

IN THE CIRCUIT COURT FOR THE STATE OF TENNESSEE
THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

PAMELA MOSES,)
v.)
Plaintiff,) Case No. CT-1579-19
) Division I
MARK GOINS, TRE HARGETT, and) Judge Felicia Corbin-Johnson
JONATHAN SKRMETTI, in their official) Judge Suzanne S. Cook
capacities,) Judge Barry Tidwell
Defendants.)

EXPERT REPORT OF DR. TRACI BURCH

April 15, 2025

Qualifications

I am a 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 20 years, I have led several large, long-term quantitative and qualitative research projects on political participation in the United States. I have authored or coauthored several book chapters and articles that examine race, political participation, and inequality, and I have been recognized as an expert on political behavior, barriers to voting, and political participation. My work has been widely cited and replicated and has won several awards. I have received several grants for my work. I routinely review the work of my peers for tenure and promotion, scholarly journals, university presses, and grants. I also have served as a reviewer for top journals and academic presses such as the American Political Science Review, The American Journal of Political Science, The Journal of Politics, Political Behavior, the American Sociological Review, the National Science Foundation, Cambridge University Press, Princeton University Press, the University of Chicago Press, Oxford University Press, and many other entities. Currently, I serve as Editor-in-Chief of *Law and Social Inquiry*, a peer-reviewed Law and Social Science journal.

I am the author of several books and articles examining voter turnout and political participation, race and ethnic politics, and criminal justice using multiple methods. Several of these research projects and court cases have involved conducting research on voting after felony convictions in southern states. 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 disfranchisement and voter turnout among people with felony convictions. 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*, along with many of my articles, relies on the analysis of large criminal justice and voter registration data files.

In addition to my published work, I have conducted analyses of legal financial obligations, re-registration after felony convictions, and barriers to voting as an expert witness. I have testified in cases involving allegations of intentional racial discrimination under the *Arlington Heights* framework as well as racial discrimination in terms of equal access to the political process under Section 2 of the Voting Rights Act. I also have testified before the U.S. Commission on Civil Rights about the collateral consequences of felony convictions with respect to voting and other issues.

My curriculum vitae is provided in the appendix, which includes all cases in which I have provided deposition and trial testimony during the past four years and all academic work that I have authored over the past ten years. I am being compensated at the rate of \$400 per hour for work in this case, plus expenses. My compensation does not depend on the opinions I render or the outcome of this litigation. In all cases where an opinion was issued, the courts accepted my expert testimony. I

reserve the right to amend, modify, or supplement my analysis or opinions as the facts and circumstances of the case warrant.

Scope of the Report

I was asked by counsel for the plaintiff to review the literature on felony disfranchisement with respect to the harm of felony disfranchisement for individuals and communities and the stated goals of legislatures passing these laws. In this report, I address these points using sources and methods that are commonly used in political science, including the analysis of peer-reviewed publications in political science and other disciplines.

Opinions

- Numerous studies support the conclusion that felony disfranchisement policies detrimentally affect individuals and their communities.
- The political science literature supports the conclusion that requiring individuals to apply to have their voting rights restored after a felony conviction reduces voting participation post-discharge.
- The findings of research in political science and other disciplines does not support the claims that felony disfranchisement incentivizes individuals to complete all terms of their sentence nor does the research support the claim that such laws eliminate arbitrariness in the franchise.

Felony Disfranchisement

Felony disfranchisement refers to laws and policies that prevent citizens who otherwise would be eligible to vote from participating in elections because of their criminal convictions. In the U.S., 48 states ban people from voting because of felony convictions. In 2024, an estimated 4 million Americans, or 1.7% of the voting age population, were ineligible to vote because of such laws.¹ In many states with felony disfranchisement (23 states), people lose their voting rights only while they are incarcerated, and voting rights are restored automatically upon release from prison.² In 15 additional states, voting is restricted for anyone serving a felony sentence, including people serving sentences under community supervision, and voting rights are restored automatically upon completion of the terms of the sentence.³ Ten states, including Tennessee, prevent voting among people even after they have finished serving their time and also may require additional steps, such as

¹ Uggen, Christopher, Ryan Larson, Sarah Shannon, Robert Stewart, and Molly Hauf. 2024. “Locked Out 2024: Four Million Denied Voting Rights Due to a Felony Conviction.” Available online <https://www.sentencingproject.org/reports/locked-out-2024-four-million-denied-voting-rights-due-to-a-felony-conviction/>. Accessed 1 Nov 2024.

² Uggen et al. 2024; National Council of State Legislatures (NCSL). 2024. “Felon Voting Rights: Restoration of Voting Rights for Felons.” Available online <https://www.ncsl.org/elections-and-campaigns/felon-voting-rights>. Accessed 1 Nov 2024.

³ Uggen et al. 2024; NCSL 2024.

a pardon or application, to restore voting rights.⁴ The remaining two states do not restrict voting based on criminal convictions.

According to the Secretary of State, in Tennessee, all people convicted on or after May 18, 1981 lose the right to vote upon conviction of a felony by any authority including those outside of Tennessee.⁵ They are unable to regain their voting rights until they have finished all supervision in prison or on probation or parole and have paid certain fines and fees associated with their conviction. They must also be current on any child support payments. Some people convicted of certain crimes can never regain their voting rights; however, once a person with a non-disqualifying felony conviction has satisfied the requirements of their sentence, they may apply to have their voting rights restored.⁶

Effects of Disfranchisement

Extant research shows that felony disfranchisement can have negative effects for people who have lost their voting rights as well as for their communities.

Effects on Individuals

In addition to imprisonment, fines, and supervision, criminal convictions include civil exclusions such as bans from voting, holding public office, and serving on juries as well as the loss of access to public assistance, certain jobs and professions, and other privileges. Generally, these additional consequences have been shown to affect post-release reentry and reintegration.⁷ Those that increase financial burdens, such as legal financial obligations, bans on public assistance, employment restrictions, and employment discrimination, are especially important to post-release success.⁸

Aside from financial burdens, however, these additional consequences also shape reintegration and reentry because they are stigmatizing. The deprivation of civil, political, and social rights sends important messages about the exclusion and worth of people convicted of crimes from the polity.⁹ According to Austin, such penalties are designed to produce shame and humiliation among people with felony convictions:

⁴ Uggen et al. 2024; NCSL 2024.

