

VOTING BEHIND BARS: POLICY AND PREDICTIONS OF TOTAL  
ENFRANCHISEMENT FOR INCARCERATED VOTERS IN THE UNITED STATES

BY:

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## DISSERTATION ABSTRACT

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Title: Voting behind bars: Policy and predictions of total enfranchisement for incarcerated voters in the United States

Nearly five million Americans remain disenfranchised because of their incarceration or felon status. Through this dissertation project, I study two legislative campaigns and conduct a nationwide experiment to better understand the roles of persuasion, framing, and labeling in support for the total enfranchisement of people in prison.

Using these two real-world examples (Washington D.C. and Oregon legislation), I conducted two content analyses that coded public comments submitted to the respective legislative bodies examining the use of persuasion and framing tools in crafting their arguments. Findings indicate that comments in support use as many tools as possible all at once, essentially trying every tactic they must to persuade their audiences. Comments in opposition used a unified voice that included fear appeals, highlighting the risks of the bills, and naming the stakeholders they saw as to blame for those risks. Additionally, I found that D.C. was more diverse in tactics, whereas Oregonians used fewer tools, although Oregonians did use a wider variety of labels and referenced more issues outside of enfranchisement. Furthermore, while D.C. focused on their struggle for statehood and distance from prisons, Oregon focused on other bills on the legislative agenda (e.g., gun rights and sustainability) and from their own history (e.g., Measure 11).

Supplementing the campaign analysis, I also conducted a nationwide 3 x 2 experiment (i.e., manipulated on persuasive appeals and topic-specific issue framing) using Amazon MTurk

that recruited 192 participants. Through this experiment, I found that rational appeals, positive attitudes towards prisoners, low perceived proximal risk, and left-leaning political orientations are most likely to predict support for total enfranchisement. The role of rational appeals as predictive echoed the campaign analysis, as supportive public comments tended to have more rational appeals than those in opposition. The proximal risk finding is additionally interesting, as this variable was crafted to put a name to the “I don’t want those voters to flip my district” sentiment. Importantly, framing and labeling mechanisms were not significant, indicating a need for further research on the roles of these theories in this context.

This dissertation includes previously unpublished material. Supplemental materials at the end of this dissertation include data collection instruments.

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For the millions who continue to be silenced by the government meant to represent you. Your voices are important and necessary, as members of our democracy and as human beings.

“These men and women are not nameless, faceless people but former members of their communities, with much to offer the community at large, who must be seen and heard. Their many ideas, issues, and concerns about the community at large are offered with a special, valuable perspective, one coming from citizens who had difficulty within our community but who one day will return to us as special citizens.”

– Arrington Dixon, former city councilor of Washington D.C.

Testifying in support of the Restore the Vote Amendment Act of 2019



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## CHAPTER 1

### INTRODUCTION

On March 28, 2023, it was reported that Governor Glenn Youngkin of Virginia had rolled back legislation that automatically restored the right to vote to Virginians with felony convictions (Burness, 2023). Taking disenfranchisement policies to the extreme, Virginia now sits in a category of its own with the strictest disenfranchisement laws in the country. Indeed, Virginia is now “the only state where someone who is convicted today over *any* felony is presumed to be barred from voting *for life*, with no remedy other than receiving a discretionary act of clemency from the governor” (Burness, 2023, para. 5, emphasis in original). This ultimately can be translated as giving the governor the sole power to grant the right to vote to those individuals he deems deserving. The restrictive and discriminatory nature of Youngkin’s decree was immediately met with criticism, with other Virginia state legislators drawing comparisons to the 1902 Constitutional Convention (where strict disenfranchisement laws were created without the input of the voting public) and to Jim Crow era laws, both of which were designed to bar Black residents from voting (Burness, 2023). This new policy is expected to lead to confusion about voting rights and, subsequently, more arrests for people unaware of their rights post-conviction, creating a feedback loop disenfranchising even more people (Burness, 2023). The re-introduction of draconian disenfranchisement policies makes studying political communication and the civil rights of incarcerated people urgent and a moral imperative.

Excluding Virginia, voting rights laws have been changing to support re-enfranchisement over the last 25 years, although a lot is left to be desired. In 2018, voters in Florida — notoriously one of the harshest states regarding incarceration rights (Miller & Spillane, 2012; Phillips & Deckard, 2016) — approved a bill that would automatically restore voting rights to

formerly incarcerated people upon completion of their sentence.<sup>1</sup> Shortly after, Governor Ron DeSantis implemented harsh policies to block re-enfranchisement (Brennan Center for Justice, 2023; Mazzei, 2019). This has severe implications for the electoral process, as projection studies have suggested that disenfranchisement of Southern voters was likely a key contributing factor in the 2000 Presidential election, with that election being a turning point for future Republican wins partially attributed to disenfranchised voters (Burmila, 2017; Phillips & Deckard, 2016). Still, examples of state legislative bodies pushing forward voting rights bills exist, with particularly interesting examples in Washington D.C. and Oregon.

In 2021, the Restore the Vote Amendment Act in Washington D.C. went into effect, a law that re-enfranchised incarcerated people regardless of felony convictions and prevented future stripping of voting rights. Introduced and passed by the D.C. City Council, local lawmakers successfully expanded the rights of their citizens of their own accord. In the same year, Oregonian state lawmakers introduced a bill that would accomplish the same goals as the law in D.C., but this bill was not successful. Now, in 2023, Oregon state legislators have reintroduced the bill with new provisions (see chapter 4) in a refreshed attempt to re-enfranchise their potential voting population of 13,000. D.C. and Oregon are thus ideal sites to study the life cycle of two policies – one successful and one failed – and comparatively understand how the public frames this policy issue.

To begin, this chapter introduces the broadest concepts covered in the dissertation. First, I will discuss the role of categorization and citizenship to provide a background for how people in prison have their civil rights stripped and restored, with some explanation of the role of federalism in these systems. Then, I put this issue into context with an overview of incarceration

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<sup>1</sup> Completion of sentence includes prison/jail time; parole, probation, or other supervision; and the payment of all fines and fees. This law excluded any persons with a murder or felony sex offense conviction.

in the United States, including a discussion of the disproportionate disenfranchisement of people of color, women, and poor people. To help explain these systems of power, I next survey the literature on abolitionist feminism, the philosophical perspective of this research. Finally, I present the empirical part of the dissertation, including the overarching research question and justification for the work, and provide a structure for the rest of the dissertation.

### **Citizenship Purgatory**

The human urge to categorize stems from a need to synthesize and simplify knowledge in our overly stimulating world (Jenkins, 2000) This urge applies just as much to classifying other humans as it does animals, plants, inanimate objects, and other miscellaneous things. One of the quintessential frameworks shaping this field of knowledge is the social identity approach, consisting of social identity theory (Tajfel, 1978; Tajfel & Turner, 1979) and self-categorization theory (Turner et al., 1987). Together, these theories give credence to the notion that people understand themselves as part of a relative ingroup, and that markers of identity become salient at specific moments, leading to certain behaviors. This type of relational understanding of identity has had implications in political science literature, whereby moral actions are partially manipulated by triggering perceptions of the other in relation to the self (Monroe, 2001).

Beyond the dichotomy of in and outgroups, the stereotype content model positions perceived warmth and competence on scales that reliably predict emotional prejudice and discrimination towards certain groups (Fiske, 2018). Immigrants and felons, for example, are often perceived as cold and incompetent and are more likely to be met with disgust and refusal to support. Similarly, demographic groups can be categorized by social construction (i.e., stereotypes) and political power in a matrix that places target populations among the advantaged,



contenders, dependents, or deviants (Schneider & Ingram, 1993). This model gives a clearer indication of why some groups are more politically advantaged than others, despite need or want.

