviction after age 61 voted at nearly three times the rate of the under 30 group in 2016. The disparity across punishment type is also large: only 17.7% people who would eventually serve time in prison voted in 2016 compared with 22.7% of those would only serve time on probation.

#### Summary

**Based on the preceding analysis, I conclude that North Carolina’s felony disenfranchisement law prevents thousands of people living in North Carolina communities from voting who would in fact vote if not for the disenfranchisement.** Many of the currently disenfranchised individuals—38.5%—had registered to vote previously. Twenty percent of them voted in the last presidential election. Within those numbers, turnout rates are even higher

among older people and among those who had never served time in prison. Comparing their turnout in the 2016 general elections with that of people who had been released from all supervision for felony convictions and with that of people who were convicted of felonies only after those elections, we again see turnout ranging from 20-28% in the presidential election.

**Based on these numbers, it would be reasonable to expect that at least 38.5% of the population under community supervision might be registered to vote and at least 20% of them might vote in the upcoming presidential election in the absence of felony disenfranchisement. Many subgroups, including older voters, black voters, and women voters, may vote at rates even higher than 30%.** These estimates are conservative for reasons previously explained, and also does not take into account any potential new outreach and education efforts designed to mobilize persons no longer disenfranchised.

#### IV. The Compelling Interests Asserted by the Defendants in Support of the Disenfranchisement Law Do Not Have Empirical or Theoretical Support in the Scholarly Literature

The defendants assert that North Carolina's felony disenfranchisement law advances several governmental interests. Those interests fall into three broad categories: (1) ensuring that voting is predicated on the completion of the entire sentence, including the conditions and obligations of parole or probation; (2) imposing a standard for the restoration of voting rights that is uniform rather than arbitrary, capricious, or confusing; and (3) encouraging the re-enfranchisement and registration of citizens who have completed their sentences. However, the scholarly literature provides little or no empirical support for, and at times even contradicts, the notion that felony disenfranchisement as practiced in North Carolina advances these governmental interests.

- A. Governmental interest: ensuring that voting is predicated on completing the entire sentence and all conditions and obligations of probation and parole

Several of the governmental interests articulated by the legislative defendants and the state board of elections purport to advance the general goal of ensuring that people with felony convictions serve out their entire sentences and complete all conditions and obligations of probation and parole in order to vote. The Board of Elections lists a governmental interest in “Ensuring that all persons convicted of felony offenses fully satisfy their obligations before their rights of citizenship are restored.” The Board of Elections also argues that the law furthers the state’s interest in “Encouraging compliance with court orders.” The state also asserts interests in “Requiring felons to complete all conditions of probation, parole, and post-trial supervision” and “. . . pay full restitution to their victims so that their victims are made as whole as possible.” The state also lists “Withholding the restoration of voting rights from felons who do not abide by court orders” and “who have not completed their entire sentence” as interests that are served by the disenfranchisement law.

The scholarly literature highlights several problems that arise particularly from disenfranchisement regimes that predicate the restoration of voting rights on the satisfaction of all of the imposed conditions and obligations of a sentence, especially those involving financial obligations such as the payment of court costs, restitution, and other fees. Legal financial obligations imposed on convicted defendants (and sometimes imposed pre-conviction) have increased in both frequency and amount in the United States since the year 2000. States began to increase court costs and other fines in order to help finance expensive criminal justice systems in the face of tight state and local budgets. More recent national data are not available, but in 2004 a majority of inmates in state and federal prison were assessed a fine or fee upon conviction. In

1995, 84% of people sentenced to probation were also assessed a fine or fee upon conviction, and nearly 40% of people sentenced to probation were required to pay restitution upon conviction.<sup>22</sup>

In North Carolina, fines and fees imposed on criminal defendants have increased by nearly 400%.<sup>23</sup> In 1999, a criminal defendant in North Carolina charged with a felony would face a total of \$106 in possible court fines and fees, but today “\$106 would barely cover two-thirds of the General Court of Justice fee in district court.”<sup>24</sup> According to “Monetary Sanctions in the Criminal Justice System,” a report by leading sociologists for the Laura and John Arnold Foundation, North Carolina courts now can impose numerous fines and/or fees upon conviction for a crime, many of which are mandatory.<sup>25</sup> Table 4, excerpted from this report, compiles a list of these legal financial obligations that can be imposed by courts.<sup>26</sup>

*Table 4: North Carolina Criminal Court Costs and Fees*

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<sup>22</sup> Harris, Alexes, Heather Evans, and Katherine Beckett. “Drawing Blood from Stones: Legal Debt and Social Inequality in the Contemporary United States.” *American Journal of Sociology* 115.6 (2010): 1753-799. Web.

<sup>23</sup> Hunt, Heather and Gene Nichol. 2017. “Court Fines and Fees: Criminalizing Poverty in North Carolina.” North Carolina Poverty Research Fund: 4.

<sup>24</sup> ACLU of North Carolina. 2019. “At All Costs: The Consequences of Rising Court Costs and Fees in North Carolina.” Online. Available from [https://www.acluofnorthcarolina.org/sites/default/files/field\\_documents/aclu\\_nc\\_2019\\_fines\\_and\\_fees\\_report\\_17\\_singles\\_final.pdf](https://www.acluofnorthcarolina.org/sites/default/files/field_documents/aclu_nc_2019_fines_and_fees_report_17_singles_final.pdf): 10..

<sup>25</sup> Alexes Harris, Beth Huebner, Karin Martin, Mary Pattillo, Becky Pettit, Sarah Shannon, Bryan Sykes, Chris Uggen, and April Fernandes. 2017. “Monetary Sanctions in the Criminal Justice System.” Online. Available from <http://www.monetarysanctions.org/wp-content/uploads/2017/04/Monetary-Sanctions-Legal-Review-Final.pdf>. Last accessed 4/23/2020.

<sup>26</sup> “Court Costs and Fees Chart.” North Carolina Administrative Office of the Courts. [https://www.nccourts.gov/assets/documents/publications/2019\\_Criminal\\_court\\_costs\\_chart.pdf](https://www.nccourts.gov/assets/documents/publications/2019_Criminal_court_costs_chart.pdf) uTsvyAraXdZl1sBAK1xTFZfZs8pM3h29

**COURT COSTS AND FEES CHART**

The chart below shows court costs in effect as of **December 1, 2019**<sup>1</sup> and applies to all costs assessed or collected on or after that date, except where otherwise noted, and unless subject to the “waiver exception” of G.S. 7A-304(g).

<b>CRIMINAL COURT COSTS</b> G.S. 7A-304, unless otherwise specified		<b>AMOUNT</b>
An additional summary chart of criminal costs has been attached to this cost chart as “Appendix - Criminal Costs Summary.” The appendix summarizes the basic costs common to all dispositions in a particular trial division. It does <b>not</b> include additional cost items that must be assessed depending on individual factors for each case (e.g., FTA fees, supervision fees, jail fees, etc.) or for specific offenses of conviction (e.g. improper equipment or impaired driving); those costs are assessed separately. Neither does it apply to offenses for which the relevant statute assesses specific costs or prohibits the imposition of costs.		
<b>DISTRICT COURT</b> (including criminal cases before magistrates)		
General Court of Justice Fee. G.S. 7A-304(a)(4).	General Fund	146.55
	State Bar Legal Aid Account (LAA)	.95 <sup>2</sup>
		147.50
Facilities Fee. G.S. 7A-304(a)(2).		12.00
Telecommunications and Data Connectivity Fee. G.S. 7A-304(a)(2a). <sup>3</sup>		4.00
LEO Retirement/Insurance. G.S. 7A-304(a)(3) & (3a).		7.50
LEO Training and Certification Fee. G.S. 7A-304(a)(3b).		2.00
<b>TOTAL</b>		<b>173.00</b>
Chapter 20 Fee. G.S. 7A-304(a)(4a) (for conviction of any Chapter 20 offense).		+10.00 <sup>4</sup>
DNA Fee. G.S. 7A-304(a)(9) (criminal offenses, only; does not apply to infractions).		+2.00
Plus \$5.00 service fee for each arrest or service of criminal process, including citations and subpoenas. G.S. 7A-304(a)(1).		+5.00
<b>SUPERIOR COURT</b>		
General Court of Justice Fee. G.S. 7A-304(a)(4).	General Fund	153.55
	State Bar Legal Aid Account (LAA)	.95 <sup>5</sup>
		154.50
Facilities Fee. G.S. 7A-304(a)(2).		30.00
Telecommunications and Data Connectivity Fee. G.S. 7A-304(a)(2a).		4.00
LEO Retirement/Insurance. G.S. 7A-304(a)(3) & (3a).		7.50
LEO Training and Certification Fee. G.S. 7A-304(a)(3b).		2.00
<b>TOTAL</b>		<b>198.00<sup>6</sup></b>
Chapter 20 Fee. G.S. 7A-304(a)(4a) (for conviction of any Chapter 20 offense).		+10.00
DNA Fee. G.S. 7A-304(a)(9) (criminal offenses, only; does not apply to infractions).		+2.00
Plus \$5.00 service fee for each arrest or service of criminal process, including citations and subpoenas.		+5.00



