Supplement to
Analysis of the Number of Incarcerated Registered Voters who Could Not Vote During Their Incarceration on the Weekend and Monday Before the November 2012 General Election

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This supplemental report offers a revised estimate of the number of jailed persons in Ohio who were registered to vote and had not voted by absentee ballot, but could not exercise their voting rights during their confinement the three days before the election on November 6, 2012. The report, dated October 30, 2013, used the proportion of adult population in the state that was in the nine counties in which sampled jails revealed the number of incarcerated registered voters in those counties the weekend and Monday before the 2012 general election. That initial method assumed that the number of such registered voters statewide would be proportionate to population share of the state’s population in the sampled nine counties.

The revised estimate offered here incorporates an additional database - annual jail inventories of the Department of Rehabilitation and Correction. It also includes the addition of inmate data for the Euclid City and Shaker Heights jails, which were not received in time to be included in the previous analysis. Thus the Results section of the earlier report is revised to include these data.

The previous analysis noted the higher percentage among African Americans who were registered voters unable to vote during the few days before the election – 46 percent versus 20 percent for non-African Americans. The supplemental analysis of additional data from the annual inventories of jails presented here also provides further support for the fact that there is a disproportionate impact on African American voters who were not allowed to vote.

Additional Data on Inmates in the Nine Sampled Counties

The study identifies and counts inmates who were registered to vote, had not voted absentee, and were incarcerated for the entire period from Saturday, November 3, 2012, through Tuesday, November 6, 2012, or later. As with the earlier analysis, the count does not include inmates if they were released on Election Day since such persons would have had the opportunity to vote if released before the polls closed. The calculation of the number of persons denied opportunity to vote just before the election is

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1 The analysis was requested by the Ohio Justice & Policy Center and data used in the analysis were supplied by that organization. See Appendix A.
thus made more conservative by this exclusion, since some of these excluded persons may not have been able to vote that day.

The time frame used here for counting persons who could not vote due to incarceration also excludes persons jailed Friday evening, November 2, 2012, after close of the offices of the boards of elections (BOEs), even though persons entering jails that evening and not leaving until after Election Day would have been unable to vote.

All the 12 Hour, 12 Day, Minimum Security and Full Service Jails in the nine counties were subpoenaed for data on all inmates held between November 2, 2012 and November 6, 2012. Since the initial analysis, data for Shaker Heights and Euclid City jails was received and included in this supplemental report. The exclusion of these jails (and several others) was noted in the earlier report.

For these additional two jails the process of identifying such persons (again) involves the following basic steps:

1) Identify the registered electorate who voted absentee.
2) Identify and count persons who were incarcerated in jails during the target period noted above, were registered to vote, and had not already voted absentee.

Data on incarcerated inmates were provided by the plaintiffs; data on registered voters and whether they had voted absentee in the election were from the boards of elections. Inmate records were manually matched to the registered voter data by the author based on a combination of names, addresses, and birth dates in the two sources.

Results of Counts in the Sampled Jails

The earlier analysis presented a table of results for each of the nine sampled counties. Table 2 is repeated here, but includes the additional data for the Shaker Heights and Euclid City jails.
Table 2: Results: Revised from the October 30th report (changes in red and italicized)

<table>
<thead>
<tr>
<th>County</th>
<th>Total in inmates database</th>
<th>Total</th>
<th>Registered, did not vote</th>
<th>Voted absentee</th>
<th>Not registered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams</td>
<td>11</td>
<td>3</td>
<td>2</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Athens</td>
<td>45</td>
<td>19</td>
<td>6</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>Butler</td>
<td>162</td>
<td>62</td>
<td>18</td>
<td>1</td>
<td>43</td>
</tr>
<tr>
<td>Cuyahoga</td>
<td>488</td>
<td>147</td>
<td>75</td>
<td>7</td>
<td>65</td>
</tr>
<tr>
<td>Franklin</td>
<td>271</td>
<td>108</td>
<td>36</td>
<td>5</td>
<td>67</td>
</tr>
<tr>
<td>Hamilton</td>
<td>152</td>
<td>92</td>
<td>26</td>
<td>2</td>
<td>64</td>
</tr>
<tr>
<td>Lawrence</td>
<td>22</td>
<td>8</td>
<td>3</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Montgomery</td>
<td>125</td>
<td>48</td>
<td>21</td>
<td>0</td>
<td>27</td>
</tr>
<tr>
<td>Summit</td>
<td>111</td>
<td>67</td>
<td>20</td>
<td>3</td>
<td>44</td>
</tr>
<tr>
<td>Total</td>
<td>1,387</td>
<td>554</td>
<td>207</td>
<td>19</td>
<td>328</td>
</tr>
</tbody>
</table>

Revised State Estimate

The previous estimate for the state total used a simple extrapolation based on the relative portion of the state’s 2010 adult (18+) population in the nine counties to the state’s total adult population, which was 42.2 percent. Since there were 202 (now 207) found registered voters who were incarcerated and were prevented from voting during the relevant weekend period in counties that constituted 42.2 percent of the state’s population, it was assumed that another 57.8 percent of such persons in the state were in the other counties. The resulting estimate for the state was 479 registered persons were in jails and unable to vote.

Here we use an alternative method of estimating the state total (and we add 5 additional inmates not able to vote to the Cuyahoga and total sampled counties).

We acquired data from annual jail inventories by the Department of Rehabilitation and Correction on average daily number of prisoners in all jails in the state (excluding temporary holding facilities, i.e., those of less than 6 hours) and found that the sampled jails constituted 40.8 percent of the 201 jails and 47.3 percent of the state total average daily prisoner count. We used the ratio of the prisoner count in the state to that of the sampled jails (2.115) to estimate the number of incarcerated persons who were likely to be unable to vote because they were in jail the weekend and Monday before the election. That estimate is 438 persons (i.e., 2.115*207).

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2 Collected annual jail inventory data covered years from 2004-2013, with some jails inventoried in multiple years. For this analysis we used only the latest year of data available for each jail. There was one jail inventory in 2013; 118 (58.7%) had data for 2012; there were 51 (25.4%) for which 2009 was the last year of available data; 30 (14.9%) jails had its latest inventory data in 2008; and one jail had an inventory with a missing year. Among the 82 sampled jails, 53 (64.6%) were last inventoried in 2012, 21 (25.6%) in 2009, and 7 (8.5%) in 2008.
Racial Impact
The issue of the possible disparate racial impact of the inability of registered jail inmates to vote in the final three days before the election can be addressed with the inmate data since race is included in the file. Forty-six percent (46%) of all the inmates in the database were Black, while there was 20 percent of the adult 2010 Ohio population that were Black (1 race category only).

The inventory of jails noted above also provides data on the racial composition of inmates statewide. Again using the latest inventories available, we find that 38.4 percent of adults in those jails were African American. Though this percentage is smaller than for the sampled inmate population, it supports the conclusion that denial of voting opportunity for inmates is likely to have a disparate impact on African American voters.\(^3\)

\(^3\) Note that, nationally, voter participation rates among African Americans in the 2012 election exceeded that of non-Hispanic Whites, 66.2 percent versus 64.1 percent, respectively. Ohio also had a higher rate among African Americans than Whites in that election. See "The Diversifying Electorate—Voting Rates by Race and Hispanic Origin in 2012 (and Other Recent Elections)", Current Population Survey, U.S. Bureau of the Census, issued May 2013. [http://www.census.gov/prod/2013pubs/p20-568.pdf]