### **Membership and Citizenship**

Historically, notions of citizenship conceptualization can be traced to ancient civilizations. Most notably, Greece has been credited with birthing the concept of a citizen as a person in relation to a nation-state, as part of its early democratic political system (Manville, 1990). This has evolved throughout the West; for example, Alexis de Tocqueville's description of early American citizenship is defined by various forms of participation in the state (see Isin & Turner, 2007 for a survey of citizenship studies). Rights and obligations of citizens to each other and the state became an enduring concept as philosophers sought to understand political organization. Classical explanations, like Thomas Hobbes's social contract theory, posited that citizens tacitly agreed to give up some liberties to enjoy a greater freedom brought by the protection of the state (Isin & Turner, 2007). These explanations, however, introduce citizenship as a gender and colorblind concept.

One of the clearest and earliest arguments of membership versus citizenship was put forth by Baruch Spinoza in the late 17<sup>th</sup> century, when he stated "I call men citizens in so far as they enjoy all the advantages of the commonwealth by civil right; and subjects in so far as they are bound to obey the ordinances or laws of the commonwealth" (Spinoza, 1677/1958, p. 285). This quote, whether intended or not, brings an important gendered dynamic to early citizenship definitions; as Spinoza states, citizens are *men* who enjoy all rights and advantages, while everyone else is a subject. Along similar lines and of utmost importance historically for understanding the current context of incarceration is the recognition that citizenship and race were intrinsically linked in early America. Without a doubt, whiteness was a key factor in

determining citizenship for early Americans, with even poor white people being protected from slavery as citizens and white women being granted earlier voting rights than their nonwhite counterparts (Alexander, 2012; Colbern & Ramakrishnan, 2020; Horton, 1999).

### **Stratified Citizenship**

Often in citizenship literature, conversation of “human” or “unalienable” rights emerges. These rights, which include basic needs like clean water or shelter, are intended to be protected for every person, regardless of their legal status. However, as Hannah Arendt criticizes in her landmark piece *The Origins of Totalitarianism*, these rights cannot be protected if one is not a member of a body that will protect them. Thus, there is a right that comes before human rights, which is the “right to have rights,” or membership in a political group (Arendt, 1973; DeGooyer et al., 2018). Along these lines, the concept of semi-citizenship emerges as a model of gradient-based rights allocation (E. F. Cohen, 2009). This form of stratified citizenship is essential for understanding how people can at once enjoy some of the rights of citizenship while being denied rights in other areas. By detethering rights from one other, Elizabeth Cohen offers an understanding of citizenship that is neither dichotomous nor contingent.

“Citizenship is the provision of rights by a political jurisdiction to its members” (Colbern & Ramakrishnan, 2020, p. 36). Allan Colbern and S. Karthick Ramakrishnan offer this definition of citizenship in their framework for state rights and immigration in the U.S. They further define five dimensions of citizenships: Fully imagined citizenship rests on the expansion and contraction of the (1) right to free movement, (2) right to due process and legal protection, (3) right to develop human capital, (4) right to participate and be represented, and (5) right to identify and belong. Similar in a sense to Cohen’s (2009) work untethering rights, Colbern and Ramakrishnan “reject the notion of citizenship as a unidimensional construct, with legal status

controlling access to a host of rights” (2020, p. 40). This gives their framework flexibility that puts political bodies (e.g., state governments) on a sliding scale of rights allocation from progressive to reinforcing to regressive, in relation to federal statutes. The federalist design of the U.S. grants states the opportunity to make their jurisdictions more open in defining citizens, but the vagueness of many federal laws, or their absence entirely, also gives state lawmakers leeway to greatly contract citizenship rights. One example that makes this clear is the treatment of people with felony convictions as semi-citizens.

As citizens, formerly incarcerated people hold a nebulous place. Scholars have used the label “custodial citizens” to describe justice-impacted people, to highlight the democratic consequences of the criminal legal system (Lerman & Weaver, 2014). In a shift from previous work, Amy Lerman and Vesla Weaver use “custodial citizens” to address both the label placed on individuals exogenously by political bodies *and* leaving space for individuals to place and define themselves as citizens impacted by the criminal legal system. This type of autonomous conceptualization of citizenship moves away from models like Colbern and Ramakrishnan’s, which relies more so on what is afforded to individuals rather than how they define themselves. Civil rights are allocated differentially by place, time, crime, and so on. For example, while incarcerated people in Washington D.C. may be able to vote, anyone charged with a felony or misdemeanor is disqualified from serving on a grand jury (Restoration of Rights Project, 2021); in other words, while citizenship rights may be restored in one area, they are not in another, leaving people in D.C. in a confusing and unfair position lacking their full citizenship rights.

Alongside the growth of the prison system has been the constriction of rights for those who have encountered the criminal justice system. According to the American Civil Liberties Union, there are nearly 50,000 legal restrictions nationwide that affect people with a criminal

record, with one in three Americans holding an arrest record (American Civil Liberties Union, n.d.). Thus, this expansive policy program affects nearly every community in the U.S. Presently, states perform underwhelmingly in securing full citizenship for even formerly incarcerated people, let alone those presently in prison. As such, the millions of justice-impacted people in the U.S. remain in a state of citizenship that is more like a purgatory.

### **Incarceration in the United States**

The penitentiary was an act of prison reform. Histories of incarceration detail a shift in the means of punishment on a global scale, as Protestants and Quakers throughout Europe and the Americas began asserting that capital and corporal punishment were too brutal (Davis, 2003; Foucault, 1977; Morone, 2003). Instead of physical torture, it was claimed, incarcerated people would experience a spiritually cleansing isolation that would bring them to God. Several decades later in the American South, prisons were reformed again. White landowners who had just seen their slaves freed following the American Civil War took advantage of a clause in the Thirteenth Amendment of the American Constitution (Alexander, 2012; Davis, 2003; Du Bois, 1935; K. Gilmore, 2000). Seeing as the amendment read that “Neither slavery nor involuntary servitude, *except as a punishment for crime whereof the party shall have been duly convicted*, shall exist within the United States, or any place subject to their jurisdiction” (Amendment XIII, 1865, emphasis added), white Southerners had Black people arrested for trumped up crimes such as loitering, so that they could have the person perform free labor on their land, thereby reinstating the slaves they had lost after the war. The ease of legal segregation in penitentiaries combined with a constant stream of free labor converged to create the mass incarceration model that is widely known today (Alexander, 2012; Davis, 2003; Du Bois, 1935; Foucault, 1977; K. Gilmore, 2000; Mills, 1997).

The United States incarcerates more people per capita than any other country; almost 2 million Americans are held in state custody (Sawyer & Wagner, 2023; Schoenfeld, 2018). Another 3 million formerly incarcerated people remain impacted by parole and probation, and about 19 million people are affected by their label as a "felon" (Sawyer & Wagner, 2023). Zooming in, these numbers get more drastic by state; for example, Alabama, Mississippi, and Tennessee each incarcerates more than eight percent (one in 13 adults) of their adult populations (Uggen et al., 2022). Bluntly, the U.S. has a prison crisis on its hands.

It is impossible to discuss incarceration without a meaningful conversation about race, gender, and class in the prison system. First, white people are far underrepresented in American prisons (Alexander, 2012; Hinton, 2016; Sawyer & Wagner, 2023; Schoenfeld, 2018), with the Prison Policy Initiative finding that white people comprise 60% of the U.S. population but only 38% of the prison population. Conversely, Black, Latinx, and Native people are overrepresented in prison, with Black adults facing the highest disparity: 13% of the U.S. population but 38% of the prison population. Women have seen much faster growth in their incarceration rates than men, growing at a pace nearly twice that of men's incarceration. Of the nearly 173,000 women and girls incarcerated in the U.S., more than 25% have not yet had a trial (Kajstura & Sawyer, 2023). People behind bars are also disproportionately poor compared to the overall U.S. population, the poorest of which are almost always women and people of color (Reiman & Leighton, 2020; Sawyer & Wagner, 2023). Furthermore, the Prison Policy Initiative reports, "Poverty is not only a predictor of incarceration; it is also frequently the outcome, as a criminal record and time spent in prison destroys wealth, creates debt, and decimates job opportunities" (Sawyer & Wagner, 2023, para. 46).