<b>OTHER CRIMINAL FEES</b>	<b>AMOUNT</b>
Appointment of Counsel Fee for Indigent Defendants. G.S. 7A-455.1.	60.00
Certificate of Relief Fee. G.S. 15A-173.2(h). <sup>7</sup>	50.00
Civil Revocation Fee (impaired driving CVRs, only). G.S. 20-16.5(j).	100.00
Community Service Fee. G.S. 143B-708.	250.00
Continuous Alcohol Monitoring (CAM) Fee (offenses prior to Dec. 1, 2012). G.S. 20-179. <sup>8</sup>	Varies <sup>9</sup>
Continuous Alcohol Monitoring (CAM) Fee (parolees, only). G.S. 15A-1374. <sup>10</sup>	Varies
Criminal Record Check Fee. G.S. 7A-308(a)(17).	25.00
Dispute Resolution Fee. G.S. 7A-38.3D and G.S. 7A-38.7.	60.00 per mediation
Expunction Fee, petitions under G.S. 15A-145, 15A-145.1, 15A-145.2, 15A-145.3, 15A-145.4, and 15A-145.7.	175.00
Expunction Fee, petitions under G.S. 15A-145.5.	175.00
Expunction Fee, petitions under G.S. 15A-146. <sup>11</sup>	175.00
Failure to Appear Fee. G.S. 7A-304(a)(6).	200.00
Failure to Comply Fee. G.S. 7A-304(a)(6).	50.00
House Arrest with Electronic Monitoring (EHA) One-Time Fee. G.S. 15A-1343(c2).	90.00
House Arrest with Electronic Monitoring (EHA) Daily Fee. G.S. 15A-1343(c2).	4.48/day
Impaired Driving Fee. G.S. 7A-304(a)(10). <b>Note:</b> Applies only to offenses committed on or after December 1, 2011.	100.00
Improper Equipment Fee. G.S. 7A-304(a)(4b). <sup>12</sup>	50.00
Installment Payments Fee. G.S. 7A-304(f).	20.00
Jail Fees (pre-conviction). G.S. 7A-313.	10.00 per 24 hours or fraction thereof
Jail Fees (split sentence served in local facility). G.S. 7A-313 and G.S. 148-29.	40.00 per day
Limited Driving Privilege Fee – Petitions under G.S. 20-20.1. At petition/Application: If Issued: (G.S. 20-20.2).	CVD Costs +100.00
Limited Driving Privilege Fee – Other than under G.S. 20-20.1. If Issued: (G.S. 20-20.2) <b>Note:</b> If there is no underlying conviction in the county, Charge civil filing fees as explained on form AOC-CV-350.	+100.00
Pretrial Release Service Fee (county). G.S. 7A-304(a)(5). <sup>13</sup>	15.00
Satellite-Based Monitoring Fee for Sex Offenders. G.S. 14-208.45.	90.00
State Crime Lab Fee. G.S. 7A-304(a)(7).	600.00
Local Government Lab Fee. G.S. 7A-304(a)(8).	600.00
Private Hospital Lab Fee. G.S. 7A-304(a)(8a). <sup>14</sup>	600.00
State Lab Analyst Expert Witness Fee. G.S. 7A-304(a)(11). <sup>15</sup>	600.00
Local Lab Analyst Expert Witness Fee. G.S. 7A-304(a)(12). <sup>16</sup>	600.00
Private Hospital Analyst Expert Witness Fee. G.S. 7A-304(a)(13). <sup>17</sup>	600.00
State Crime Lab Digital Forensics Fee. G.S. 7A-304(a)(9a). <sup>18</sup>	600.00
Local Lab Digital Forensics Fee. G.S. 7A-304(a)(9b). <sup>19</sup>	600.00
Seat Belt Violations (adult, front seat) and Motorcycle/Moped Helmet Violations. G.S. 20-135.2A and G.S. 20-140.4.	25.50 fine +costs below:
General Court of Justice Fee, G.S. 7A-304(a)(4).	147.50 (Dist.) 154.50 (Sup.)
Telecommunications and Data Connectivity Fee. G.S. 7A-304(a)(2a).	4.00
LEO Training and Certification Fee, G.S. 7A-304(a)(3b).	2.00
<b>TOTAL</b>	179.00 (Dist.) 186.00 (Sup.)
Seat Belt Violations (adult, rear seat). G.S. 20-135.2A(e).	No Costs 10.00 fine only
Supervision Fee. G.S. 15A-1343, G.S. 15A-1368.4, and G.S. 15A-1374.	40.00 per month
Worthless Check Program Fee. G.S. 7A-308(c). <sup>20</sup>	60.00

<sup>1</sup>During the 2019 long session minimal changes were made to criminal court costs and fees.

<sup>2</sup> Section 18B.10.(a) of S.L. 2017-57 modified the amount of the LAA fee which the State Treasurer sends to the N.C. State Bar for legal services programs. The State Treasurer will continue to allocate \$0.95 of to the N.C. State Bar for support of legal services programs under the Domestic Violence Victim Assistance Act, G.S. Chapter 7A, Article 37B but will no longer allocate \$1.50 to the N.C. State Bar for legal services under the Access to Civil Justice Act (formerly G.S. Chapter 7A, Article 37A) which is repealed by S.L. 2017-57. The Clerk will still collect the total amount of the General Court of Justice fee for each for Superior and District Court actions as set forth in the chart. The criminal bill of costs (AOC-CR-381) will be updated to reflect this change.

<sup>3</sup> Formerly “Phone Systems Fee.”

<sup>4</sup>The Chapter 20 fee does not apply to offenses with specified costs or exempt from costs.

<sup>5</sup> See endnote number 2 above for explanation of the change in the LAA fee collected.

<sup>6</sup> When a person convicted of a felony in Superior Court has made a first appearance in District Court, all Superior Court costs plus the District Court General Court of Justice fee shall be assessed. G.S. 7A-304(a)(4).

<sup>7</sup> This fee derives from S.L. 2018-79 which added the fee provision in a new subsection (h) to G.S. 15A-173.2. This fee is assessed and collected by the clerk when a petition for a certificate of relief is filed. The new subsection (h) does not apply to a petition filed by an indigent. The fee shall be waived by the clerk upon showing by the petitioner that the one-time fee was previously paid, even if paid in another county. This fee is effective for all petitions filed on or after December 1, 2018. Full text of S.L. 2018-79 is available at <https://www.ncleg.net/Sessions/2017/Bills/House/PDF/H774v5.pdf>.

<sup>8</sup> When CAM is imposed as a condition of probation for an impaired driving offense committed prior to December 1, 2012, this fee is paid to the clerk in the county of conviction and remitted to the monitoring vendor; for offenses committed on or after that date, fees for CAM imposed as a condition of probation (for any offense) are paid directly to the monitoring vendor by the defendant (or by the local government entity agreeing to pay them), not to the clerk. G.S. 15A-1343.3(b). The fees listed here apply only to CAM as a condition of probation; there appears to be no authority to assess fees against the defendant for CAM as a condition of pretrial release.

<sup>9</sup> The exact fee amount will depend on the monitoring vendor. For offenses committed prior to December 1, 2011, the total CAM fees assessable against the defendant as a condition of probation for an impaired driving offense are capped at \$1,000.00. G.S. 20-179(h1). For offenses committed on or after that date, there is no cap. S.L. 2011-191, §1 (repealing the cap language from G.S. 20-179(h1)).

<sup>10</sup> Parolees’ CAM fees paid pursuant to G.S. 15A-1374(d) are paid to the clerk in the county of conviction. The exact fee amount will depend on the monitoring vendor. The clerk transmits any CAM fees collected from a parolee to the vendor. Note that this provision applies only to parolees; there is no statutory provision for the clerk to receipt CAM fees from an offender on post-release supervision.

<sup>11</sup> This fee should be assessed for petitions to expunge charges that resulted in dismissals pursuant to either a deferred prosecution or a conditional discharge.

<sup>12</sup> For a comprehensive list of improper equipment fees, please see “Appendix – Chapter 20 Improper Equipment Offenses.”

<sup>13</sup> The pretrial release services fee of G.S. 7A-304(a)(5) may be assessed upon conviction and remitted to a county providing pretrial release services, if the defendant was accepted and released to the supervision of a county agency. This fee is separate from and in addition to any fees assessed directly by the county under G.S. 7A-313.1 when the defendant has received pretrial electronic monitoring by a county agency. If the defendant has been accepted and released to the supervision of a county agency that provides pretrial services that include electronic monitoring, the court should assess and receipt only the \$15.00 pretrial services fee upon conviction. Any fees assessed for electronic monitoring under G.S. 7A-313.1 must be paid directly to the county by the defendant.

<sup>14</sup> The Private Hospital Lab Fee should be assessed only when the defendant is convicted and the private hospital performed tests as part of an investigation that led to the defendant’s conviction, and the tests were of the defendant’s bodily fluid to determine the presence of alcohol or controlled substance. The Court also must find that the work performed is “the equivalent of the same kind of work performed by the North Carolina State Crime Laboratory under subdivision (7) of [G.S. 7A-304(a)].”