⁵ Tennessee Secretary of State. 2024. "Restoration of Voting Rights." Available online <https://sos.tn.gov/elections/guides/restoration-of-voting-rights>. Accessed 1 Nov 2024.

⁶ Tennessee Secretary of State 2024.

⁷ Whittle, Tanya N. "Felony collateral sanctions effects on recidivism: A literature review." *Criminal Justice Policy Review* 29, no. 5 (2018): 505-524.

⁸ For example, see Pager, Devah, and Lincoln Quillian. "Walking the talk? What employers say versus what they do." *American sociological review* 70, no. 3 (2005): 355-380; 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, no. 6 (2010): 1753-1799; Kaiser, Joshua. "Revealing the hidden sentence: How to add transparency, legitimacy, and purpose to collateral punishment policy." *Harv. L. & Pol'y Rev.* 10 (2016): 123.

⁹ King, Desmond S. and Jeremy Waldron. 1988. "Citizenship, Social Citizenship, and the Defence of Welfare Provision." *British Journal of Political Science* 18: 415-443.

A panoply of economic, social, and political post-conviction penalties, including the denial of the right to vote, is intended to assure that the shame of incarceration is not forgotten or avoided. Post-conviction penalties that limit an ex-offender's ability to obtain a job, to qualify for publicly-subsidized housing," or to otherwise fully participate in economic life may be shameful and humiliating- in part because they remind the ex-offender of his or her prior moral transgressions.¹⁰

Stigma and exclusion pose barriers to successful reentry and reintegration because, as Laub and Sampson find, "social bonds in adulthood" such as attachment to employment, partners, or other institutions decrease crime and deviance.¹¹

Like other sanctions, felony disfranchisement has been shown to affect post-release reentry and reintegration. Observers link these individual-level effects to stigmatization. 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:

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.¹²

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."¹³ 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 several returning citizens and found that a significant portion of their sample (39%) made connections between their inability to vote and their reintegration into society.¹⁴

Research shows that the experience of disfranchisement leads to negative political attitudes among those who experience it. In their interviews of people with felony convictions, Uggen and Manza found that their interviewees told them "that losing the right to vote, in particular, was a powerful symbol of their status as 'outsiders.'"¹⁵ Experimental evidence by Shineman finds that restoring voting rights increases pro-government and pro-social attitudes such as trust in

¹⁰ Regina Austin, "The Shame of It All: Stigma and the Political Disenfranchisement of Formerly Convicted and Incarcerated Persons," *Columbia Human Rights Law Review* 36, no. 1 (Fall 2004): 173-192; 176.

¹¹ Laub, John H., and Robert J. Sampson. "Understanding desistance from crime." *Crime and justice* 28 (2001): 1-69; 20.

¹² Shklar, Judith N. 1991. *American Citizenship*. Cambridge, Harvard University Press; p. 27.

¹³ Shklar, 1991: 39.

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

¹⁵ Christopher Uggen; Jeff Manza, "Voting and Subsequent Crime and Arrest: Evidence from a Community Sample," *Columbia Human Rights Law Review* 36, no. 1 (Fall 2004): 193-216; 212.

government, police, and the criminal justice system as well as willingness to cooperate with law enforcement.¹⁶ Shineman also finds that restoring voting rights increases feelings of political efficacy, or the belief that they can affect government outcomes, among people with felony convictions.¹⁷

Reintegration, in turn, may affect recidivism. The relationship between felony disfranchisement and recidivism has not been widely studied. However, there are a few studies that show that felony disfranchisement increases recidivism. Hamilton-Smith and Vogel, analyzing data from the Bureau of Justice Statistics, find that offenders in states that permanently disfranchise ex-offenders are ten percent more likely to reoffend in three years than offenders in states that do not permanently disfranchise ex-offenders, even after accounting for offender criminal background and other characteristics.¹⁸ Manza and Uggen find that voting is related to lower crime and arrest rates, but the relationship is weak and disappears once prior criminality and demographic factors are taken into account.¹⁹ Overall, a review of the literature on felony disfranchisement's effects on recidivism documents four articles that say felony disfranchisement increases recidivism, one article that says felony disfranchisement decreases recidivism, and three articles that argue that it has mixed or null effects on recidivism.²⁰

Effects on Communities

Felony disfranchisement can have effects on citizens who are not disfranchised and who have not committed felonies. In my work, I argue that the concentration of disfranchisement 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 disfranchised felons.²¹ 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 disfranchised.²² My book explores the extent of the concentration of felony

¹⁶ Shineman, Victoria. "Restoring Rights, Restoring Trust: Evidence that Reversing Felony Disenfranchisement Penalties Increases Both Trust and Cooperation with Government." *Restoring Trust: Evidence that Reversing Felony Disenfranchisement Penalties Increases Both Trust and Cooperation with Government* (October 25, 2018) (2018).

¹⁷ Shineman, Victoria. "Restoring voting rights: evidence that reversing felony disenfranchisement increases political efficacy." *Policy Studies* 41, no. 2-3 (2020): 131-150.

¹⁸ Hamilton-Smith, Guy Padraic, and Matt Vogel. "The violence of voicelessness: The impact of felony disenfranchisement on recidivism." *Berkeley La Raza LJ* 22: 407.

¹⁹ Uggen and Manza 2004.

²⁰ Whittle, Tanya N. 2018. "Felony Collateral Sanctions Effects on Recidivism: A Literature Review." *Criminal Justice Policy Review* 29: 505-524.

²¹ Burch, Traci. "Punishment and Participation: How Criminal Convictions Threaten American Democracy". (2007) Ph.D. thesis, Harvard University.