The makeup of prisons in the U.S. is by design. As has already been established, people of color, women, and poor people have hardly been welcomed as full citizens in the U.S. Gendered notions of citizenship have allowed patriarchal systems to ignore the needs of women as full citizens (Roy, 2005). Modern incarceration was designed with the express intent of capturing and re-enslaving Black people in the U.S. (Alexander, 2012; Du Bois, 1935). Trends towards the criminalization of homelessness and mental illness keep poor people cycling through jails and prisons (Amster, 2003; Diamond et al., 2022). These historical sociopolitical relationships can be explained through an abolitionist feminist philosophical perspective.

### **Abolitionist Feminism**

The abolitionist movement is most commonly associated with and historically rooted in the fight against slavery in the American South. In fact, William Lloyd Garrison's publication of the *Liberator* in 1831 is often cited as the birth of abolition in the U.S., though there were people in the U.S. who fought against the practice of slavery long before then (Newman, 2002). Undeniably, the abolitionist movement continued throughout the era of enslavement in the U.S., but where it ended remains contested. Whereas some historians end the abolitionist timeline at the Emancipation Proclamation and ratification of the Thirteenth, Fourteenth, and Fifteenth Amendments to the U.S. Constitution, others continue it long past the end of chattel slavery. Ida B. Wells's anti-lynching pamphlet *Southern Horrors* is a useful example of the continuation of the abolitionist movement post-slavery (Wells-Barnett, 1892). More recently, Angela Davis has stated that because the Thirteenth Amendment permits slavery for those convicted of felonies, abolitionism as a terminology is not only appropriate but historically correct in its acknowledgement of the persistence of slavery in the U.S. (Davis, 1996).

Although a clear line cannot be drawn across abolitionist feminist history, there are general principles and key actors which shape the field. As previously mentioned, Ida B. Wells's work in the late 19<sup>th</sup> century served as an early abolitionist feminist work, aimed at exposing the terrors of lynching laws in the American South. Perhaps the most well-known literature on abolitionist feminism is that which came out of the Black Liberation Movement in the 1960s and 1970s. Scholars and activists such as Angela Davis and Assata Shakur wrote on their life experiences and perspectives as Black women who had experienced incarceration (Davis, 1971; Shakur, 1978). Davis, undoubtedly one of the leading voices in abolitionist feminist movements, has continued to publish on the topic ever since (Davis, 2003, 2005, 2011, 2016; Davis et al., 2022). Backed by this work primarily done by Black women in the 1970s, a recent resurgence has led to a plethora of scholars contributing to the body of literature on abolitionist feminism.

As a paradigm, abolitionist feminism rests on the assumptions that the prison system and its related arms cannot be reformed (Schenwar & Law, 2021). While the "prison industrial complex" as a phrase is rather commonly known, there are numerous arms with which this system entangles its subjects that often remain obfuscated. These include the convict leasing system, forced labor, increasing militarization of law enforcement, global linkages between imperialism and incarceration, constant surveillance and psychiatric incarceration, and the permanent stripping of civil rights (Davis, 2003, 2016; R. W. Gilmore, 2007; Kaba, 2021; Levine & Meiners, 2020; Thuma, 2019). Recently, the prison industrial complex has even been expanded upon to include the "prison media complex," a phenomenon that tackles the tangled relationship between prisons and private media and technology corporations (Stiernstedt & Kaun, 2022). Since these elements of oppression are intertwined, reforms would only work within the system, and so abolition feminism calls for an overhaul of all these mechanisms

(Davis, 2003, 2016; Kaba, 2021). Abolitionist feminism demands that we take a perspective rooted in community care, pushing back against punishment or isolation (Bhandar & Ziadah, 2020; Davis et al., 2022; Kaba, 2021). This is a perspective can be applied to all sites where panopticons, punishment, and oppression exist (Lawston & Meiners, 2014).

Applying an abolitionist feminist perspective to a dissertation on the voting rights of incarcerated people is integral for three reasons. First, abolitionist feminism is rooted in the historical slavery abolitionist movement, acknowledging the failure of the Thirteenth Amendment to protect persons convicted of a crime from slavery. This perspective clearly states that incarceration *is* slavery and persons subjected to the carceral system are branded as such. This flows into the next point, that abolitionist feminism asserts that prisons are designed to uphold systems of power, such as capitalism and white supremacy, so those who are affected by the carceral system will inherently be disproportionately poor and people of color. As such, the carceral system is working as designed when marginalized people are overrepresented in prisons. Finally, using an abolitionist feminist framework means self-critiquing constantly throughout the process and focusing on the elevation of the incarcerated voices to lead the research. This manifests as both a critique on the overemphasis of voting rights restoration as the central goal within this research, while at the same time acknowledging that numerous (formerly) incarcerated-led organizations have made calls for voting rights restoration reforms as a path to reintegration after incarceration (e.g., Prison Policy Initiative and The Sentencing Project). Succinctly, the abolitionist feminist framework demands that my dissertation be critical of carceral systems and demand for the rights of (formerly) incarcerated people.

### **Research and Structure of the Dissertation**



To pursue enfranchisement for all people convicted of crimes is to advocate for an abolitionist feminist future that recognizes incarcerated people's full citizenship. To do this from an academic perspective, I set out to understand two campaigns for total enfranchisement: The Restore the Vote Amendment Act in Washington D.C. and the twin pieces of legislation House Bill 2366 and Senate Bill 571 in Oregon. This first comparative study answers the question "How did public commenters frame the re-enfranchisement of incarcerated voters in their respective campaigns, and how do these tools and outcomes compare across contexts?" Through a content analysis, I analyzed testimonials submitted to the respective legislative bodies looking specific at how appeals and framing were used by public commenters. Public comments are particularly interesting because they are an organic means of collecting information from those most involved and engaged in the topic. Alongside this study, I also develop a framework for predicting support for total enfranchisement. Based on a nationwide experimental study using a mock petition and accounting for numerous covariates, I test a series of hypotheses that point to support of the cause as an end goal. This design supports future research and organizing action toward the reinstatement of civil rights for incarcerated people.

While restoring the right to vote to incarcerated people is not the same as a full reinstatement of civil rights, this research represents a step in that direction, as it seeks to remove barriers to civil rights for incarcerated people. This is especially important as people of color, women, and poor people are disproportionately incarcerated, which directly translates to these groups being disproportionately disenfranchised. Understanding the scope of this issue will help elucidate the gravity of American enfranchisement policy. Additionally, the right to vote has been debated as one of the most fundamental aspects of a healthy democracy, with political philosophers arguing for policies such as universal suffrage, compulsory participation in

electoral politics, and expansive educational programs on the basis of voting as a civic duty (Chareka et al., 2006; Dionne Jr. & Rapoport, 2022; Mill, 1860/1958). This is further evidenced by the role enfranchisement plays in diversity of representation; electorates with more expansive voting rights, globally, tend to have more diverse governing bodies (Dionne Jr. & Rapoport, 2022; Kenworthy & Malami, 1999), and this is especially true when considered alongside additional laws that prohibit who can run for office (Ewald, 2009). Thus, this dissertation also contributes to an ongoing scholarly discussion concerning democratic health in the United States.

This dissertation contributes to political communication literature by advancing theory in the carceral context, by bringing attention to the value of public comments as communicative texts, and by developing an interdisciplinary model of testing political communication theory alongside sociological and political science theory with an academic activist perspective. Furthermore, this dissertation supports the work of activists and organizers in the field by examining two landmark campaigns for rights restoration and by surveying a large swath of people to better understand motivations for supporting total enfranchisement. Thus, this work is both academically and practically valuable.

The remainder of the dissertation will cover the theoretical framework and empirical studies of the research. In chapter 2, I review the body of literature on crime, political communication, persuasive appeals, labeling theory, and framing theory. Chapter 3 covers the Washington D.C. campaign for voting rights restoration, chapter 4 covers the campaign in Oregon, and chapter 5 addresses the two through a comparative analysis. Chapter 6 details the ongoing experimental study that aims to develop a model for predicting support of total enfranchisement for people in prison. Finally, chapter 7 concludes the dissertation with a broad discussion of the implications, limitations, and future of the research.