<sup>15</sup> Section 18B.5(a) of S.L. 2017-57 rewrites G.S. 7A-304(a) to add State and local digital forensic lab fees and to expand State and local expert witness fees to include testimony regarding digital forensics as set forth in new subsections (9a), (9b), (11) and (12). The State Crime Lab Digital Forensics fee is set forth in G.S. 7A-304(a)(9a) which provides that a district or superior court judge shall, upon a defendant’s conviction, order payment of \$600.00 to be remitted to the Department of Justice in cases when, as part of the investigation leading to the defendant’s conviction, the laboratories have performed digital forensics, including the seizure, forensic

imaging, and acquisition and analysis of digital media. The State Lab Analyst Expert Witness fee is assessed in addition to the State Crime Lab fee assessed under G.S. 7A-304(7) or G.S. 7A-304(9a), but the expert witness fee applies only when the expert witness: (i) is employed by the State Crime Lab; (ii) completed a chemical analysis pursuant to G.S. 20-139.1, a forensic analysis pursuant to G.S. 8-58.20 or a digital forensics analysis; and (iii) provided testimony about that analysis in the defendant's trial.

<sup>16</sup> The Local Lab Analyst Expert Witness fee is assessed in addition to the Local Crime Lab fee of G.S. 7A-307(a)(8), but the expert witness fee applies only when the expert witness: (i) is employed by a crime laboratory operated by a local government or group of local governments or a crime laboratory the services of which were paid for by a local government or group of local governments; (ii) completed a chemical analysis pursuant to G.S. 20-139.1 or a forensic analysis pursuant to G.S. 8-58.20 or a digital forensics analysis; and (iii) provided testimony about that analysis in the defendant's trial.

<sup>17</sup> The Private Hospital Analyst Expert Witness Fee may be assessed in addition to the Private Hospital Lab Fee of G.S. 15A-304(a)(8a) but the fee applies only when the expert witness provides testimony at the defendant's trial about a chemical analysis conducted pursuant to G.S. 20-139.1.

<sup>18</sup>Section 18B.5(a) of S.L. 2017-57 amends G.S. 7A-304(a) to add digital forensic lab and expand expert witness fees as set forth in new subsections (9a), (9b), (11) and (12). The State Crime Lab Digital Forensics fee is set forth in G.S. 7A-304(a)(9a) which provides that a district or superior court judge shall, upon a defendant's conviction, order payment of \$600.00 to be remitted to the Department of Justice in cases when, as part of the investigation leading to the defendant's conviction, the laboratories have performed digital forensics, including the seizure, forensic imaging, and acquisition and analysis of digital media.

<sup>19</sup> Section 18B.5(a) of S.L. 2017-57 adds a Local Crime Lab Digital Forensics fee in subsection (9b). Per this new subsection, a district or superior court judge shall, upon a defendant's conviction, order payment of \$600.00 to be remitted to the general fund of the local law enforcement unit to be used for laboratory purposes when, (i) as part of the investigation leading to the defendant's conviction, a crime laboratory operated by a local government or group of local governments or a crime laboratory the services of which were paid for by a local government or group of local governments has performed digital forensics, including the seizure, forensic imaging, and acquisition and analysis of digital media and (ii) the court also finds that the work performed at the local government's laboratory is the equivalent of the same kind of work performed by the State Crime Laboratory.

<sup>20</sup> For districts that still operate a worthless check program, the clerk should continue to receipt the worthless check program fee of G.S. 7A-308(c) and remit it to the State. The amount of the fee remains \$60.00. In addition, G.S. 14-107.2 allows a community mediation center to assist the NCAOC and district attorneys by establishing a worthless check program in districts where such programs have not been established and to charge for its services as part of such a program. However, the fees for such services are not set by statute, and are not to be receipted by the clerk. The center must assess its fees directly for users of its services in these cases. Further, the clerk should not assess the criminal mediation fee of G.S. 7A-38.7 when a community mediation center mediates a worthless check matter in the context of a pre-prosecution worthless check program. The clerk may receipt and disburse only the statutory program fee of G.S. 7A-308(c) and restitution to the check taker for the amount of the check plus any service charges and processing fees incurred or charged by the check taker.

**Appendix - Criminal Costs Summary  
Effective August 1, 2017**

<b>Category<sup>1</sup></b>	<b>Total Amount</b>	<b>Amounts &amp; Amount Descriptions</b>			
District Court Infraction (IFC/IF_)	<b>178.00</b>	147.50	GCJ	5.00	Service
		12.00	Facilities		
		4.00	TCD		
		7.50	LEO Retirement		
		2.00	LEO Training		
District Court Infraction Chapter 20 Offense (IFTC/IFT_)	<b>188.00</b>	147.50	GCJ	5.00	Service
		12.00	Facilities	10.00	Chapter 20
		4.00	TCD		
		7.50	LEO Retirement		
		2.00	LEO Training		
District Court Misdemeanor (CRDC/CRD_)	<b>180.00</b>	147.50	GCJ	5.00	Service
		12.00	Facilities	2.00	DNA
		4.00	TCD		
		7.50	LEO Retirement		
		2.00	LEO Training		
District Court Misdemeanor Chapter 20 Offense (CRTC/CRT_)	<b>190.00</b>	147.50	GCJ	5.00	Service
		12.00	Facilities	2.00	DNA
		4.00	TCD	10.00	Chapter 20
		7.50	LEO Retirement		
		2.00	LEO Training		
<u>Superior Court without First Appearance in District Court</u> (CRSC/CRS_)	<b>205.00</b>	154.50	GCJ	5.00	Service
		30.00	Facilities	2.00	DNA
		4.00	TCD		
		7.50	LEO Retirement		
		2.00	LEO Training		
<u>Superior Court without First Appearance in District Court Chapter 20 Offense</u>	<b>215.00</b>	154.50	GCJ	5.00	Service
		30.00	Facilities	2.00	DNA
		4.00	TCD	10.00	Chapter 20
		7.50	LEO Retirement		
		2.00	LEO Training		
<u>Superior Court with First Appearance in District Court</u> (CRDS)	<b>352.50</b>	154.50	GCJ (Sup)	5.00	Service
		147.50	GCJ (Dist)	2.00	DNA
		30.00	Facilities		
		4.00	TCD		
		7.50	LEO Retirement		
		2.00	LEO Training		
<u>Superior Court with First Appearance in District Court Chapter 20 Offense</u>	<b>362.50</b>	154.50	GCJ (Sup)	5.00	Service
		147.50	GCJ (Dist)	2.00	DNA
		30.00	Facilities	10.00	Chapter 20
		4.00	TCD		
		7.50	LEO Retirement		
		2.00	LEO Training		

<sup>1</sup> These totals do not apply to offenses for which specific court costs are assessed, such as adult front seat belt offenses, G.S. 20-135.2A, or offenses that do not bear court costs, such as failure to burn headlights with wipers on, G.S. 20-129(a)(4). Nor do they include the \$50.00 that must be assessed for conviction of an improper equipment offense, per G.S. 7A-304(a)(4b), or the impaired driving fee of \$100.00 under G.S. 7A-304(a)(10).

<b>Category</b>	<b>Total Amount</b>	<b>Amounts &amp; Amount Descriptions</b>			
Superior Court Infraction Appealed from District Court for Trial De Novo (IFDA)	<b>368.50</b>	147.50	GCJ (Dist)	154.50	GCJ (Sup)
		12.00	Facilities (Dist)	30.00	Facilities (Sup)
		4.00	TCD (Dist)	4.00	TCD (Sup)
		7.50	LEO Retirement	2.00	LEO Training (Sup)
		2.00	LEO Training (Dist)		
		5.00	Service		
Superior Court Infraction Appealed from District Court for Trial De Novo Chapter 20 Offense (IFTA)	<b>388.50</b>	147.50	GCJ (Dist)	154.50	GCJ (Sup)
		12.00	Facilities (Dist)	30.00	Facilities (Sup)
		4.00	TCD (Dist)	4.00	TCD (Sup)
		7.50	LEO Retirement	2.00	LEO Training (Sup)
		2.00	LEO Training (Dist)	10.00	Chapter 20 (Sup)
		5.00	Service		
		10.00	Chapter 20 (Dist)		
Superior Court Misdemeanor Appealed from District Court for Trial De Novo (CRDA)	<b>372.50</b>	147.50	GCJ (Dist)	154.50	GCJ (Sup)
		12.00	Facilities (Dist)	30.00	Facilities (Sup)
		4.00	TCD (Dist)	4.00	TCD (Sup)
		7.50	LEO Retirement	2.00	LEO Training (Sup)
		2.00	LEO Training (Dist)	2.00	DNA (Sup)
		5.00	Service		
		2.00	DNA (Dist)		
Superior Court Misdemeanor Appealed from District Court for Trial De Novo Chapter 20 Offense (CRTA)	<b>392.50</b>	147.50	GCJ (Dist)	154.50	GCJ (Sup)
		12.00	Facilities (Dist)	30.00	Facilities (Sup)
		4.00	TCD (Dist)	4.00	TCD (Sup)
		7.50	LEO Retirement	2.00	LEO Training (Sup)
		2.00	LEO Training (Dist)	2.00	DNA (Sup)
		5.00	Service	10.00	Chapter 20 (Sup)
		2.00	DNA (Dist)		
		10.00	Chapter 20 (Dist)		

## Appendix - Chapter 20 Improper Equipment Offenses

Set out below is a table of Chapter 20 “improper equipment offenses.”