²² Preuhs, Robert R. 2001. "State Felon Disenfranchisement Policy." *Social Science Quarterly*

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.²³ This geographic concentration can have dramatic effects on neighborhood-level disfranchisement: 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% of young people aged 18-34 in those communities.²⁴ In states like Tennessee that prevent voting even among people who have finished serving their sentences, community-level disfranchisement rates may be even higher.

Living in high conviction, high disfranchisement neighborhoods can affect individuals in many ways, even if they are not convicted and disfranchised themselves. Voter turnout may decrease through several mechanisms. First, because “children and newcomers learn the 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.²⁵ Second, spouses of convicted offenders also miss out on the participatory effects of having a partner that votes.²⁶

There are other political effects: in communities with disfranchisement laws, convictions reduce the number of voters, which can reduce the political power of a community. This reduction in voters happens in two ways. First, prison gerrymandering refers to the idea that drawing districts by including prisons, which contain large numbers of people who traditionally live outside of the district and cannot legally vote in the district, unfairly disadvantages districts that traditionally send large numbers of people to prison. Several states have passed laws to reallocate inmates to the communities from which they came, rather than the correctional facility.²⁷ Second, excluding people who remain disfranchised under community supervision directly reduces the voting strength of the community as a whole relative to other communities with more voters. Again, since disfranchisement is concentrated rather than spread evenly across social space, this phenomenon affects certain communities, particularly low income, minority communities, more than others.

This reduction in political power happens not just by removing the disfranchised from the voter rolls, but through other mechanisms as well. Concentrated disfranchisement also damages the formal and informal mechanisms of voter mobilization. Political parties tend to concentrate their

82(4): 733-748.

²³ Burch, Traci. 2013. *Trading Democracy for Justice*. University of Chicago Press.

²⁴ Burch, 2013.

²⁵ Campbell, Angus., Phillip. 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.

²⁶ Campbell, Converse, et al. 1960. See also Straits, Bruce C. 1990. "The Social Context of Voter Turnout." *Public Opinion Quarterly* 54: 64-73.

²⁷ National Council of State Legislatures. 2024. "Reallocating Inmate Data for Redistricting." Available online <https://www.ncsl.org/redistricting-and-census/reallocating-inmate-data-for-redistricting>. Accessed 6 Dec 2024.

efforts in places where mobilization is more effective and often fail to mobilize communities with low socioeconomic status members.²⁸ They tend to contact people who have voted before, especially those who have voted in primaries.²⁹ 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.³⁰ There are fewer voters available to serve as discussion partners in high-conviction neighborhoods, a factor that also influences turnout.³¹

Scholars have examined the effects of high rates of disfranchisement in Tennessee. According to Cottrell et al. (2019), African-Americans in the United States, because of the structural disadvantages faced by the group, are “missing” from the electorate at high rates due to disproportionate mortality, incarceration, and felony disfranchisement rates.³² African Americans in Tennessee are missing from the electorate at the highest rate of all states.³³ Felony disfranchisement accounts for about half of the missing African Americans in Tennessee.³⁴ African Americans in Tennessee are missing from the electorate at even higher rates at the sub-state level. In Tennessee Congressional Districts 8, 9, and 5, more than a quarter of African Americans were “missing” from the electorate.³⁵ In the state legislature, more than 30% of African American voters were “missing” from Senate Districts 28, 10, 31, and 30 and House Districts 83, 50, 28, 93, 84, 97, and 54.³⁶

Difficulties with Rights Restoration after Disfranchisement

In Tennessee and a few other states, rights restoration is not automatic upon the satisfaction of all terms of a conviction. Instead, as described previously, people must apply to have their rights restored before they are able to register and vote. Research shows that additional administrative hurdles such as these can impede voting among people with felony convictions. For example,

²⁸ 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.

²⁹ Huckfeldt and Sprague, 1992.

³⁰ 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.

³¹ Huckfeldt, Robert and John Sprague. 1987. "Networks in Context: The Social Flow of Political Information." *American Political Science Review* 81(4): 1197-1216.

³² Cottrell, David, Michael C. Herron, Javier M. Rodriguez, and Daniel A. Smith. "Mortality, incarceration, and African American disenfranchisement in the contemporary United States." *American politics research* 47, no. 2 (2019): 195-237.

³³ Cottrell et al. 2019: 218.

³⁴ Cottrell et al. 2019: 218.

³⁵ Cottrell et al. 2019: 223.

³⁶ Cottrell et al. 2019: 225-226.

Meredith and Morse found that in Iowa, removing the application requirement in favor of automatic voter restoration after a felony conviction increased voter registration and turnout.³⁷ They write:

Our findings suggest that application requirements in lifetime disenfranchisement states prevent a sizable number of ex-felons from voting. We show that requiring applications reduced ex-felon turnout in Iowa by about 10 p.p. A similar application process is currently active in a number of states, including Alabama, Florida, Kentucky, Mississippi, and Tennessee. Uggen et al. (2012) estimate that more than 2,000,000 exfelons are disenfranchised in these five states, which suggests that about 200,000 more ex-felons would vote if these application requirements were eliminated.³⁸

Meredith and Morse argue that in states with application requirements, people with felony convictions are less likely to vote than in other states with automatic restoration processes.

Application requirements can reduce voting because they impose additional costs on claiming benefits. Rational choice theory posits that individuals choose to participate in or abstain from politics based on whether they believe the benefits they receive from participation will outweigh the associated costs of activity.³⁹ Most acts of participation are costly in that the tasks of acquiring political information, attending meetings, registering, or donating to campaigns require time and money.⁴⁰ The literature shows that voters are sensitive to the imposition or easing of the costs of voting.⁴¹

³⁷ Meredith, Marc, and Michael Morse. "The politics of the restoration of ex-felon voting rights: The case of Iowa." *Quarterly Journal of Political Science* 10 (2015): 41-100.

³⁸ Meredith and Morse 2015: 76-77.