## CHAPTER 2

### THEORETICAL FRAMEWORK AND LITERATURE REVIEW

While considerable political communication research has been conducted on voting, little has been done to examine this within the incarcerated and formerly incarcerated populations. The few communication studies that consider prisons are largely based on media representations (e.g., Bock, 2021; Yousman, 2009) or include prisons as a side note to a conversation about crime (e.g., Garcia & Arkerson, 2017). Meaningfully addressing public opinion about re-enfranchisement is essential for both political communication and carceral studies.

The theoretical framework employed in this dissertation is comprised of several parts. First, I introduce the extant literature on crime and communication. This section includes a discussion of moral panics, some historical context of the role of crime in the media, and representations of crime and prisons in various media types. Second, I will review framing theory as an integral paradigm for understanding messaging about crime. Here, I outline the twin approaches to framing in sociology and psychology, and provide a conceptual framework for how I will measure framing mechanisms in the dissertation. Third, I introduce labeling theory from the field of sociology. This theory is integral for understanding the importance of words like “felon” as a tool of social control. Fourth, I present a summary of persuasive appeals, namely rational and emotional appeals. Rational and emotional appeals are key variables in analyzing public comments and crafting manipulations for the experiment. Fifth, I outline some of the effects of media coverage of crime. This section includes an overview of the fear of crime, perceived threats, and the Mean World Syndrome. Finally, I conclude this chapter with key highlights of the theoretical framework and provide a short description of the next chapters (i.e., the empirical portion of the dissertation).

## Crime and Communication

The sociological work on moral panics provides excellent insight into the co-constitutive role of the media and politicians in developing public opinions of crime. Moral panics are characterized by a focus from elites and media outlets perceived social disorder, with the intent to mobilize state control on perceived deviants, and, with respect to crime, there are often discrepancies between what is empirically real and what is represented (Falkof, 2020; Hall et al., 1978; Tabor, 2022). The demonstrated focus of elites and the media on crimes which are neither new nor on the rise (Best, 1999) can be used to explain sociohistorical moments in time; the state constructs a problem, the media overplays this problem, fear is generated, and this gives the state license to invoke more power over the community (Hall et al., 1978). Often, moral panics play into racial unrest or feed on gendered ideas of frailty. In all cases, moral panics rely on a folk devil that demonizes typically marginalized groups under the guise of heroism (S. Cohen, 1972; Hall et al., 1978; Renfro, 2020; Tabor, 2022).

In previous work I have published on *To Catch a Predator*, I traced some of the recent iterations of the child exploitation moral panic as driven by social and traditional media outlets (Tabor, 2022). The #DisneyGroomers trend, for example, has renewed the child exploitation moral panic by feeding on residual homophobia from the Satanic Panic to further anti-LGBT political agendas (Hughes, 2017; Lavietes, 2022). On a global scale, QAnon was born of a child exploitation moral panic and has successfully used this false narrative and momentum to spread xenophobic ideologies worldwide (Bleakley, 2021). Alongside these, the docuseries *Undercover Underage* was renewed for a second season on Discovery+, a show that capitalizes on the suspense of online predatory behavior (Del Rosario, 2022). Through a concentrated fixation on combatting a crime that contrasts the real crime statistics that indicate multi-decade declines in

child abuse (Finkelhor, 2020; Finkelhor et al., 2015), elites and media personalities have been able to spread false information about child endangerment that has led to real-world policy changes, such as the slew of anti-drag and anti-trans legislation introduced in just the last few years (American Civil Liberties Union, 2023; Burga, 2023).

Certainly not all coverage of crime constitutes a moral panic. However, moral panics are indicative of how the media and elites can – directly or indirectly – collude to create a false narrative of crime that directly impacts those *perceived* as deviant, with that deviance almost always reflective of some marginalized aspect of identity. From newscasts to television to films to podcasts, crime is ever-present in our media landscape. In this section, I will review the literature on media representations of and interactions with crime. Through this, we can better understand how the public is primed to view justice-involved people, which would likely impact their partiality to oppose total enfranchisement for this population.

### **Historicizing the Media/Crime Relationship**

Crime news can be traced back to the penny press papers, serving as an integral space filler on par with the weather (Benedict, 1992; Garcia & Arkerson, 2017; Thompson, 2004). The emergence of this regular feature has led to a dependency on crime news, with a lack of news on crime leading to demonstrated feelings of discomfort (J. Katz, 1987). In its nascent days, the crime beat was likened more to a gossip column, developed through street-based knowledge and quasi-investigative research (Soderlund, 2013). Additionally, in the early 20<sup>th</sup> century organizations such as the World Women’s Christian Temperance Union took advantage of rising literacy and access to printing equipment to produce thousands of daily and weekly publications that sought to combat “vice” in America with a crusade against alcohol, prostitution, and opium (Pliley et al., 2016; Soderlund, 2013). At the same time, fictional depictions of penitentiaries and

prisoners were made famous by authors such as Nathaniel Hawthorne, Charles Dickens, Herman Melville, Harriet Beecher Stowe, and Franz Kafka (C. Smith, 2009). These tales of sorrow, stoicism, woe, and triumph, painted an image in the early American imagination of what prison is and ought to be.

After World War I the crime beat took on a considerably different image, as J. Edgar Hoover led the Federal Bureau of Investigation's crusade to manage police public image, inevitably leading to the introduction of public relations departments and officers in law enforcement agencies across the U.S. (Bock, 2021; Stabile, 2018). This relationship was concretized with the sky-rocketing demand brought on by the late 20<sup>th</sup> century's 24-hour news cycle. In the 1990s, television news made it "difficult to avoid the sense that the USA was being swept by a crime wave the enormity of which had never been seen before" (Stabile, 2006, p. 177). Crime news at that time focused on decontextualized mayhem (Best, 1999; Stabile, 2006; Yousman, 2009), and this was exacerbated by both the perpetual television and Internet news cycles (Garcia & Arkerson, 2017; Kovach & Rosenstiel, 1999). Furthermore, the growing corporatization of newsrooms has heightened competition (Hamilton, 2016), leading to media spectacles out of fear of missing a scoop (Bock, 2021) – Gwyneth Paltrow's recent skiing incident coverage is an obvious example. Blending nonfiction events with fiction storytelling, the "murder leisure" industry also began really taking off around this time (Seltzer, 2007). True crime podcasting and Internet videos in particular, which are characterized by graphic descriptions of real violent crimes interspersed with advertisements for everything from mattresses to at-home DNA testing, allow any person to make a profit retelling a crime that happened to someone else in a narrative fashion (Seltzer, 2007).

The historical relationship between crime and the media has always been racialized. This history can be, and has been, the subject of several entire book length projects (see, for example, Stabile, 2006; Tchen & Yeats, 2014), but I will highlight just a few particularly notable examples. In the late 19<sup>th</sup> century, one of the most popular images of Chinese immigrants and Chinese Americans in the U.S. was that of the stereotypical opium den frequenting sexual deviant, which was used as support for passing the Chinese Exclusion Act in 1882 (Friskien, 2020). Ruggedly masculine Jack London wrote fearful short stories (e.g., “Yellow Peril” and “The Unparalleled Invasion”) whose fictionalized portrayals of Japanese and Chinese people were widely disseminated through papers such as the *San Francisco Examiner* in the 1900s, and told of “the potential danger of Asian hordes” (Tchen & Yeats, 2014, p. 176). From the 1890s-1910s, lynching was one of the most commonly reported on violent crimes in the U.S., with lynching postcards becoming a novelty traded among white Southerners (Richardson, 2020; Stabile, 2006). In 1915, D. W. Griffith introduced white audiences to one of the most enduring media representations of the racialized criminal with the release of *The Birth of a Nation* (Griffith, 1915; Stabile, 2006). This stereotype has been mimicked and manipulated in stories about prostitution, sex trafficking, femicide, lynching, drug usage, and Black culture broadly (Soderlund, 2013; Stabile, 2006). Additionally, cultural scholars have levied critiques at the relationship between narcoculture, drug trafficking, and Latin Americans in the media (Cabañas, 2014) as well as the portrayal of Native Americans as either savages, steeped in vices, or altogether invisible (Slakoff, 2020). The enduring prominence of Missing White Woman Syndrome – the overrepresentation of missing white women and girls and underrepresentation of all other victims in the news – is further indicative of this relationship (Tabor, 2022; Tabor & Fritz, 2022).