Effective for costs assessed or collected on or after August 1, 2011 (unless the waiver exception of G.S. 7A-304(g) applies for a process issued prior to that date), a defendant who is found guilty or responsible for an “improper equipment offense” under Chapter 20 must pay a fee of \$50.00 in addition to the standard Chapter 20 criminal/infracton costs amount. See G.S. 7A-304(a)(4b). The office of the Clerk of Superior Court will remit this additional \$50.00 to State Treasurer for the support of the General Court of Justice. *Id.*

The Chief District Court Judges traditionally have limited “improper equipment offenses” on the list of waivable traffic offenses to equipment violations found in Part 9 of Article 3 of Chapter 20.<sup>2</sup> The judges have, however, distinguished “equipment violations” in Part 9 from “height, length and width” violations in Part 9.<sup>3</sup> Using the waiver list as guidance, the NCAOC interprets the “improper equipment” fee to apply to any offense in Part 9 *other* than (i) violations relating to vehicle height, length and width and (ii) violations that otherwise could be considered equipment violations, but for which the equipment element of the offense is derivative of the height, width or length nature of the offense. An example of the latter would be violations of G.S. 20-117 (flags and lights at the end of loads), for which the equipment (the flag) is required only because of a load that has extended the overall length of the vehicle.

For each improper equipment offense, the table lists the statutory citation, the offense code description (or simply a brief description of the offense if there is no offense code for the violation), and the offense code (if one exists).

Statute	Description	Offense Code
G.S. 20-116(g)	IMPROPER LOADING/COVERING VEH	4425
G.S. 20-117.1(a)	BUS, TRUCK OR TRUCK TRACTOR MIRROR VIOLATION	None
G.S. 20-120	FLAT TRUCK OR TOBACCO TRUCK LOAD VIOLATION	None
G.S. 20-121.1	LOW-SPEED VEHICLE EQUIPMENT VIOLATION	None
G.S. 20-122	TIRE RESTRICTIONS EQUIP VIOL	4421
G.S. 20-122.1	UNSAFE TIRES	4462
G.S. 20-123	IMPROPER TOWING	4413
G.S. 20-123.1	IMPROPER STEERING MECHANISM	4423
G.S. 20-123.2	IMPROPER EQUIP - SPEEDOMETER	4418
G.S. 20-124	IMPROPER BRAKES	4488
G.S. 20-125	HORN AND WARNING DEVICE VIO	4404
G.S. 20-125.1	DIRECTIONAL SIGNALS EQUIP VIOL	4426
G.S. 20-126	MIRROR VIOLATION	4407
G.S. 20-127(a)	WINDSHIELD WIPER EQUIP VIOL	4490
G.S. 20-127(b1)	WINDSHIELD TINTING VIOL COMMERCIAL VEHICLE	5671
G.S. 20-127(d)	WINDOW TINTING VIOL	5596
G.S. 20-128	IMPROPER MUFFLER	4486
G.S. 20-128.1	EMISSIONS CONTROL VIOLATION	None
G.S. 20-129(a) <sup>4</sup>	FAIL TO BURN HEADLAMPS	4445
G.S. 20-129(b)	DRIVE WITHOUT TWO HEADLAMPS	4492
G.S. 20-129(c)	MOTORCYCLE FAIL BURN HEADLAMP	4422
G.S. 20-129(d)	MOTORCYCLE FAIL BURN TAILLIGHT	4424
G.S. 20-129(d)	REAR LAMPS VIOLATION	4427

<sup>2</sup> See, e.g., the 2019 edition of Traffic Offenses for which Court Appearance May Be Waived (December 1, 2019), Item B.44., at: <https://www.nccourts.gov/documents/publications/current-waiver-lists>.

<sup>3</sup> See, e.g., the 2019 edition of Traffic Offenses for which Court Appearance May Be Waived (December 1, 2019), Item B.43.

<sup>4</sup> The table does not include a violation of G.S. 20-129(a)(4) (offense code 4446), for failing to burn headlights when windshield wipers are in use, because the statute prohibits the assessment of court costs for that offense.

<b>Statute</b>	<b>Description</b>	<b>Offense Code</b>
G.S. 20-129(e)	BICYCLE LIGHT VIOLATION	None
G.S. 20-129(f)	FARM TRACTOR OR OTHER VEHICLE LIGHT VIOLATION	None
G.S. 20-129(g)	BRAKE/STOP LIGHT EQUIP VIOL	4429
G.S. 20-129(h)	BACKUP LAMPS VIOL	4487
G.S. 20-129.1	ADDITIONAL LIGHTING EQUIP VIOL	4435
G.S. 20-129.2	MOBILE HOME LIGHTING VIOLATION	None
G.S. 20-130	SPOT LAMP OR AUXILIARY LAMP VIOLATION	None
G.S. 20-130.1(e)	USE OF RED OR BLUE LIGHT	5576
G.S. 20-130.2(a)	AMBER LIGHT VIOLATION	None
G.S. 20-130.3	WHITE LIGHT REAR – DRIVE FORWARD	4436
G.S. 20-131(a)	FAILURE TO DIM LIGHTS MEET VEH	4554
G.S. 20-131	HEADLAMP OR AUXILIARY LAMP VIOLATION (OTHER THAN FAILURE TO DIM LIGHTS UNDER CODE 4554)	None
G.S. 20-132	ACETYLENE LIGHTS VIOLATION	None
G.S. 20-134	NO LIGHTS ON PARKED VEHICLE	4481
G.S. 20-134(b)	RURAL LETTER CARRIER VEHICLE OR NEWSPAPER DELIVERY VEHICLE LIGHT VIOLATION	None
G.S. 20-135	DOOR, WINDOW, WINDSHIELD, WING OR PARTITION GLASS VIOLATION	None
G.S. 20-135.2	FRONT SEAT BELT CONSTRUCTION OR INSTALLATION VIOLATION	None
G.S. 20-135.3	REAR SEAT BELT CONSTRUCTION OR INSTALLATION VIOLATION	None
G.S. 20-136	SMOKE SCREEN DEVICE VIOLATION	None
G.S. 20-136.2	AIR BAG INSTALLATION VIOLATION	None
G.S. 20-137.1(a)	FAIL TO SECURE PASSENGER UNDER 16	4472
G.S. 20-137.2	LAW ENFORCEMENT VEHICLE RESEMBLANCE VIOLATION	None

The legal financial obligations imposed by courts and corrections systems heavily burden defendants and offenders. These obligations are particularly injurious given the fact that debtors often are indigent even before their convictions and are made more so by the stain of their new criminal records. Using IRS data, economists at Brookings estimate that only about half of released North Carolina prisoners are employed a year after their release.<sup>27</sup> Meredith and Morse find further evidence that failure to pay legal financial obligations is caused by indigence: in their study of Alabama, the use of public defenders was statistically significantly related to owing outstanding debt for legal financial obligations.<sup>28</sup> I found no research that supports the governmental interest that requiring the payment of legal financial obligations in order to vote led defendants to “comply with court orders” to a greater extent.

Studies from other states provide further insights into the burdens of legal debt carried as a result of felony convictions. In Washington State, as Beckett and Harris (2011) note, the median fee and fine assessment for a single felony conviction is \$1,347; the highest was \$11,960. The lifetime court debt alone accumulated by the defendants in their study, excluding that assessed by the department of corrections, was \$11,471. In Alabama, Greenberg, Meredith and Morse<sup>29</sup> find that on average, a felony conviction incurred about \$2000 in legal financial obligations.

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<sup>27</sup> Adam Looney and Nicholas Turner. 2018. “Appendix to Work and Opportunity Before and After Incarceration.” Online. [https://www.brookings.edu/wp-content/uploads/2018/03/es\\_20180314\\_looneyincarceration\\_appendix\\_final.pdf](https://www.brookings.edu/wp-content/uploads/2018/03/es_20180314_looneyincarceration_appendix_final.pdf)

<sup>28</sup> Marc Meredith and Michael Morse. 2017. “Discretionary Disenfranchisement: The Case of Legal Financial Obligations.” *Journal of Legal Studies* 46(2): 209-228.

<sup>29</sup> Claire Greenberg, Marc Meredith & Michael Morse. 2016. “The Growing and Broad Nature of Legal Financial Obligations: Evidence from Alabama Court Records.” *Connecticut Law Review* 48(4): 1079-1122.



Oftentimes, despite the fact that many people cannot afford to pay court costs, restitution and other fees, these costs are still imposed without relief. Judges do have discretion to dismiss some or all court costs for defendants (G.S. 7A-350). However, of the 794,989 cases in which North Carolina courts assessed legal financial obligations in 2015, “monetary obligations were waived (in whole or in part) in 90,502 cases (11%), 25,073 were stricken in error (3%), 21,506 were dismissed for improper assessment (2.7%) and 11,441 were ordered solely as civil judgments (1.4%).”<sup>30</sup> Waivers appear to be declining over time.<sup>31</sup>

Such high debts, coupled with poverty, often leads to an inability to pay. The demands of multiple agencies separately collecting debts (for child support, court costs, restitution, and other supervision fees) through wage garnishment could mean that the lion’s share of a debtor’s income might be taken to pay legal debts, leaving little left over for other financial responsibilities. As McLean and Thompspon note on page 22 of their report, “such a situation could inadvertently encourage a person to return to the behavior and illegal activities that resulted in the person’s incarceration in the first place.”<sup>32</sup>

In North Carolina, the penalty for non-payment of court costs can be severe. Courts are authorized to extend the period of probation—and thus the period of disenfranchisement—up to a maximum of five years because failing to pay court debts constitutes a violation of the obligations and conditions of probation (G.S. 15A-1343). Failure to “complete a program of restitution” could also extend probation by an additional three years (G.S. 15A-1342(a)). Courts in North Carolina also may incarcerate people for failing to pay legal financial obligations. The

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<sup>30</sup> Harris, et al., 2017: 173.