³⁹ Riker, William H., and Peter C. Ordeshook. "A Theory of the Calculus of Voting." *American political science review* 62, no. 1 (1968): 25-42.

⁴⁰ Verba, Sidney, Kay Lehman Schlozman, and Henry E. Brady. *Voice and equality: Civic voluntarism in American politics*. Harvard University Press, 1995.

⁴¹ For example, experiencing administrative burdens such living far away from polling places, changing polling places and other disruptions, and other seemingly small problems can measurably decrease the likelihood of voting under certain circumstances. See Haspel, Moshe, and H. Gibbs Knotts. "Location, location, location: Precinct placement and the costs of voting." *The Journal of Politics* 67, no. 2 (2005): 560-573; Dyck, Joshua J., and James G. Gimpel. "Distance, turnout, and the convenience of voting." *Social Science Quarterly* 86, no. 3 (2005): 531-548; Brady, Henry E., and John E. McNulty. "Turning out to vote: The costs of finding and getting to the polling place." *American Political Science Review* 105, no. 1 (2011): 115-134. Several studies also have shown that registration requirements generally decrease voter turnout, and studies show that more restrictive administrative burdens involved with registration, such as closing dates, have even greater impact. See Burden, Barry C., and Jacob R. Neiheisel. "Election administration and the pure effect of voter registration on turnout." *Political Research Quarterly* 66, no. 1 (2013): 77-90; Highton, Benjamin. "Voter registration and turnout in the United States." *Perspectives on Politics* 2, no. 3 (2004): 507-515.

The scholarly literature identifies three types of costs associated with administrative burdens: learning costs, psychological costs, and compliance costs.⁴² Learning costs are the costs associated with acquiring information about a program, such as its existence and eligibility. Psychological costs are associated with negative emotional consequences of a policy, such as stress, stigma, or disempowerment. Compliance costs are those associated with the time, effort, and financial costs of meeting administrative demands. Tennessee's disfranchisement process imposes information, compliance, and psychological costs that make it difficult for people to regain their voting rights.

Information Costs

Scholars have found that informational deficits prevent voting after a felony conviction. Researchers have found that people who have finished serving their time and are eligible to register believe, often mistakenly, that they cannot vote.⁴³ These mistaken beliefs may result from misinformation: state agencies often give out incorrect information about voting eligibility after a felony conviction.⁴⁴ People with felony convictions also may face information barriers because they are less likely to have graduated from high school than people without felony records.⁴⁵

In Tennessee, there is evidence that people seeking rights restoration face barriers to finding the information they need to complete the process. For example, the Tennessee process requires a pardon or the restoration of full rights of citizenship before a person can submit a certificate of restoration. The election division understands the "full rights of citizenship" to include the "right to vote, right to hold office, right to serve on a jury, the right to serve as a fiduciary, and the right to own or possess a firearm."⁴⁶ However, the Elections Division does not provide any clarification about this understanding of "full rights of citizenship" in their public information, such as on the website.⁴⁷ As Beth Henry-Robertson, Assistant Coordinator of the Division of Elections, stated in her March 25, 2025 deposition:

Q. . . Are you aware of anywhere where that reasoning behind what "full rights of citizenship" means to the Division has been published by the Division?

⁴² Moynihan, Donald, Pamela Herd, and Hope Harvey. "Administrative burden: Learning, psychological, and compliance costs in citizen-state interactions." *Journal of Public Administration Research and Theory* 25, no. 1 (2015): 43-69.

⁴³ Drucker, Ernest, and Ricardo Barreras. "Studies of voting behavior and felony disenfranchisement among individuals in the criminal justice system in New York, Connecticut, and Ohio." *The Sentencing Project* (2005).

⁴⁴ Ewald, Alec. *A Crazy-Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law*. Sentencing Project, 2005; Allen, Jessie. "Documentary disenfranchisement." *Tul. L. Rev.* 86 (2011): 389.

⁴⁵ Uggen, Christopher, Jeff Manza, and Melissa Thompson. "Citizenship, democracy, and the civic reintegration of criminal offenders." *The Annals of the American Academy of Political and Social Science* 605, no. 1 (2006): 281-310.

⁴⁶ Deposition of Beth Henry-Robertson March 25, 2025 p. 171, lines 14-20.

⁴⁷ Deposition of Beth Henry-Robertson March 25, 2025 p. 176, lines 4-19. See also Deposition of Mark Goins March 27, 2025 p. 99, lines 2-10.

A. · · · Hmm. · I'm trying to think if we have -- well, I've seen it written. · I'm just trying to remember if that's been in a memo. I don't believe it has been in a memo. So not that I recall that we have described that analysis.

Q. · · · And as far as I understand, the FAQs that are Exhibit 7, those which are published on the Division's website, have not been updated to explain what "full rights of citizenship" means.

A. · · · I -- I don't believe it has.

The coordinator of elections did tell a reporter that the Elections Division was interpreting "full rights of citizenship" to include firearm rights.⁴⁸

Compliance Costs

The literature is clear that administrative barriers, such as completing a Certificate of Restoration, can decrease benefit uptake. In particular, compliance costs that stem from "verification extremism," or requiring applicants to meet large numbers of requirements to prove their eligibility for a program, can lead to the erroneous denial of benefits, lengthy delays, and even invasions of privacy.⁴⁹ Some administrative requirements may be expensive, difficult, or impossible to meet. Requirements that involve the submission of government forms such as birth certificates or payment receipts may prevent registration to the extent that those documents are expensive to obtain or otherwise unavailable. Likewise, requiring in-person meetings and invasive interviews might discourage program participation even among eligible individuals.