## **Representations of Crime**

The image most commonly associated with incarcerated people is violent. The violent prisoner is everywhere; however, the violence that viewers see in the media is largely out of proportion to the real danger incarcerated people pose (Aduvato et al., 2022; Cheliotis, 2010; Fisher et al., 2004; Garcia & Arkerson, 2017; Mason, 2006; Yousman, 2009). Furthermore, news media outlets have a long history of disproportionate representation of Black men as criminals (Entman & Rojecki, 2000; Hill Collins, 2004; Stabile, 2006), providing ample evidence for the implicit and explicit racism model of framing (Jackson, 2019). Penitentiaries as institutions are also occasionally reflected as sites of violence (Garcia & Arkerson, 2017; C. Smith, 2009; Yousman, 2009), though they are most often characterized as empty vessels, cages devoid of life (Bock, 2021; Yousman, 2009). However, an alternative exists. Most commonly found in films about prisons, the confinement frame presents prisoners as sympathetic people who have been trapped by incarceration, deserve freedom, and are the heroes of their stories (Garcia & Arkerson, 2017; Surette, 2007). Additionally, prison memoirs have served important roles in prison historiography and some prison reforms have credited the critical storytelling of memoirs as a catalyst for change (Anderson & Pratt, 2008).

While any media portrayal of corrections is rare, post-incarceration representations are practically non-existent; jails and other programs such as parole, probation, psychiatric incarceration, or halfway homes, are hardly given a thought by media content creators (Garcia & Arkerson, 2017). One particularly ironic example of the lack of coverage of post-incarceration sentencing is the frequent comparison that was made of pandemic lockdown to house arrest in the early 2020s (e.g., Sharma et al., 2022) – the irony here being that home confinement surged during the pandemic and thousands of people were actually under house arrest being



electronically surveilled in their own homes (Glaser, 2021; Hager, 2020). Still, limited research on parole and probation coverage in the news has indicated a negative shift in perceptions of the practices in Australia and Ireland, respectively, favoring harsher punishments than these instead (Maguire & Carr, 2013; Moffa et al., 2019). Fictionalized portrayals of post-incarceration sentences are perhaps less rare than in news coverage, but still seldom seen. While we get a humorous portrayal of house arrest through George Bluth on *Arrested Development*, this can hardly be treated as representative of the home confinement system (A. Smith, 2014). In *Orange is the New Black*, viewers get a glimpse of life on parole when Taystee Jefferson is granted an early release, only to wind up quickly back in prison due to insurmountable parole requirements (Tabor, Under revision). The absence of meaningful media images of post-incarceration sentencing has ramifications; indeed, some apathy towards extraordinary sentences like life imprisonment has been attributed to the flawed or otherwise lacking media representations of prison and post-incarceration realities (Seeds, 2022).

It is worth addressing the representation of powerful players in the criminal justice system alongside the offenders, namely police and the court system. Police representation has evolved from Keystone Cop slapstick comedies and early 20<sup>th</sup> century film noirs to buddy cops and techno-deterministic sci-fi superheroes (Aduvato et al., 2022; Garcia & Arkerson, 2017). Law enforcement (and the repressive state apparatus more broadly) has benefited greatly from what has colloquially been termed “copaganda,” but is more insidiously known as the “Military-Industrial-Media-Entertainment Network,” which refers to the symbiotic relationship between Hollywood, the TV industry (especially reality TV like *COPS*), the commercial gaming industry (e.g., *Call of Duty*), and the Pentagon to “boost recruitment, to (re)write military history, and to influence the portrayal of the armed forces in the eyes of the public” (Kaempf, 2019, p. 542;

Robb, 2011). Additionally, newly introduced policies aimed at reforming police, such as the introduction of body-worn cameras in many precincts, have further given police narrative control as they are responsible for maintaining, editing, and disseminating their own footage (B. C. Newell, 2021). Crime procedurals and the serialization of high-profile trials (e.g., OJ Simpson, Johnny Depp and Amanda Heard, and Gwyneth Paltrow's civil case) have also contributed to the image of the legal system as a place where heroes seek justice, even though most criminal cases are settled out of court by overworked and under-resourced public defenders resorting to plea deals (Alexander, 2012; Bock, 2021; Clair, 2020; Yousman, 2009).

All this said, people in power are not exclusively in control of their own media images. The media's role as an intermediary between elites and the public on political matters means navigating competing interests and narratives that are met differently by the public dependent on context (Entman, 2009). This is especially relevant in instances of police brutality, such as in the Rodney King beatings or the murder of George Floyd, where journalists engage with event-driven problem construction that is "more variable and dynamic than institutionally driven news... drawing on a wider variety of voices and perspectives" (Lawrence, 2000, p. 9). It is in these tragic events, especially, that alternative narratives emerge from the ground up.

Citizen journalists and cop-watching have challenged the dominant ideology of newsmakers through mobile phones and social media, and with dramatic effect (Bock, 2021; Richardson, 2020). Bearing witness, as Allissa Richardson outlines in her landmark book, has a long and storied history for African Americans, stretching at least as far back as slave memoirs and enduring even now as countless instances of police brutality and racism are caught on mobile phone cameras. These acts of citizen journalism push back against the Military-Industrial-Media-Entertainment Network by showing a real, raw image of law enforcement's

treatment of the community. Additionally, the use of hashtags such as #whatpicturewouldtheyuse brings attention to the media's overreliance of mug shots for any person of color in the news, versus glamorous photos or an overemphasis on achievement for white criminals (Bock, 2021; Florini, 2019). One particularly egregious example of this was the murder of Sam DuBose by University of Cincinnati campus police in 2015, when news coverage used a mug shot for DuBose's photo and a professional portrait for the police officer (Bock, 2021). The counternarratives brought forth from citizen journalism and digital public sphere discourse thus play an important role in contextualizing stories outside of the dominant ideological point of view (Bock, 2021; Florini, 2019; Richardson, 2020).

Most studies on crime, prisons, and policing in the media use qualitative framing approaches, emphasizing representation through mass communication outlets; little is known about framing people in prison in policy reform debates and their related effects. Importantly, these gaps raise serious questions about whether and how audiences think about enfranchisement for incarcerated people. Based on the extant research, there is little reason to believe the general audience would be sufficiently informed of the issue, or care at all even if they were — why would voters want to give rights to people who are portrayed as almost exclusively violent or nonexistent? The next section delves deeper into framing theory and how it can be used to address this question.

### **Framing Theory**

Perhaps one of the most indicative examples of framing was the semantic debate between “global warming” and “climate change.” An early indicator of this debate started with pollster Frank Luntz advising George W. Bush's administration that a shift from the phrase global warming to climate change could cause Americans to feel less fearful of the environmental

impact and subsequently demobilize activist efforts (Luntz, 2002; D. A. Scheufele & Tewksbury, 2007). Both academic and journalistic investigations have since reified the claims that “global warming” is a more emotive and polarizing term, although this issue is hardly as simplistic as these claims (Benjamin et al., 2017; Enten, 2014; Lakoff, 2010). Taking note of the effects of using such charged phrases, cases have been made for seemingly “neutral” language to discuss the issue (Lakoff, 2010). This example is quintessential of framing; using different words to describe what otherwise appears to be the same phenomenon, measuring if and how it influences the behaviors of the public, and developing ways to trigger wanted effects or overcome unwanted effects. Whether two words can affect someone’s willingness to accept and potentially even do something to work towards a safer environment has large-scale implications for numerous stakeholders on all sides (Benjamin et al., 2017; Lakoff, 2010). It is for this reason that framing is worth revisiting time and again, to ensure a concretized definition, clarity in its effects, comprehensiveness in its analysis, and so on.