<sup>31</sup> ACLU of North Carolina, 2019.

<sup>32</sup> McLean, Rachel L. and Michael D. Thompson. 2007. Repaying Debts. Council of State Governments Justice Center. Online: Available from [justicecenter.csg.org/files/RepayingDebts\\_Guide\\_final.pdf](http://justicecenter.csg.org/files/RepayingDebts_Guide_final.pdf).

ACLU of North Carolina reports 296 arrests for failure to pay court debts across the eleven counties that provided data for their study, and observed several other arrests during their court observations in four North Carolina counties.<sup>33</sup> People living under community supervision in North Carolina also are regularly subjected to extended periods of probation for failing to pay court fines.<sup>34</sup>

B. Governmental Interest: imposing a standard for the restoration of voting rights that is uniform rather than arbitrary, capricious, or confusing

The SBOE lists several governmental interests that are consistent with the idea of promoting a standard for restoring voting rights in a uniform way. They argue that the law furthers the state’s interest in “Eliminating or lessening the effect of the prior law’s discretionary determinations as to whether a North Carolinian convicted of felonies deserves to have his or her rights restored, which, in the pre-1971 version of the law, also permitted members of the community to object to any individual’s restoration of rights.” Second, they argue that the law furthers the state’s interest in “Avoiding confusion among North Carolinians convicted of felonies as to when their rights are restored.” Finally, they argue that the law furthers the state’s interest in “Setting uniform standards for the retention and restoration of citizenship rights.”

The scholarship on felony disenfranchisement laws highlights the ways in which policies such as North Carolina’s that can condition enfranchisement on the satisfaction of legal financial obligations and other conditions of parole and probation actually *introduce* arbitrary and capricious distinctions among people with felony convictions. In particular, conditioning enfranchisement on the ability to pay legal financial obligations amounts to what Colgan refers

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<sup>33</sup> ACLU North Carolina, 2019.

<sup>34</sup> ACLU North Carolina, 2019: 24-30.

to as “wealth-based penal disenfranchisement.”<sup>35</sup> Colgan explicitly defines “wealth-based penal disenfranchisement” as the result of “structures through which the inability to pay economic sanctions may prevent people from voting.”<sup>36</sup> These structures include the direct requirement to pay fines or court costs in order to regain the right to vote, but also include policies “requiring completion of parole, probation, or both in order to regain the vote in a way that is dependent on a person's ability to pay economic sanctions.”<sup>37</sup> Colgan lists North Carolina’s regime as one that promotes “wealth-based disenfranchisement.”

The notion that ability to pay affects enfranchisement means that, contrary to the claims made by the State Board of Elections, the state does not always apply uniform standards for the restoration of voting rights. Rather, the extent to which ability to pay affects enfranchisement is subject to judicial discretion. People with more resources can have better and faster access to the franchise than a poorer person, even if they committed the same offense. Indigent probationers are more likely to have the restoration of their rights delayed if their probation is extended because of the inability to pay outstanding legal financial obligations and satisfy all the terms of probation. As noted in the previous section, people who cannot afford to pay their legal financial obligations may also face incarceration.

Also, contrary to what the SBOE asserts, bureaucratic discretion still plays a role in determining the extent to which these legal financial obligations may affect enfranchisement. Colgan notes that in some states, probation officers and judges may have discretion to grant early release from probation. To the extent that these decisions require “early completion of payment” and the satisfaction of other conditions of supervision they may lead to faster re-enfranchisement

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<sup>35</sup> Colgan, 2019..

<sup>36</sup> Colgan, 2019: 59.

<sup>37</sup> Colgan, 2019: 77.

for the wealthy relative to the poor. In the previous section, I noted North Carolina's low and declining rates of judicial waivers of court costs and fees for the indigent, which again allow judges discretion to take the ability to pay into account when imposing sentences.

C. Government interest: encouraging the re-enfranchisement and registration of citizens who have completed their sentences

The legislative defendants and the SBOE assert several government interests related to encouraging the reintegration and restoration of people who have completed their sentences to voting. They argue that the state's disenfranchisement law promotes the governmental interest in "Regulating, streamlining, and promoting voter registration and electoral participation among 'North Carolinians convicted of felonies who have been reformed.'" They argue that the law furthers the interest in "Eliminating burdens on North Carolinians convicted of felonies to take extra steps to have their rights restored after having completed their sentences." They also argue that the law furthers the government's interest in "Simplifying the administration of the process to restore the rights of citizenship to North Carolinians convicted of felonies who have served their sentences," and that the law relates to the state interest in "Avoiding confusion among North Carolinians convicted of felonies as to when their rights are restored." The defendants also argue that the law promotes the state interest in "Providing for the automatic restoration of citizenship for felons who have served their full sentences." The defendants also state an interest in "simplifying the administrative process for the restoration of rights of citizenship of felons who have served their full sentences." Finally, the defendants assert an interest in "Regulating and promoting the voter registration and electoral participation of former felons."

The scholarly literature does not support the claim that North Carolina's felony disenfranchisement law helps with "avoiding confusion," simplifying the administrative process"

or “eliminating burdens” in ways that “promote the voter registration and electoral participation of people who completed their sentences.” The law may even decrease turnout among important subgroups, as I show below.

The existence and implementation of felony disenfranchisement policies also can shape whether individuals register and vote after serving their sentences. First, automatic restoration is not a guaranteed solution to confusion: the existence of felony disenfranchisement laws themselves lead to widespread misunderstandings among people with felony convictions about whether they can vote even in states with automatic restoration.<sup>38</sup> Second, audit studies have shown that despite official policies at the top, local bureaucrats themselves can contribute to confusion about voting rights by failing to respond to questions or by answering questions incorrectly.<sup>39</sup> Research in Iowa suggests that notifying individuals of their voting rights post-release can increase registration and turnout.<sup>40</sup> Other research demonstrates that notification of the restoration of voting rights by mail can have a small effect on registration and turnout, but typically only among people who had voted before.<sup>41</sup>

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<sup>38</sup> Drucker, E. and R. Barreras. 2005. “Studies of Voting Behavior and Felony Disenfranchisement Among Individuals in the Criminal Justice System in New York, Connecticut, and Ohio”. The Sentencing Project. Manza, Jeff and Christopher Uggen. 2006. *Locked Out: Felon Disenfranchisement and American Democracy*. New York: NY: Oxford University Press.

<sup>39</sup> Ewald, Alec. C. 2005. “A “Crazy–Quilt” of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law”. The Sentencing Project. White, Ariel, Noah Nathan, and Julie Faller. 2015. “What Do I Need to Vote? Bureaucratic Discretion and Discrimination by Local Election Officials.” *The American Political Science Review* 109(1): 129-42. Web.

<sup>40</sup> Marc Meredith and Michael Morse. 2015. “The Politics of the Restoration of Ex-Felon Voting Rights: The Case of Iowa.” *Quarterly Journal of Political Science* 10: 41–100

<sup>41</sup> Gerber, Alan S., Gregory A. Huber, Marc Meredith, Daniel R. Biggers, and David J. Hendry. 2015. “Can Incarcerated Felons Be (Re)integrated into the Political System? Results from a Field Experiment.” *American Journal of Political Science* 59(4): 912-26.

In response to these issues, in 2007 North Carolina began notifying people who had finished serving their sentences about their voting rights at discharge. First, the North Carolina Department of Public Safety began including a brochure produced by the American Civil Liberties Union (ACLU) in discharge packets.<sup>42</sup> The state legislature then enacted notification in the law later that year, such that beginning in October 2007, discharge packets contained both a brochure about voting and a voter registration form.<sup>43</sup> Unfortunately, Meredith and Morse find that North Carolina's notification practices failed to produce any effect on registration and turnout among people who had finished serving their sentences.<sup>44</sup> Meredith and Morse argue that the implementation of the notification policy in North Carolina may be ineffective for the following reasons:

Given that these notification treatments are designed to correct misinformation about voting rights, the treatments in North Carolina and New York are striking for their lack of clarity. The voting rights information is buried in densely worded pamphlets. Presenting information in this manner may be particularly problematic given that a large percentage of the prison population does not read above a grade-school level (Kozol 1985). Further, these pamphlets are distributed in an exit packet that often contains a lot of other important documents, and this may cause information about voting rights to be crowded out.<sup>45</sup>

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<sup>42</sup> Meredith and Morse, 2014.

<sup>43</sup> Meredith and Morse, 2014.

<sup>44</sup> Meredith and Morse, 2014.

<sup>45</sup> Meredith and Morse, 2014: 241.

Thus, the empirical research does not support the claim that North Carolina's disenfranchisement law furthers the state interest in promoting registration and turnout among ex-felons.

We can find further evidence that North Carolina's disenfranchisement law does not help, and may even decrease, turnout among the released population. Turning back to the empirical analysis of post-completion turnout in Table 2, at first glance it appears that North Carolina's post-completion population votes at higher rates than they might have pre-conviction, as compared to the 2016 turnout of the currently supervised population and the first-time offenders in Tables 1 and 3, respectively. However, when we account for the fact that the ex-felon population is older than the two pre-conviction comparison groups, it is clear that the conviction and disenfranchisement experience may decrease turnout among the youngest members of the post-release population. Comparing the 2016 turnout among people age 18-29 shows that turnout among the post-completion group, at 13.01%, is several percentage points lower than turnout of the pre-conviction group (15.7%) and the current supervised population (15.0%).