Several studies have shown that benefit uptake is reduced by bureaucratic red tape. For instance, 61% of eligible nonparticipants in the Food Stamp program listed administrative barriers related to applying or participating in the program as factors in their decision not to participate.⁵⁰ These included hurdles such as too much paperwork, transportation problems, or time away from work. Medicaid participation also is shaped by the administrative burden; take up is higher in states that "required fewer questions, required lower expense reporting burden, and did not require an interview" to receive benefits.⁵¹ Uptake for the State Childrens' Health Insurance Program among

⁴⁸ Mattise, Jonathan. 2024. "Felons Must Get Gun Rights Back if They Want Voting Rights Restored, Tennessee Officials Say." Associated Press. Available online <https://apnews.com/article/tennessee-felon-voting-rights-restoration-a50000a97f73c2767eaa8b9b1a2eee52>. Accessed 24 Jul 2024.

⁴⁹ Casey, Timothy J., and Mary R. Mannix. "Quality control in public assistance: Victimizing the poor through one-sided accountability." *Clearinghouse Rev.* 22 (1988): 1381.

⁵⁰ Bartlett, Susan, Nancy R. Burstein, and Margaret S. Andrews. "Food Stamp Program access study [electronic resource]." https://www.ers.usda.gov/webdocs/publications/43380/30621_efan03013-2c_002.pdf?v=5316.4 (2004); 27.

⁵¹ Moynihan, Donald P., Pamela Herd, and Elizabeth Ribgy. "Policymaking by other means: Do states use administrative barriers to limit access to Medicaid?" *Administration & Society* 48, no. 4 (2016): 497-524; 510.

eligible families was shown to be influenced by the requirement for a face-to-face interview.⁵² Closing Social Security offices increases application costs such as travel and wait times and has been shown to reduce program uptake.⁵³

Psychological Costs

Threatened or actual arrests or prosecutions can impose significant costs on voting by causing voters stress, embarrassment, fear, and even the loss of freedom. As described previously, according to rational choice theory individuals choose to participate in or abstain from politics based on whether they believe the benefits they receive from participation will outweigh the associated costs of activity.⁵⁴ Voter intimidation demobilizes voters by imposing very high costs on participation.⁵⁵ A threat, such as arrest for outstanding warrants or voting illegally, imposes costs on the voters who experience them.

Political operatives have long recognized that the threat of arrest and prosecution can deter voting. This threat sometimes has taken the form of law enforcement presence at polling places. For instance, the Republican National Committee's National Ballot Security Task Force was sent to intimidate voters at the polls in New Jersey in 1981.⁵⁶ The task force included "off-duty but armed policemen amongst other volunteers all wearing official looking armbands."⁵⁷ There are a number of other examples, including when the Wisconsin Republican Party called specifically for ex-military, police, and other security forces to serve as poll watchers in the 2008 election.⁵⁸ In 2020, President Trump called for "sheriffs" and "law enforcement"⁵⁹ and for an "Army for Trump"⁶⁰ to watch the polls. Stationing on- or off-duty police officers or even private citizens "in official-seeming uniforms, sometimes carrying side arms" at the polls in this way contributes to the sense that voting may lead to arrest or violence.⁶¹

⁵² Wolfe, Barbara, and Scott Scrivner. "The devil may be in the details: how the characteristics of SCHIP programs affect take-up." *Journal of Policy Analysis and Management: The Journal of the Association for Public Policy Analysis and Management* 24, no. 3 (2005): 499-522.

⁵³ Deshpande, Manasi, and Yue Li. "Who is screened out? Application costs and the targeting of disability programs." *American Economic Journal: Economic Policy* 11, no. 4 (2019): 213-48.

⁵⁴ Downs, Anthony. "An economic theory of political action in a democracy." *Journal of political economy* 65, no. 2 (1957): 135-150.

⁵⁵ Rauschenbach, Mascha, and Katrin Paula. 2019. "Intimidating voters with violence and mobilizing them with clientelism." *Journal of Peace Research* (56.5): 682-696; 684. Riker and Ordeshook 1968: 27.

⁵⁶ Freeman, Brian, Michael Fields, and Raymond Rodriguez. 2009. "Voter Suppression, New Hampshire's Response to a National Problem." Available from https://rockefeller.dartmouth.edu/sites/rockefeller.drupalmulti-prod.dartmouth.edu/files/prs_brief_0809-02.pdf. Accessed 16 Oct 2020; 3.

⁵⁷ Freeman et al. 2009: 3.

⁵⁸ Freeman et al. 2009: 4.

⁵⁹ Schouten, Fredericka. 2020.

⁶⁰ 2020. "'Army for Trump' preps poll-watching operation, raising concerns." *Al Jazeera*

⁶¹ Davidson, Chandler; Tanya Dunlap; Gale Kenny; Benjamin Wise, "Vote Caging as a Republican Ballot Security Technique," *William Mitchell Law Review* 34, no. 2 (2008): 533-562; 539. See also Niven, David. "Policing Polling Places in the United States: The Negative Effect of Police Presence on African American Turnout in an Alabama Election." *Democracy and Security* 18, no. 2 (2022): 170-183.

There also are several examples of political operatives using explicit threats of arrest and prosecution to intimidate voters. Signs posted in a Democratic precinct in Baltimore in 2002 told people “before you come to vote make sure you pay your parking tickets, motor vehicle tickets, overdue rent, and most important, any warrants.”⁶² In Milwaukee in 2004, a flyer from the fictional Milwaukee Black Voters League warned “people found guilty of any infraction, including traffic tickets, to stay away from the polls or face possible imprisonment.”⁶³ The flyer also stated:

If you've already voted in any election this year, you can't vote in the presidential election; If anybody in your family has ever been found guilty of anything, you can't vote in the presidential election; If you violate any of these laws, you can get ten years in prison and your children will get taken away from you.⁶⁴

In California in 2006, a Republican candidate for the U.S. House of Representatives used a mass mailing service to send 14,000 letters to immigrants who were “newly registered voters with Hispanic surnames” warning that people “who are in this country illegally or [are] legal resident[s]” that “voting in a federal election is a crime.”⁶⁵ As described in *Daschle v. Thune*, political operatives allegedly intimidated Native American voters at polling places using several tactics, including “engag[ing] in loud conversations about Native Americans being prosecuted for voting.”⁶⁶ In 2018, US Immigration and Customs Enforcement (ICE) posted to social media that “ICE does not patrol or conduct enforcement operations at polling locations. Any fliers or advertisements claiming otherwise are false” in order to combat misinformation being spread by political operatives.⁶⁷ In 2020, a lobbying firm sent a robocall to 85,000 phone numbers “in black neighborhoods” with a message from a fictitious woman named “Tamika Taylor from Project 1599, the civil rights organization founded by Jack Burman and Jacob Wohl” that warned voters that “voting by mail would subject the voter to having their personal information used by ‘police departments to track down old warrants.’”⁶⁸

A growing body of evidence suggests that high-profile prosecutions are deterring people with felony convictions from voting, even though they are eligible. For instance, Ebonie Oliver, who was prosecuted for voting illegally while she was on probation, does not plan to vote in the

⁶² Davidson, et al. 2008. 539.