Framing theory has become one of the most cited and relied upon theories within political communication research, to the extent that it has been called into question as a paradigm rather than a theory (Bennett & Iyengar, 2008; Entman, 1993; D. A. Scheufele & Iyengar, 2017). Framing theory asks how the media influences how people think, with a special emphasis on the topics made salient by newsmakers (Chong & Druckman, 2007c; B. Scheufele, 2004). Using frames, communicators emphasize certain parts of a story, while diminishing the importance of others, by putting them in a context that promotes specific definitions and judgments (Entman, 1993; B. Scheufele, 2004). Frames can lead audiences to interpret stories differently, particularly as the emphasis on some parts of a story may lead to different responses, dependent on the characteristics of the receiver (Taber & Lodge, 2006; Tewksbury & Scheufele, 2020).

Two epistemologies birthed their versions of framing in the 1970s. First, constructivists working within the sociological tradition conceptualized framing as a phenomenon both within ourselves, helping us organize and make sense of our lives and experiences, and outside of ourselves in the form of communication, giving meaning to messages. At the same time, positivists in the psychological tradition put forth framing as an element of Prospect Theory, defining it as changes in equivalent messaging that produce changes in behavior. As such, each emphasized a different mode of understanding framing, with constructivists focusing on framing analysis as a qualitative study, and with positivists looking at framing effects through quantitative experimental research. In this section, I dive deeper into the history behind each of the two traditions and provide examples of key works and criticisms that have developed their mutual understandings of the phenomenon. This is followed by a further explanation of the functional tools of framing, which will be critical for the empirical research of this dissertation.

### **Sociological Roots and Framing Analysis**

Erving Goffman (1974) defined frames as ways for us to organize our lives — frames give meaningless things meaning. Frames are the concepts and perspectives that help us make sense of our experiences and guide our actions. In what has been deemed the most widely cited definition of framing (D. A. Scheufele & Iyengar, 2017), William Gamson and Andre Modigliani write that a frame is “a central organizing idea or story line that provides meaning to an unfolding strip of events” (1987, p. 143). Applied specifically to journalists, framing is a central organizing force for journalists to tell stories; “facts have no intrinsic meaning” (Gamson, 1989, p. 157), it is frames that give meaning to them (Gamson, 1989; Goffman, 1974). Thus, the sociological definition of framing refers more broadly to all manners of message presentation, regardless of the equivalency of the message. The immense broadness of this definition has been

criticized for essentially equating all messaging with frames, though notably this has come from scholars who tend to operate outside of the sociological tradition (D. A. Scheufele & Iyengar, 2017).

Emergent from the sociological framing definition has been the study of frame analysis. Goffman's (1974) early iteration of frame analysis identified primary or natural frameworks (i.e., biophysical, innate) and social frameworks (i.e., constructed sociologically, often with others). News discourse frame analysis has described framing as a constructed phenomenon, wherein sources, journalists, and the audience all operate within a shared sociocultural context, and thus operate together in message encoding and decoding (Pan & Kosicki, 1993). Indeed, "framing analysis as an approach to analyzing news discourse mainly deals with how public discourse about public policy issues is constructed and negotiated" (Pan & Kosicki, 1993, p. 70). Thus, framing studies should examine frames as part of a whole environment, complete with understanding political language, climate, and the four elements of news texts: syntactical, script, thematic, and rhetorical.

Frame analysis has come to be understood as the close examination of messages to determine underlying assumptions, ideologies, or other indicators of motivated organization in media content (Kitzinger, 2007). In recent years, frame analysis has earned a place among research methods that speak specifically to intersectionality, with the close examination of media messages serving an essential purpose in understanding race, Western culture, and other ideological notions pervasive in popular culture (Edwards & Esposito, 2020). Frame analysis has also been lauded as a crucial method for understanding media messages outside of a vacuum (Vliegenthart & van Zoonen, 2011). In addition to closely reading media messages, a sociologically informed frame analysis can illuminate "social and cultural contexts, structural

divisions and power constellations” (Vliegenthart & van Zoonen, 2011, p. 112), immensely important considerations for multi-level analysis and holistic understandings of media environments. Still, a sociologically-oriented frame analysis suffers from treating all messages as frames and from its obfuscation of public opinion from a lack of focus on media effects (D. A. Scheufele & Iyengar, 2017).

### **Psychological Roots and Framing Effects**

Beginning with Prospect Theory and the development of the gain/loss frame, framing in the psychological tradition has been used to describe subtle changes in the presentation of equivalent messages, leading to different behavioral outcomes (Kahneman & Tversky, 1979). This definition of framing relies on the assumptions that perception is dependent on references, the underlying information is equivalent despite differing presentations, and that alternative modes of presentation are not considered by those receiving the message (Kahneman & Tversky, 1979; D. A. Scheufele & Iyengar, 2017). The psychological model of framing, then, focuses on how senders manipulate the presentation of information to influence the behavior of a receiver through otherwise equivalent details.

As with the original study on Prospect Theory, a great deal of research following this tradition has used experimentation to study framing effects. With a particular interest in public opinion research, framing scholars have sought an understanding of how and to what extent changes in framing produce changes in opinion: “What is particularly vexing in public opinion research is a phenomenon known as ‘framing effects.’ These occur when (often small) changes in the presentation of an issue or an event produce (sometimes large) changes of opinion” (Chong & Druckman, 2007c, p. 104). Framing effects studies have looked at both mediational analyses (e.g., framing triggers a mental process such as memory before changing the opinion)

and moderating analyses (e.g., prior opinions affect the strength a frame has on changing an opinion) to better understand the psychological mechanisms influencing responses to frames as well as studying differences in frames themselves (Chong & Druckman, 2007c; D. A. Scheufele & Iyengar, 2017).

Shanto Iyengar's (1994) work defining episodic and thematic framing demonstrated how the two could affect blame attribution for key socioeconomic issues in the US. Episodic frames offered one-off stories that were heavily individualized with little information about broader societal implications. Conversely, thematic frames spoke broadly of societal issues and placed facts and figures in a larger context. Though these often co-occurred in the television news stories Iyengar studied, a dominant frame always emerged, and this frame held implications for viewer attitudes. One such example that Iyengar provides concerns crime news; crime news is highly over-saturated with episodic frames, leading viewers to blame individuals for crime (as opposed to societal conditions) and to express a desire for a more punitive response, and these findings have been echoed in other studies about crime news (e.g., Callanan & Rosenberger, 2015; Garcia & Arkerson, 2017; Stabile, 2006). Jenn Jackson furthered this work by introducing a typology of implicit-explicit media framing of race, which explains how news outlets combine episodic/thematic framing with overt or coded racial language, to account for the dominance of white ideology and messaging in mainstream media outlets' crime coverage (Jackson, 2019).

Prospect Theory's assumption of audience acceptance of the message (i.e., third assumption) and framing effects studies' subsequent reliance on experimental conditions has been criticized for ignoring the complexity of the real media landscape (Vliegenthart & van Zoonen, 2011). To address this, scholars have expanded framing studies to include longitudinal time periods and competing frames, increasing the external validity and theoretical strength of



framing effects by demonstrating its veracity in different environments (Chong & Druckman, 2007a). Strong frames have a demonstrated effect on public opinion despite competition and repetition (Chong & Druckman, 2007b).

### **Functions of Framing**

Political communication research has developed knowledge about frame building, or the “creation and social negotiation of frames” (Tewksbury & Scheufele, 2020, p. 56). Harkening back to the sociological genealogy of framing theory, this branch of framing research emphasizes the importance of cultural context and interpretation, as audiences may be differentially influenced by the same message, dependent on their positionality (Goffman, 1974; Vliegenthart & van Zoonen, 2011). Frames are developed within a given context, influenced by elite actors and other parties, and then interpreted through the lens of an audience member (Tewksbury & Scheufele, 2020). Presently, research has focused on framing by journalists in news organizations; however, testimonials submitted by the public to legislative sessions can reasonably be expected to follow the same conventions. Much like news stories, public comments are typically intended to inform audiences while framing the issue in a way that is informed by their cultural context; however, public comments are more expressly intended to persuade than typical news articles. Still, to accomplish these goals, public commenters can likely be expected to employ tools that build frames within their testimonials.