## Summary

To summarize the findings from previous literature, neither research from North Carolina nor research from other states supports the defendants' claim that North Carolina's disenfranchisement law advances the governmental interests that defendants claim. With respect to the interests the defendants assert in ensuring that people convicted of crimes serve out their entire sentence and complete all the obligations and conditions imposed as part of probation and parole, the literature shows that this requirement imposes undue burdens that many indigent people with felony convictions will find impossible to overcome. Moreover, felony disenfranchisement, because it creates arbitrary distinctions among people convicted of felonies in what Colgan refers to as "wealth-based penal disenfranchisement," accomplishes the opposite

of the defendants' stated interest in promoting uniformity in the restoration of rights.<sup>46</sup> Finally, North Carolina's felony disenfranchisement law also fails to advance the defendants' stated interest in promoting restoration and voting among people who have finished serving their sentences: as Meredith and Morse demonstrate, that North Carolina's notification process does not avoid confusion among individuals about whether their rights have been restored.<sup>47</sup>

## V. Broader Harms of Felony Disenfranchisement

Aside from the direct mechanism of restricting the franchise, the scholarly research suggests that such laws also cause other harms to the disenfranchised and their communities.

### A. Individual Harms: Reintegration and Recidivism

For individuals who experience disenfranchisement, such a penalty is just one more in a growing list of penalties that attach to felony convictions—the collateral consequences of felony convictions. Such collateral consequences entail civil restrictions on voting, officeholding, and jury service; employment restrictions for licensed and other occupations, and even economic exclusions from welfare, housing, and other public benefits.<sup>48</sup> There are more than 35,000 such penalties in state and federal law across the United States.<sup>49</sup> These sanctions ensure that while people who have been convicted of crimes must still uphold the duties of citizenship, “their conviction status effectively denies their rights to participate in social life.”<sup>50</sup> Collateral sanctions

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<sup>46</sup> Colgan, 2019.

<sup>47</sup> Meredith and Morse, 2014

<sup>48</sup> Kaiser, Joshua. 2016. "Revealing the hidden sentence: How to add transparency, legitimacy, and purpose to collateral punishment policy." *Harv. L. & Pol'y Rev.* 10: 123-184.

<sup>49</sup> Kaiser 2016.

<sup>50</sup> Uggen, Christopher, Jeff Manza, and Melissa Thompson. 2006. "Citizenship, democracy, and the civic reintegration of criminal offenders." *The Annals of the American Academy of Political and Social Science* 605(1): 281-310; p.296.



such as barriers to voting, employment, and the social safety net further stigmatize people who have been convicted of felonies. “The stigmas attached to their legal standing . . . impacts their standing as citizens, their political participation, and their community involvement.”<sup>51</sup> The deprivation of civil, political, and social rights sends important messages about the exclusion of people convicted of crimes from the polity.<sup>52</sup>

In particular, scholars argue that the deprivation of voting rights through felony disenfranchisement hinders the reintegration of people with felony convictions. The ability to vote is an important marker of community standing and belonging. Judith Shklar, a prominent political theorist, argues that the right to vote confers status in the polity:

It was the denial of the suffrage to large groups of Americans that made the right to vote such a mark of social standing. To be refused the right was to be almost a slave, but once one possessed the right, it conferred no other personal advantages. Not the exercise, only the right, signified deeply. Without the right, one was less than a citizen. Once the right was achieved, it had fulfilled its function in distancing the citizen from his inferiors, especially slaves and women.<sup>53</sup>

The denial of civil rights such as voting deprives a person “of his civic personality and social dignity” and demonstrates society’s “indifference to his interests.”<sup>54</sup> In this way, the deprivation of voting rights sends messages of political and social exclusion that could hurt efforts to reintegrate. The empirical research supports this claim: Miller and Spillane (2012) interviewed

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<sup>51</sup> Uggen, Manza and Thompson, 2006: 302.

<sup>52</sup> King, Desmond S. and Jeremy Waldron. 1988. "Citizenship, Social Citizenship, and the Defence of Welfare Provision." *British Journal of Political Science* 18: 415-443.

<sup>53</sup> Shklar, Judith N. 1991. American Citizenship. Cambridge, Harvard University Press; p. 27.

<sup>54</sup> Shklar, 1991: 39.

several former offenders and found that a significant portion of their sample (39%) made connections between their inability to vote and their reintegration into society.<sup>55</sup>

Reintegration, in turn, may affect recidivism. The relationship between felony disenfranchisement and recidivism has not been widely studied. However, there are a few studies that show that felony disenfranchisement increases recidivism. Hamilton-Smith and Vogel, analyzing data from the Bureau of Justice Statistics, find that offenders in states that permanently disenfranchise ex-offenders are ten percent more likely to reoffend in three years than offenders in states that do not permanently disenfranchise ex-offenders, even after accounting for offender criminal background and other characteristics.<sup>56</sup> Manza and Uggen find that voting is related to lower crime and arrest rates, but the relationship is weak.<sup>57</sup> Overall, a review of the literature on felony disenfranchisement's effects on recidivism documents four articles that say felony disenfranchisement increases recidivism, one article that says felony disenfranchisement decreases recidivism, and three articles that argue that it has mixed or null effects on recidivism.<sup>58</sup>

#### B. Family and Community Harms

Felony disenfranchisement can have effects on citizens who are not disenfranchised and who have not committed felonies. In my work, I argue that the concentration of

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<sup>55</sup> Miller, Bryan Lee, and Joseph F. Spillane. 2012. "Civil death: An examination of ex-felon disenfranchisement and reintegration." *Punishment & Society* 14: 402-428.

<sup>56</sup> Hamilton-Smith, Guy Padraic, and Matt Vogel. "The violence of voicelessness: The impact of felony disenfranchisement on recidivism." *Berkeley La Raza LJ* 22: 407.

<sup>57</sup> Manza, Jeff and Christopher Uggen. 2006. Locked Out: Felon Disenfranchisement and American Democracy. Cambridge, Oxford.

<sup>58</sup> Whittle, Tanya N. 2018. "Felony Collateral Sanctions Effects on Recidivism: A Literature Review." *Criminal Justice Policy Review* 29: 505-524.

disenfranchisement is the key mechanism through which individual experiences with criminal justice can go on to affect the political outcomes of the families and communities of disenfranchised felons.<sup>59</sup> To the extent that people with convictions are concentrated within a particular racial group or geographic area, increasing criminal justice severity may have significant effects on the political success and equality of representation that a particular racial group or community receives at the local level.

There is evidence that felony convictions are concentrated in just a few communities, and as a result, some of these places have experienced “geometric growth” in the number of people who are disenfranchised.<sup>60</sup> My book explores the extent of the concentration of felony convictions in North Carolina and Georgia. In North Carolina, I find ample evidence of the geographic concentration of felony convictions: state prisoners are removed from a small number of block groups (a census category corresponding to roughly 1,000 people, on average) in the state, and the community supervised population also lives in a disproportionately small number block groups in the state.<sup>61</sup> This geographic concentration can have dramatic effects on neighborhood-level disenfranchisement: in 2008, within the top five North Carolina block groups for young adult community supervision, I found that community supervision rates ranged from 18 to 20 percent of young people aged 18-34 in those communities.<sup>62</sup>

Living in high conviction, high disenfranchisement neighborhoods can affect individuals in many ways, even if they are not convicted and disenfranchised themselves. Voter turnout may decrease through several mechanisms. First, because “children and newcomers learn the

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<sup>59</sup> Burch, 2007.

<sup>60</sup> Preuhs, Robert R. 2001. "State Felon Disenfranchisement Policy." *Social Science Quarterly* 82(4): 733-748.

<sup>61</sup> Burch, Traci. 2013. Trading Democracy for Justice. University of Chicago Press.

<sup>62</sup> Burch, 2013.

community's participatory values as they observe ample instances of engagement among their family members and peers," neighborhoods that have fewer voters as role models may fail to transmit norms of participation effectively even to enfranchised residents and future voters.<sup>63</sup> Second, spouses of convicted offenders also miss out on the participatory effects of having a partner that votes.<sup>64</sup>

There are other political effects: in communities with disenfranchisement laws, convictions reduce the number of voters, which can reduce the political power of a community. This reduction happens not just by removing the disenfranchised from the voter rolls, but through other mechanisms as well. Concentrated disenfranchisement also damages the formal and informal mechanisms of voter mobilization. Political parties tend to concentrate their efforts in places where mobilization is more effective and often fail to mobilize communities with low socioeconomic status members.<sup>65</sup> They tend to contact people who have voted before, especially those who have voted in primaries.<sup>66</sup> Going door-to-door may yield contact with fewer voters in high-conviction neighborhoods, despite the fact that this technique is most effective for mobilization (Rosenstone and Hansen 1993; Gerber and Green 2000; Green, Gerber et al.

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<sup>63</sup> Campbell, A., P. E. Converse, et al. 1960. The American Voter. New York, Wiley & Sons.  
Tam-Cho, Wendy K., James. G. Gimpel, et al. 2006. "Residential Concentration, Political Socialization, and Voter Turnout." *Journal of Politics* 68(1): 156-167.