⁶³ Daniels, Gilda R. "Voter Deception," Indiana Law Review 43, no. 2 (2010): 343-388; 353.

⁶⁴ Daniels 2010: 353.

⁶⁵ United States v. Nguyen 673 F.3d 1259 (2012).

⁶⁶ Cady, Ben, and Tom Glazer. "Voters Strike Back: Litigating Against Modern Voter Intimidation." *NYU Rev. L. & Soc. Change* 39 (2015): 173:243; 213.

⁶⁷ Mihelich, Chelsea. 2019. Prosecuting Vote Suppression by Misinformation. Available online https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=1007&context=public_integrity. Accessed 23 Jan 2024; 1.

⁶⁸ “Preliminary Statement.” National Coalition on Black Civic Participation et al. v. Wohl CIVIL ACTION NO. 1:20-CV-08668 SD New York. Available online

<https://storage.courtlistener.com/recap/gov.uscourts.nysd.546351/gov.uscourts.nysd.546351.102.0.pdf>. Accessed 23 Jan 2024; 2-3.

future: “I’m not trying to even go back down this course again.”⁶⁹ Keith Sellers, who also pled guilty to casting a ballot while on probation in North Carolina, said, “I’m very discouraged to vote. Right now, it’s going to really take a mighty wind from heaven to make me vote again.”⁷⁰ The psychological costs are exacerbated by prominent examples of prosecutions for voting after a felony conviction, especially when the evidence suggests that the individuals who voted, or attempted to vote, were unaware that they were not eligible to do so or had received information from state officials that indicated that they were eligible to vote. Prosecuting people for making mistakes, especially given the confusing nature of eligibility in the wake of a felony conviction, can discourage voter registration.

In focus groups of people with felony convictions, respondents describe fear of prosecution as a deterrent to voting, even though they are eligible under the laws of their state. High-profile prosecutions are driving some of this fear. Sugie et al. found:

Beyond eligibility, participants often invoked punitive practices of other states, expressing concern about the criminal consequences of voting if ineligible. During a focus group in Ohio, Sheri, a 66-year-old Black woman, referenced Crystal Mason, who was convicted of voting while ineligible in Texas: “[People think] they gonna get arrested, or they’re gonna feel something’s gonna happen.” Darren, a 41-year-old Black man in California, noted this, too: “They tell you, if you [are] not supposed to vote, you know, you can get locked up for voter fraud.” This statement prompted agreement from others in the focus group, one calling this explanation “ordinary.”⁷¹

The fear of prosecution is compounded by the confusion people with felony convictions feel when tasked with registering to vote. Zhang writes:

The complexity of disenfranchising and re-enfranchising conditions requires voters to apply a complicated set of facts to a confusing set of laws. In other words, they are asked to act like lawyers. This puts an immense burden on voters not only to be aware of the legal requirements of the state in which they are eligible to vote but also to be competent in applying those requirements to their own distinctive situations. How well voters will navigate this process depends on their access to both factual and legal information, their appetite for risk, and their desire to vote.⁷²

Again, confusion coupled with high penalties for mistakes can make voting too risky, even for people who are eligible to do so.

In Tennessee, prosecutors have pursued high profile cases of people voting while ineligible due to a felony conviction. Of course, Ms. Moses’s case was particularly salient in local and national media, but other cases have been pursued across the state as well. According to a report published

⁶⁹ Levine, Sam. 2018. “They Didn’t Know They Were Ineligible to Vote. A Prosecutor Went After Them Anyway.” HuffPost. Available online https://www.huffpost.com/entry/alamance-county-felon-voting_n_5b71f4d8e4b0530743cca87d. Accessed 23 Jan 2024.

⁷⁰ Levine 2018.

⁷¹ Sugie, Naomi F., Juan R. Sandoval, Daniela E. Kaiser, Delaney Mosca, Kyle Winnen, Emily Rong Zhang, and Iris H. Zhang. "Accessing the right to vote among system-impacted people." *Punishment & Society* 26, no. 4 (2024): 711-731.

⁷² Zhang, Emily Rong. "New Tricks for an Old Dog: Deterring the Vote Through Confusion in Felon Disenfranchisement." *Mo. L. Rev.* 84 (2019): 1037.

in the Tennessee Lookout, 81 prosecutions were filed under the illegal voting and registration statute between 2018-2023, while 81 cases were disposed during that same time period.⁷³ Of these disposed cases, only 30 resulted in guilty pleas or verdicts.⁷⁴ About half were either dismissed or the prosecutor decided not to pursue the case further.⁷⁵ However, even though relatively few people actually were convicted for voting after a felony conviction, many of the prosecutions were high profile, garnering local and national coverage. For instance, newspapers across the state covered the prosecution of eleven people for voting when they were ineligible because of their felony convictions in Sumter County;⁷⁶ all eleven pled guilty to related charges. The Elections Division has indicated that they will refer people for prosecution for election crimes⁷⁷ and will encourage prosecution where appropriate.⁷⁸

State Interests Served by Disfranchisement

Because I was not provided a list of specific state interests served by disfranchisement that were articulated by the defendants in this case, I address general justifications that defendants in similar litigation have put forth below.