In 1993, Robert Entman published what is perhaps the most foundational work in defining framing to date. Entman saw that framing research was growing increasingly prolific across both social sciences and humanities, but that the fractured relationship between these two paradigms was preventing them from agreeing on a common definition for the phenomenon. In an effort to more succinctly define the term, Entman claimed that to frame meant to “select some

aspects of a perceived reality and make them more salient in a communicating text” (1993, p. 52). To do so, communicators define a problem, diagnose its causes, make moral judgments, and suggest remedies, packaging the issue into manageable content to be produced for the audience. These tools may be used simultaneously, in conjunction with each other, or in isolation.

The content of the debate, or the topic-specific issue, defines the central problem by categorizing it (Entman, 1993; Matthes & Kohring, 2008). Diagnosing causes involves identifying who or what is causing the issue being described; in other words, “these variables tap the notion that certain actors can be blamed for the risks associated with [the issue], whereas other actors are deemed responsible for possible benefits” (Matthes & Kohring, 2008, p. 266). Moral judgments evaluate the issue, stakeholders, and possible effects (Entman, 1993). Here, communicators transfer information to audiences about the potential benefits and risks of a topic, such as a health benefit or risk to democracy, and these evaluations can be positive, negative, or neutral (Matthes & Kohring, 2008). Finally, communicators “offer and justify treatments for the problems and predict their likely effects” (Entman, 1993, p. 52), a means for suggesting remedies. This can include a call for action supporting or opposing the proposed issue (Matthes & Kohring, 2008). I use these framing tools to analyze public comments regarding real legislation – a more sociological approach to frame analysis – and then use this theory and the analysis to experimentally test framing effects – a more psychological approach to frame analysis – thereby bridging the divide to develop a holistic understanding of framing in policy debates regarding incarcerated people’s voting rights.

### **Labeling Theory**

Labeling theory seeks to explain how individuals become identified as deviant (Becker, 1963). Within this relationship, there is the primary deviance (i.e., the deviant behavior itself,

such as smoking marijuana) and the secondary deviance (i.e., society's reaction to the behavior, such as the criminalization of marijuana). Labeling theory focuses on the secondary deviance, society's condemnation of a deviant behavior. Notably, the label of "deviant" does not inherently equate to a moral failing — numerous examples of deviant behavior, such as political protest, may be morally right yet societally condemned. Comprehensively, the phenomenon studied under labeling theory is the process of how labels become attached to an action, thrust upon people, and then used to control the behavior of a population (Tannenbaum, 1938). Through labeling, a community has the power to change the "master status," or primary characteristic, of an individual — for example, labeling a person as a "felon," and then using that label to dictate their work, school, and civic opportunities (Lemert, 1951).

A study conducted in Florida showed that individuals labeled "felon" are more likely to recidivate (i.e., be arrested for another crime) within two years than those who are not (Chiricos et al., 2007). Additionally, the "sex offender" label often prevents individuals from fully reintegrating into society (Levine & Meiners, 2020; Mingus & Burchfield, 2012). Much of these effects can be attributed to the stripping of rights from convicted felons and the continued societal punishments they receive beyond their sentencing (Chiricos et al., 2007; Levine & Meiners, 2020). This includes, but is not limited to, loss of voting rights, inability to apply for certain jobs or loans, banishment from certain neighborhoods, and branding on formal documentation (e.g., "sex offender" label on driver's licenses). Thus, labeling theory demonstrates how labels can have material and social costs for an indeterminate amount of time.

Empirical work directly testing labeling theory has predominately looked at how labeling affects a person's likeliness to commit an undesirable social behavior, whether this be illicit drug and alcohol abuse (Becker, 1963; Glass et al., 2013), teacher disapproval and student

delinquency (Adams & Evans, 1996), or criminal behavior and reoffence (Chiricos et al., 2007; Restivo & Lanier, 2015). In these studies, the label is attached to the respondent: “will a drug user keep using drugs?” “will a delinquent student continue to act delinquent if the teacher calls them that?” “will a felon commit another felony?” The legal prevention from voting attached to a “felon” label offers an interesting opportunity to understand labeling on a societal level, where disenfranchised voters are left to the mercy of others to vote for their voting rights. Thus, two variables emerge as pertinent to predicting support for total enfranchisement: self-label and other-label. The self-label refers to the label a person currently holds (i.e., is the person labeled a felon themselves?) while the other-label refers to the label a person attaches to others (i.e., does the person label particular others as felons and therefore as delinquent or otherwise outside society?).

While communication scholars have not often engaged with labeling theory, they have often applied framing theory in a way in which labeling is operating silently alongside. For example, research on sex crimes coverage has extensively shown how victimized women are often framed as either the “virgin” to be saved or the “vamp” who had it coming (Benedict, 1992). Implicit within this analysis is the concept of labeling a sex crime victim, which would lead society and the victim to react in certain ways based on the societal norms around sex crimes. Furthermore, this analysis is reflective of the modified labeling theory, wherein victims will not report a crime to avoid the possible labeling by news outlets, lawyers, and other authority figures (Link et al., 1989). The powerful frames that have been curated by the media contribute to the societal condemnation of deviant behavior; labels and frames can thus have a symbiotic relationship with one another.

### **Persuasive Appeals**

Primarily found in persuasion literature, rational and emotional appeals have been studied in political science, advertising, and numerous other forms of communication. Two of the most popularly cited theories related to persuasive appeals are the elaboration likelihood model (Cacioppo et al., 1986) and the heuristic-systematic model (Chaiken et al., 1989). Each explains cognitive processing through two routes, one more deliberate and involved and one applying mental shortcuts and less cognitive energy. Typically, rational appeals are associated with the higher demand route (i.e., systematic processing or central route), and emotional appeals are associated with the less demanding route (i.e., heuristic processing or peripheral route).

The rational model of choice asserts that people are critical thinkers who, when given ample information, make wise decisions in their best interest (D. Katz, 1960). Rational appeals aim to provide that information to inform a decision. Louisa Ha defines rational appeals in advertising, stating that these appeals “include information about the product and the functional benefits to the consumer about the brand” (2020, p. 280). Further, some researchers have operationalized rational appeals as the explicit use of facts, figures, and statistics in messaging (Nylen, 1986; Shimp & DeLozier, 1986) and have pointed to utilitarian messaging that presents multiple sides of an argument (Hornik et al., 2016). In addition to their persuasive potential, rational appeals are essential in science and health communication. Data visualizations translate complex topics to audiences (Franconeri et al., 2021), and the Extended Parallel Process Model demonstrates the importance of educational, efficacious messaging in health communication (Witte, 1992). While rational appeals and choice have been widely studied in politics (Chong, 2000; Green & Shapiro, 1994; Marcus, 2000; Ryffel, 2016), the effects have been minor or mixed, particularly compared to emotional appeals.

Emotions have garnered significant attention in political communication, particularly in campaigning. Emotional appeals are “communications intended to elicit an emotional response from some or all who receive them” (Brader, 2005, p. 30). Emotional appeals must trigger a response from the audience through associations, such as with symbols or memories, to be effective (Lipsitz, 2018). Literature on political campaigning and emotions has addressed numerous feelings, including enthusiasm, fear, pride, and sympathy. Ted Brader studied enthusiasm and fear in his work on how political advertising motivates voters. Enthusiasm, as he defined it, is a reaction to positive stimuli that motivate continued action toward a goal. In contrast, fear is a reaction to a threat that inspires a change in the course of action (Brader, 2005). Brader found that emotions are not only effective, but they are central to political ad campaigning. While enthusiasm motivates voters, reinforces loyalty, and increases interest in the campaign, fear can promote information seeking and even influence vote choice. Pride is characterized by self-achievement and autonomy related to the positive evaluation of one's self (or group, etc.), while sympathy is marked by a concern for and awareness of others, and manipulating these feelings has been shown to motivate, for example, higher donations to charitable causes (Kemp et al., 2013). Additionally, research has identified the use of enthusiasm, fear, pride, and anger in political campaigns (Ridout & Searles, 2011) and has found that moral language in campaigns evokes emotional responses in audiences (Lipsitz, 2018).