<sup>64</sup> Campbell, Converse, et al. 1960. See also Straits, Bruce C. 1990. "The Social Context of Voter Turnout." *Public Opinion Quarterly* 54: 64-73.

<sup>65</sup> Huckfeldt, Robert and John Sprague. 1992. "Political Parties and Electoral Mobilization: Political Structure, Social Structure, and the Party Canvass." *American Political Science Review* 86(1): 70-86.

<sup>66</sup> Huckfeldt and Sprague, 1992.

2003).<sup>67</sup> There are fewer voters available to serve as discussion partners in high-conviction neighborhoods, a factor that also influences turnout.<sup>68</sup>

In sum, the existing research and evidence point to broad societal harms imposed by felony disenfranchisement laws. The messages sent to individuals who are subjected to this policy can hurt their reintegration into society. In addition, studies also suggest that the families and communities of disenfranchised individuals are affected because voting is a social phenomenon. High rates of disenfranchisement at the local level can demobilize voters by making them less likely to get contacted by political campaigns and less likely to encounter other voters who can serve as role models and discussion partners. In these ways, disenfranchisement laws can harm individuals, families, and communities for years even after all supervision ends.

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<sup>67</sup> Rosenstone, Steven J. and John Mark Hansen. 1993. Mobilization, Participation, and Democracy in America. New York, MacMillan. Gerber, Alan S. and Don P. Green. 2000. "The Effects of Canvassing, Telephone Calls, and Direct Mail on Voter Turnout." *American Political Science Review* 94(3): 653-663. Gerber, Alan S., Don P. Green, et al. 2003. "Voting May Be Habit-Forming: Evidence from a Randomized Field Experiment." *American Journal of Political Science* 47(3): 540-550.

<sup>68</sup> Huckfeldt, Robert and John Sprague. 1987. "Networks in Context: The Social Flow of Political Information." *American Political Science Review* 81(4): 1197-1216.

## Appendix

*Table 5: Voting and Registration among Eligible citizens in the community supervised population. Includes only US citizens who were over the age of 18 and not serving time in prison or in the community for a felony sentence at the time of the election. Ethnicity data from NC DPS data.*

	Total Eligible 2016	Voted 2016	Total Eligible	Ever Registered
Non-Hispanic				
White	19742	4139	27117	10473
	100.00%	21.0%	100.00%	38.60%
Hispanic/Latino	785	71	1275	258
	100.00%	8.30%	100.00%	20.2%

*Table 6: Voting among eligible citizens in the ex-felon population. Includes only U. S. Citizens who were over the age of 18 and who had completed serving all felony sentences by the time of the election. ESTIMATES ARE NOT ADJUSTED FOR MORTALITY.*

	2016 Eligible Population	Vote 2016
Total	404213	103130
	100.00%	25.50%
Female	70631	18976
	100.00%	26.90%
Male	333582	84154
	100.00%	25.20%
Asian	653	39
	100.00%	6.00%
Black	204424	56562
	100.00%	27.70%
American Indian	8253	1502
	100.00%	18.20%
Other	5478	420
	100.00%	7.70%
Unknown	399	35
	100.00%	8.80%
White	185005	44572
	100.00%	24.10%
Age 18-29	31995	4111
	100.00%	12.80%
Age 30-44	130457	28442
	100.00%	21.80%

Age 45-60	160164	48434
	100.00%	30.20%
Age 61 and Up	81486	22133
	100.00%	27.20%
No time in Prison	132536	35566
	100.00%	26.80%
Served Time in Prison	271677	67564
	100.00%	24.90%

## Traci Burch

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### Employment

- Associate Professor, Northwestern University Department of Political Science (2014-Present)
- Research Professor, American Bar Foundation (2007- Present)
- Assistant Professor, Northwestern University Department of Political Science (2007-2014)

### Education

- *Harvard University*  
Ph.D. in Government and Social Policy  
Dissertation: *Punishment and Participation: How Criminal Convictions Threaten American Democracy*  
Committee: Jennifer Hochschild (Chair), Sidney Verba, and Gary King
- *Princeton University*  
A.B. in Politics, *magna cum laude*

### Publications

- Kay Lehman Schlozman, Philip Edward Jones, Hye Young You, Traci Burch, Sidney Verba, Henry E. Brady. 2018. "Organizations and the Democratic Representation of Interests: What Happens When Those Organizations Have No Members?" *Perspectives on Politics*.
- Burch, Traci. 2016. "Political Equality and the Criminal Justice System." In Resources, Engagement, and Recruitment. Casey Klofstad, ed. Philadelphia: Temple University Press.
- Burch, Traci. 2016. "Review of The First Civil Right by Naomi Murakawa." *The Forum*.
- Kay Lehman Schlozman, Philip Edward Jones, Hye Young You, Traci Burch, Sidney Verba, Henry E. Brady. 2015. "Louder Chorus – Same Accent: The Representation of Interests in Pressure Politics, 1981-2011." In Darren Halpin, David Lowery, Virginia Gray, eds. The Organization Ecology of Interest Communities. New York: Palgrave Macmillan.
- Burch, Traci. 2015. "Skin Color and the Criminal Justice System: Beyond Black-White Disparities in Criminal Sentencing." *Journal of Empirical Legal Studies* 12(3): 395-420.



- Burch, Traci. 2014. "The Old Jim Crow: Racial Residential Segregation and Neighborhood Imprisonment." *Law & Policy* 36(3) 223-255.
- Burch, Traci. 2014. "The Effects of Imprisonment and Community Supervision on Political Participation." Detaining Democracy Special Issue. *The Annals of the American Academy of Political and Social Science* 651 (1) 184-201.
- Burch, Traci. 2013. Trading Democracy for Justice: Criminal Convictions and the Decline of Neighborhood Political Participation. Chicago: University of Chicago Press.
- Hochschild, Jennifer, Vesla Weaver, and Traci Burch. 2012. Transforming the American Racial Order. Princeton: Princeton University Press.
- Schlozman, Kay Lehman, Sidney Verba, Henry Brady, Traci Burch, and Phillip Jones. 2012. "Who Sings in the Heavenly Chorus? The Shape of the Organized Interest System." In Schlozman, Kay Lehman, Sidney Verba, and Henry Brady, The Unheavenly Chorus, Princeton: Princeton University Press.
- Schlozman, Kay Lehman, Sidney Verba, Henry Brady, Phillip Jones, and Traci Burch. 2012. "Political Voice through Organized Interest Activity." In Schlozman, Kay Lehman, Sidney Verba, and Henry Brady, The Unheavenly Chorus, Princeton: Princeton University Press.
- Burch, Traci. 2012. "Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout and Party Registration of Florida's Ex-Felons." *Political Behavior* 34 (1); 1-26.
- Burch, Traci. 2011. "Turnout and Party Registration among Criminal Offenders in the 2008 General Election." *Law and Society Review* 45(3): 699-730.
- Burch, Traci. 2011. "Fixing the Broken System of Financial Sanctions." *Criminology and Public Policy* 10(3).
- Hochschild, Jennifer; Vesla Weaver, and Traci Burch. 2011. "Destabilizing the American Racial Order." *Daedalus* 140; 151-165.
- Burch, Traci. 2009. "Can the New Commander-In-Chief Sustain His All Volunteer Standing Army?" *The Dubois Review on Race* 6(1).
- Burch, Traci. 2009. "Review of *Imprisoning Communities*, by Todd Clear." *Law and Society Review* 43(3) 716-18.
- Burch, Traci. 2009. "American Politics and the Not-So-Benign Neglect of Criminal Justice," in The Future of American Politics, ed. Gary King, Kay Schlozman, and

Norman Nie. (New York: Routledge).

- Schlozman, Kay Lehman and Traci Burch. 2009. “Political Voice in an Age of Inequality,” in America at Risk: Threats to Liberal Self-Government in an Age of Uncertainty, ed. Robert Faulkner and Susan Shell (Ann Arbor: University of Michigan Press).
- Hochschild, Jennifer and Traci Burch. 2007. “Contingent Public Policies and the Stability of Racial Hierarchy: Lessons from Immigration and Census Policy,” in Political Contingency: Studying the Unexpected, the Accidental, and the Unforeseen, ed. Ian Shapiro and Sonu Bedi (New York: NYU Press).

### **Honors and Fellowships**

- American Political Science Association 2014 Ralph J. Bunche Award (for Trading Democracy for Justice).
- American Political Science Association Urban Section 2014 Best Book Award (for Trading Democracy for Justice).
- American Political Science Association Law and Courts Section 2014 C. Herman Pritchett Award (for Trading Democracy for Justice).
- Research grant, Stanford University Center for Poverty and Inequality (2012).
- American Political Science Association E. E. Schattschneider Award for the best doctoral dissertation in the field of American Government (2009)
- American Political Science Association William Anderson Award for the best doctoral dissertation in the field of state and local politics, federalism, or intergovernmental relations (2008)
- American Political Science Association Urban Section Best Dissertation in Urban Politics Award (2008)
- Harvard University Robert Noxon Toppan Prize for the best dissertation in political science (2007)
- Institute for Quantitative Social Sciences Research Fellowship (2006-07)
- *European Network on Inequality* Fellowship (2005)
- Research Fellowship, The Sentencing Project (2005)
- Doctoral Fellow, Malcolm Weiner Center for Inequality and Social Policy (2004-07)

## **Professional Service**

- General Social Survey Board of Overseers (2020-2025)
- APSA Kammerer Prize Committee (2017)
- Associate Editor, *Political Behavior* (2015-2019)
- APSA Law and Courts Section, Lifetime Achievement Award Prize Committee (2014-2015)
- Law and Society Association, Kalven Prize Committee (2013-2014)
- American Political Science Association, Urban Politics Section Dissertation Prize Committee(2012-13)
- American Political Science Association, Urban Politics Section Executive Committee (2012-13)
- Law and Society Association Diversity Committee, (2012-2013)
- American Political Science Association, Urban Politics Section Program Co-Chair (2011)
- Associate Editor, *Law and Social Inquiry*
- American Political Science Association, Urban Politics Section Book Prize Committee (2009)
- Reviewer for *The American Political Science Review*, *Public Opinion Quarterly*, *American Politics Research*, and *Time-Sharing Experiments in the Social Sciences*.