Encouraging the Completion of All Terms of the Sentence

Supporters of felony disfranchisement laws often argue that these laws help incentivize people to complete all the terms of their sentence. Of course, for people who are permanently disqualified from voting, there is no such incentive. Moreover, the scholarly literature highlights several problems that arise even from disenfranchisement regimes that predicate the restoration of voting rights on the satisfaction of all of the imposed conditions and obligations of a sentence. First as discussed previously, information and psychological costs can pose barriers to voting. Further, requiring the payment of financial obligations such as the payment of court costs, restitution, and other fees makes it difficult, if not impossible, for poor defendants to get their voting rights back.

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

⁷³ Carlson, Kathy. 2023. “Few Cases of Alleged Voter Fraud are Prosecuted in Tennessee.” *Tennessee Lookout*. Available online <https://tennesseelookout.com/2023/12/19/prosecution-of-alleged-voter-fraud-cases-in-tennessee-rare/>. Accessed 18 Feb 2025.

⁷⁴ Carlson 2023.

⁷⁵ Carlson 2023.

⁷⁶ Nixon, Katie. 2024. “Tennessee Authorities Arrest 11 in Election Scandal, Say “Convicted Felons” Cast Ballots.” *The Tennessean*. Available online <https://www.tennessean.com/story/news/local/sumner/2024/06/04/tennessee-officials-arrest-11-people-election-fraud-investigation/73972264007/>. Accessed 18 Feb 2025.

⁷⁷ Deposition of Beth Henry-Robertson March 25, 2025 p 242 line 18 – p. 243 line 5.

⁷⁸ Deposition of Beth Henry-Robertson March 25, 2025 p. 265 lines 6-23. There also is some indication that these prosecutions can be arbitrary, based on idiosyncrasies at the county level such as case loads and interest. See Deposition of Beth Henry-Robertson March 25, 2025 p. 265 line 24 – p. 266 line 22.

available, but in 2004 a majority of inmates in state and federal prison were assessed a fine or fee upon conviction.

Tennessee conditions the restoration of voting rights on the ability to pay legal financial obligations, particularly court costs, restitution, and child support. Colgan refers to this practice as “wealth-based penal disenfranchisement.”⁷⁹ 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.”⁸⁰ 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.”⁸¹

These obligations are particularly injurious given the fact that debtors often are indigent and cannot pay their legal financial obligations. Using IRS data, for instance, economists at Brookings estimate that in many states, only a minority of prisoners are employed a year after their release.⁸² Meredith and Morse find further evidence that the 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.⁸³

Several studies provide insight 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 Morse⁸⁴ find that on average, a felony conviction incurred about \$2000 in legal financial obligations.

Such high debts, coupled with poverty, often leads to an inability to pay. Research shows that legal financial obligations can prohibit a majority of the people who are no longer under supervision for felony offenses from getting their voting rights back. For instance, in Florida, the requirement to satisfy legal financial obligations in order to vote prevents 80% of people who have finished serving their sentences from regaining their voting rights.⁸⁵ In Alabama, 75% of people

⁷⁹ Beth Colgan. 2019. “Wealth-Based Penal Disenfranchisement.” *Vanderbilt Law Review* 78(1): 55-187.

⁸⁰ Colgan, 59.

⁸¹ Colgan, 77.

⁸² 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

⁸³ Marc Meredith and Michael Morse. 2017. “Discretionary Disenfranchisement: The Case of Legal Financial Obligations.” *Journal of Legal Studies* 46(2): 209-228.

⁸⁴ 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.

⁸⁵ Morse, Michael. "The Future of Felon Disenfranchisement Reform: Evidence from the Campaign to Restore Voting Rights in Florida." *Cal. L. Rev.* 109 (2021): 1143.

with felony convictions who have finished serving prison, probation, and parole sentences still have legal financial obligations that would prevent them from voting.⁸⁶ In Tennessee, Meredith and Morse found evidence that child support legal debt had a racially disparate effect on the ability of people to vote after a felony conviction; they did not examine the effects of court costs or restitution.⁸⁷

Maintaining a Uniform and Clear Standard for the Restoration of Voting Rights

Supporters of felony disfranchisement laws also might argue that these laws articulate a clear standard for the restoration of voting rights. However, scholarly literature supports the opposite conclusion: conditioning the restoration of voting rights on navigating a complex and discretionary bureaucratic process along with the satisfaction of legal financial obligations actually introduces arbitrary distinctions among people with felony convictions. First, the notion that the ability to pay affects enfranchisement means that the state does not always apply uniform standards for the restoration of voting rights. Rather, people with more financial resources can have better and faster access to the franchise than a poorer person, even if they committed the same offense. Second, Tennessee's two-step application process means that bureaucratic discretion still plays a role in determining who gets their voting rights restored. Both phases—seeking the restoration of citizenship rights and completing the certificate of restoration—can incur costs in terms of time and money. According to Meredith and Morse (2017), application rates for the restoration of citizenship are low—they find that only 3.4% of a random sample of Tennessee residents who had finished serving convictions for state felonies applied for voting rights restoration.⁸⁸ These application rates vary by race and gender but are relatively low for all groups.

Signed:



Date: April 15, 2025

⁸⁶ Meredith, Marc, and Michael Morse. "Discretionary disenfranchisement: The case of legal financial obligations." *The Journal of Legal Studies* 46, no. 2 (2017): 309-338.

⁸⁷ Meredith and Morse 2017.

⁸⁸ See Meredith and Morse 2017: Appendix.