## **Presentations and Invited Talks**

- Pennsylvania State University, State College, PA. “Effect of Officer Involved Killings on Protest. November 2019.
- Princeton University. Princeton NJ. “Effects of Police Shootings on Protest among Young Blacks.” November 2019.
- Missouri Fellows of the American Bar Foundation. Branson, MO. Police Shootings and Political Participation in Chicago. September 2019.
- Northwestern University. “Police Shootings and Political Participation.” November, 2018.
- Princeton University. Princeton, NJ. “Police Shootings and Political Participation.” September, 2018.

- University of California at Los Angeles. Los Angeles, CA. “Police Shootings and Political Participation.” August, 2018.
- American Bar Association Annual Meeting. Chicago, IL. “Police Shootings and Political Participation.” August 2018.
- American Bar Endowment Annual Meeting. Lexington, KY. “Effects of Police Shooting in Chicago on Political Participation.” June 2018.
- Vanderbilt University. “Effects of Police Shootings in Chicago on Political Participation.” April 2018.
- Washington University in St. Louis. “Effects of Pedestrian and Auto Stops on Voter Turnout in St. Louis.” February 2018.
- Fellows of the American Bar Foundation, Los Angeles. “Assaulting Democracy.” January 2018.
- Northwestern University Reviving American Democracy Conference. Panel presentation. “Barriers to Voting.” January 2018.
- University of Illinois at Chicago. “Effects of Police Shootings in Chicago on Political Participation.” October, 2017.
- Chico State University. “Constitution Day Address: Policing and Political Participation.” September, 2017.
- Fellows of the American Bar Foundation, Atlanta, Georgia. “Policing in Georgia.” May 2017.
- United States Commission on Civil Rights. Testimony. “Collateral Consequences of Mass Incarceration.” May 2017.
- Northwestern University Pritzker School of Law. “Effects of Police Stops of Cars and Pedestrians on Voter Turnout in St. Louis.” April 2017.
- University of California at Los Angeles. Race and Ethnic Politics Workshop. “Effects of Police Stops of Cars and Pedestrians on Voter Turnout in St. Louis.” March 2017.
- University of North Carolina at Chapel Hill. American Politics Workshop. “Effects of Police Stops of Cars and Pedestrians on Voter Turnout in St. Louis.” February 2017.
- National Bar Association, St. Louis MO. “Political Effects of Mass Incarceration.” July

2016.

- Harvard University, Edmond J. Safra Center for Ethics. Inequalities/Equalities in Cities Workshop. April 2016.
- American Political Science Association Annual Meeting. September 2015. “Responsibility for Racial Justice.” Discussant.
- St. Olaf College. April 2015. “The Collateral Consequences of Mass Incarceration.”
- Northwestern University. Institute for Policy Research. February 2015. “The Civic Culture Structure.”
- Texas A&M University. Race, Ethnicity, and Politics Workshop. September 2014. “Trading Democracy for Justice.”
- Columbia University Teachers College. The Suburban Promise of Brown Conference. May 2014. “Can We All Get Along, Revisited: Racial Attitudes, the Tolerance for Diversity, and the Prospects for Integration in the 21<sup>st</sup> Century.”
- University of Kentucky. Reversing Trajectories: Incarceration, Violence, and Political Consequences Conference. April 2014. “Trading Democracy for Justice.”
- University of Chicago. American Politics Workshop. March 2014. “How Geographic Differences in Neighborhood Civic Capacity Affect Voter Turnout.”
- Kennedy School of Government, Harvard University. February 2014. “Trading Democracy for Justice.”
- University of Michigan. American Politics Workshop. December 2013. “Trading Democracy for Justice.”
- Yale University. American Politics and Public Policy Workshop. September 2013. “Trading Democracy for Justice.”
- American Political Science Association Annual Meeting. August 2013. “The Heavenly Chorus Is Even Louder: The Growth and Changing Composition of the Washington Pressure System.” With Kay Lehman Schlozman, Sidney Verba, Henry Brady, and Phillip Jones.
- National Bar Association, Miami Florida, July 2013. “The Collateral Consequences of Mass Imprisonment.”

- Loyola University. American Politics Workshop. December 2012. “Mass Imprisonment and Neighborhood Voter Turnout.”
- Marquette University School of Law. November 2012. “The Collateral Consequences of Mass Imprisonment.”
- Yale University. Detaining Democracy Conference. November 2012. “The Effects of Imprisonment and Community Supervision on Political Participation.”
- Brown University. American Politics Workshop. October 2012. “Mass Imprisonment and Neighborhood Voter Turnout.”
- American Bar Association National Meeting, August 2012. “Mass Imprisonment: Consequences for Society and Politics.”
- University of Madison-Wisconsin. American Politics Workshop. March 2012. “The Spatial Concentration of Imprisonment and Racial Political Inequality.”
- American Political Science Association Annual Meeting. 2011. **“Theme Panel: How Can Political Science Help Us Understand the Politics of Decarceration?”**
- University of Pennsylvania. Democracy, Citizenship, and Constitutionalism Conference. April, 2011. “Vicarious Imprisonment and Neighborhood Political Inequality.”
- University of Chicago School of Law. Public Laws Colloquium. Chicago, IL. November, 2010. ““The Effects of Neighborhood Incarceration Rates on Individual Political Efficacy and Perceptions of Discrimination.”
- Pomona College. November, 2010. “Incarceration Nation.”
- University of Washington. Surveying Social Marginality Workshop. October 2010. “Using Government Data to Study Current and Former Felons.”
- American Bar Foundation, Chicago, IL, September 2010. “The Effects of Neighborhood Incarceration Rates on Individual Political Attitudes.”
- Northwestern University. Chicago Area Behavior Conference. May 2010. “Trading Democracy for Justice: The Spillover Effects of Incarceration on Voter Turnout in Charlotte and Atlanta.”
- Annual Meeting of the Law and Society Association, Chicago, IL, May 2010. “Neighborhood Criminal Justice Involvement and Voter Turnout in the 2008 General Election.”

- Annual Meeting of the Southern Political Science Association, Atlanta, GA, January 2010. “The Art and Science of Voter Mobilization: Grassroots Perspectives on Registration and GOTV from Charlotte, Atlanta, and Chicago.”
- University of Illinois at Chicago. Institute for Government and Public Affairs. November 2009. "Turnout and Party Registration among Convicted Offenders during the 2008 Presidential Election."
- Annual Meeting of the American Political Science Association, Toronto, Ontario, Canada, September 2009. "'I Wanted to Vote for History:' Turnout and Party Registration among Convicted Offenders during the 2008 Presidential Election."
- Harris School of Public Policy, University of Chicago. American Politics Workshop. December 2008. “Trading Democracy for Justice? The Spillover Effects of Imprisonment on Neighborhood Voter Participation.”
- Northwestern University School of Law. Law and Political Economy Colloquium. November 2008. “Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout Rates and Candidate Preferences of Florida's Ex-Felons."
- University of California, Berkeley. Center for the Study of Law and Society. October 2008. “Trading Democracy for Justice? The Spillover Effects of Imprisonment on Neighborhood Voter Participation.”
- Law and Society Association Annual Meeting, Montreal, Canada, May 2008. “Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout Rates and Candidate Preferences of Florida's Ex-Felons."
- Law and Society Association Annual Meeting, Montreal, Canada, May 2008. "Trading Democracy for Justice? The Spillover Effects of Imprisonment on Neighborhood Voter Participation."
- Midwest Political Science Association Conference, Chicago, IL, April 2007. Paper: “Concentrated Incarceration: How Neighborhood Incarceration Decreases Voter Registration.”

### **Works in Progress**

- Burch, Traci. “Effects of Pedestrian and Auto Checks on Voter Turnout in St. Louis.”
- Burch, Traci. “Effects of Police Shootings on Political Participation in Chicago.”
- Burch, Traci. “Which Black Lives Matter? Agenda Setting and Police Violence”

- Burch, Traci. “Exploring the effects of Police Misconduct on Political Participation at the Local Level”
- Burch, Traci. “How Common is Policing for Profit? Examining City Revenues from Fines, Forfeitures, and Fees.”
- Burch, Traci. “Vicarious Imprisonment and Political Inequality: How the Spatial Concentration of Imprisonment Shapes Black Voter Turnout.” Chapter in edited volume at University of Pennsylvania Press. Book manuscript under review.
- Burch, Traci. “The Civic Culture Structure: Neighborhood Organizational Presence and Voter Turnout”



Laci Burch

Signed

5/7/2020

Date