Traci Burch

Employment

- Professor, Northwestern University Department of Political Science (2024-Present)
- Associate Professor, Northwestern University Department of Political Science (2014-2024)
- 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

- Levi, Ron, Traci Burch, and Robert L. Nelson. 2023. "Streets, Suites, and States: John Hagan's Contributions to the Study of Law, Power, and Inequality." *Law & Social Inquiry* 48(4): 1109-1116.
- Burch, Traci. 2023. "Which Lives Matter: Factors Shaping Public Attention to and Protest of Officer-Involved Killings." *Cambridge Elements in Race, Ethnicity, and Politics*.
- Burch, Traci. 2022. "Adding Insult to Injury: the Justification Frame in Official Narratives of Officer-Involved Killings." *Journal of Race, Ethnicity, and Politics*.
- Burch, Traci. 2022. "Officer-Involved Killings and the Repression of Protest." *Urban Affairs Review*.
- Burch, Traci. 2021. "Not All Black Lives Matter: Officer-Involved Deaths and the Role of Victim Characteristics in Shaping Political Interest and Voter Turnout." *Perspectives on Politics*.
- 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).

Grants

- Co-Principal Investigator. "Fellowship and Mentoring Program on Law and Inequality." September 1, 2020 to August 31, 2023. \$349, 313. National Science Foundation.

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

- Editor-in-Chief, *Law and Social Inquiry* (2024-Present)
- Co-Editor, *Law and Social Inquiry* (2024)
- APSA Law and Courts Section Best Paper Award Committee (2020-2021)
- APSA Elections, Public Opinion, and Voting Behavior Executive Committee (2020-2023)
- General Social Survey Board of Overseers (2020-2024)
- 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*, *Time-Sharing Experiments in the Social Sciences*, etc.

Presentations and Invited Talks

- Harvard Law School Charles Hamilton Houston Institute Research Roundtable, San Juan, Puerto Rico. January 2025.
- “Which Lives Matter?” Race, Ethnicity, and Politics Workshop. Harvard University, Cambridge MA. March 2024.
- “Reenfranchisement and the Limits of Policy Feedback.” Princeton University Center for the Study of Democratic Politics. February 2024.
- Harvard University, Cambridge, MA. Panel on Reform and Representation. Race, Electoral Systems, and Reform Conference. September 2023.
- Northwestern University, Evanston, IL. “Chicago Area Behavior Conference: The Politics of Officer Involved Killings.” May 2023.
- Loyola University, Chicago, IL. “Hartigan Lecture: Limits on the Use of Force by Police: Perspectives from Law, Courts, and the Public.” February 2023.
- American Political Science Association Annual Conference, Montreal, Canada. “Not All Black Lives Matter: Officer-Involved Deaths and the Role of Victim Characteristics in Shaping Political Interest and Voter Turnout.” September 2022.
- University of Pennsylvania. Virtual. “Voice and Representation in American Politics.”

April 2021.

- University of Michigan. Virtual. “Which Lives Matter? Factors Affecting Mobilization in Response to Officer-Involved Killings.” February 2021.
- University of Pittsburgh. Virtual. “Policing and Participation.” November 2020.
- Hamilton College Constitution Day Seminar. Virtual. “Racial Protests and the Constitution.” September 2020.
- New York Fellows of the American Bar Foundation. New York, NY. “Police Shootings and Political Participation.” March 2020.
- 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 21st 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.”

Additional Activities

- Expert witness in *Kelvin Jones vs. Ron DeSantis, etc. et al.* (U.S. District Court for the Northern District of Florida Consolidated Case No. 4:19-cv-00).
- Expert witness in *Community Success Initiative, et al., Plaintiffs v. Timothy K. Moore* (Superior Court, Wake County, NC Case No. 19-cv-15941).
- Expert witness in *People First of Alabama v. Merrill* (U.S. District Court in Birmingham, Alabama, Case No. 2: 20-cv-00619-ACK)
- Expert witness in *Florida State Conference of the NAACP v. Lee* (U.S. District Court in the Northern District of Florida, Case No. 4:21-cv-00187-MW-MAF)
- Expert witness in *One Wisconsin Institute Inc. v. Jacobs* (U.S. District Court in the Western District of Wisconsin, Case No. 15-CV-324-JDP).
- Expert witness in *Alpha Phi Alpha Fraternity Inc., et al. v. Raffensperger* (U.S. District Court for the Northern District of Georgia, Case No. 1:21-cv-05337-SCJ)
- Expert witness in *Robinson, et al. v. Ardoin* (U.S. District Court for the Middle District of Louisiana, Civil Action No. 22-cv-00211).
- Expert witness in *Nairne, et al. v. Ardoin* (U.S. District Court for the Middle District of Louisiana, Civil Action No. 3:22-cv-00178 SDD-SDJ).

- Expert witness in *White, et al. v. State Board of Election Commissioners, et al.* (U. S. District Court for the Northern District of Mississippi, Civil Action No. 4:22-cv-00062-SA-JMV).
- Expert witness in *Honorable Terry Petteway et al. v. Galveston County et al.* (U.S. District Court for the Southern District of Texas, Galveston, Civil Action No. 3:22-cv-57-JVB).
- Expert Witness in *Tennessee Conference of the NAACP et al. v. Lee, et al.* (U.S. District Court for the Middle District of Tennessee, Nashville, Civil Action No. 3:20-cv-01039).
- Expert Witness in *Mi Familia Vota et al. v. Fontes et al.* (U.S. District Court for the District of Arizona, Civil Action No. CV-22-00509-PHX-SRB).
- Expert Witness in *Voice of the Experienced et al. v. Ardoin* (U.S. District Court for the Middle District of Louisiana, Civil Action No. 3:23-cv-00331-JWD-SDJ).
- Expert Witness in *Stone v. Allen* (U.S. District Court for the Northern District of Alabama, Southern Division, Civil Action No. 2:21-cv-01531-AMM).
- Expert Witness in *Milligan v. Allen* (U.S. District Court for the Northern District of Alabama, Southern Division, Civil Action No. 2:21-cv-01530-AMM).
- Expert Witness in *The Christian Ministerial Alliance et al. v. Thurston* (U.S. District Court for the Eastern District of Arkansas, Central Division, Case No. 4:23-CV-471-DPM).
- Expert Witness in *Pierce et al. v. North Carolina State Board of Elections* (U.S. District Court for the Eastern District of North Carolina, Eastern Division, Case No. 4:23-cv-193D).