Rational and emotional appeals are hardly mutually exclusive. George Marcus (2000) has criticized the "long tradition" of contrasting the two, comparing this debate to treating cognition and affect as discrete. Indeed, people are rational and irrational in decision-making, relying on functional and salient attitudes and motivations to guide us in any situation (D. Katz, 1960).

When it comes to crime, these attitudes and motivations are often driven by fear and sensationalism in the media.

### **Effects – Fear of Crime and the Mean World Syndrome**

Violent crime has been drastically declining in the U.S. since a spike in the early 1990s (Gramlich, 2020). Still, 78% of Americans report believing that crime is on the rise nationally and 38% believe crime is rising locally. Policy-oriented studies have also shown that any correlation between the actual rate of violent crime and the public fear of victimization is non-existent (Widra, 2018). Supplementing this, there is well-documented evidence that political rhetoric over time has become more focused on law-and-order and “tough on crime” approaches (Alexander, 2012; Davis, 2003; Moffa et al., 2019), and that the digitization of media has diffused images of crime and punishment across the market (Bock, 2021). In this section, I will outline some of the key works that have attempted to measure and explain attitudes towards crime. Notably, attitudes towards crime can include attitudes towards the criminal justice system, law enforcement, prisons, and so on, as well as the fear of crime victimization, as each of these falls somewhere under the crime umbrella.

The criminal legal system is confusing; most people have difficulty navigating the system, or know very little about the law, which means developing beliefs and making judgments about it is exceedingly difficult (Clair, 2020; Roberts, 1992). This also means that simple opinion polling makes the public appear more punitive than they are; for example, while polls have shown that the public supports harsher sentences for offenders, more refined research has also shown that the public is generally less punitive than the actual judicial system (Roberts, 1992). Along these lines, introducing new modes to the criminal justice system, such as restorative justice practices, can make people feel more positively towards the system overall

(Greene & Doble, 2000). Despite these optimistic possibilities, the lasting legacy of tough-on-crime rhetoric has left a nearly impossible to overcome image of crime in the U.S. (Caldwell & Caldwell, 2011; Stabile, 2006). The over saturation of racialized crime imagery disconnected from reality endures; examples such as the Willie Horton campaign ad and the moral panic over superpredators copy the *Birth of a Nation*'s prototype of Black male criminals prowling dangerously through otherwise safe white neighborhoods (Caldwell & Caldwell, 2011; W. Newell, 2013; Stabile, 2006). This irrational fear can be further explained by media psychology and the blurring between reality and mediated representations of reality.

Specifically targeting television, Cultivation Theory was first developed in the 1970s to explain how audiences develop their worldview as influenced by the content they consume (Gerbner et al., 1980; Gerbner & Gross, 1976). This theory posits that as people spend more time watching television, they begin to form beliefs that align with the reality portrayed on screen. From this, the Mean World Syndrome emerges, dictating that as people consume more media about crime, they believe the world to be a more dangerous (or meaner) place than it is (Gerbner et al., 1980; Gerbner & Gross, 1976; Heath & Petraitis, 1987). Thus, long-term exposure — say, nightly news watching — cultivates feelings of fear and unrest in viewers. Indeed, this has been supported for nonfiction news watching (Callanan & Rosenberger, 2015) as well as for fictional crime procedurals (Mutz & Nir, 2010), with both types of television negatively impacting viewers' opinion of the criminal justice system and instilling a fear of crime.

The notion of random crime has also generated a great deal of scholarly interest. While nearly an entire field of study, criminology, has rested on the assumption that crime is not random, media depictions of violence and crime would appear to argue otherwise. The narrativization of crime as explored by both Stuart Scheingold (1991) and Joel Best (1999)



speaks to this seemingly context-free notion of crime. Scheingold's work analyzed how "street crime" is constructed by politicians, law enforcement officials, and locals. His principle interest is how groups make sense of "street crime," and why it takes on a narrative characterization, like cops and robbers. The media, he admits, takes on a fundamental role in framing street crimes and, in doing so, contributes to public fear of crime. Along these lines, Best found interest in how "new" crimes and "new" victims are constructed by society. Best argues that the crimes we believe to be new can only be new when we think of crime as existing in a vacuum. Taking carjacking as an example, media outlets panic about this new type of crime because it does not view car theft in a wider societal context, where theft is not a new crime. Thus, media and public attention will be heightened around a specific novelty, overlooking the societal conditions that gave way to these crimes and to their enduring counterparts (e.g., theft/burglary).

Crimes are personal, dangerous, and prolifically discussed by the media and politicians. The criminal justice system is confusing, law enforcement is imposing, and prisoners are distant yet frightening. There is something deep, gut-level (and of course political) that tells us (1) prisoners are bad people and (2) bad people shouldn't get to vote. The perceived threat posed by incarcerated people reentering society has been the subject of numerous studies, whether focusing on specific types of crimes or on the way in which the community is threatened. Notably, a study conducted in Florida examined the perceived racial threat of felons being re-enfranchised, and found as white residents perceived involvements of African Americans with crime, the stronger they resisted voting rights restoration (Chiricos et al., 2012). Broadly speaking, people tend to be fearful of those formerly incarcerated and report feeling threatened by their reentry.

## **Conclusion**

The media's relationship with the criminal legal system is characterized by an over-saturation of violent, racialized, unrealistic narratives and an over-reliance on repressive state apparatuses as sources and gatekeepers. Still, the enduring legacy of counterhegemonic storytelling by citizen journalists, digital public spheres, and alternative media content remains a critical aspect of the framing of crime, prisons, and policing. In this chapter, I have provided an extensive overview of the history and relationship between the media and the world of crime, with special attention paid to the undeniable role of race in shaping media images. Additionally, I have outlined framing theory, labeling theory, and persuasive appeals as key frameworks for conceptualizing these relationships. The remainder of this dissertation will draw heavily from these theories to develop variables that are tested in my studies on policy debate concerning total enfranchisement for incarcerated people. In the next several chapters, I will do this through a content analysis of two pieces of legislation aimed at this goal and through an experimental study testing framing possibilities for future legislation.

## CHAPTER 3

### STUDY 1: WASHINGTON D.C.

As of the 2020 census, Washington D.C. has a population of 712,816 residents and, as of 2018, about 18,000 people from D.C. are under state supervision (Prison Policy Initiative, 2021a). The nation's capital has played a critical role in civil rights and abolitionist movements throughout history while also acting as a site of significant violence and oppression, particularly towards African Americans and enslaved people (e.g., Ranganathan & Bratman, 2021; Savage, 2009). Though it has more residents than some states (e.g., Vermont and Wyoming), D.C. remains an urbanized region without statehood, despite numerous struggles for admission as a state with full rights and privileges (Musgrove, 2017). This lack of statehood means a lack of elected representation in Congress for D.C. residents; D.C. is represented by just one representative in the House of Representatives who cannot vote on the House floor and has no representatives in the Senate. This lack of representation and struggle towards statehood makes the quest for equal voting rights particularly salient and urgent in D.C. compared to other jurisdictions, as D.C., residents are acutely aware of the impact of representational lack.

Washington D.C.'s successful expansion of voting rights to its incarcerated residents is the first site of analysis for this dissertation. In this chapter, I will first review the carceral context of D.C., including correctional department resources and imprisonment demographics. Following the contextualization of the study, I will specifically review the Restore the Vote Amendment Act as the relevant piece of legislation, including its history and policy parameters. Then, I will pose research questions for studying framing and persuasive appeals in the campaign to pass the Restore the Vote Amendment Act followed by an overview of the methods. Finally, I will report results of the study and discuss some conclusions. Studying this successful campaign

is an opportunity to expand knowledge about framing, persuasion, and prospects for total enfranchisement of incarcerated people.

### **Context**

Despite having no state or federal prisons within its jurisdiction, and only two jail facilities, the D.C. Department of Corrections (DOC) was granted a \$201,000,000 budget for the 2022-2023 fiscal year (District of Columbia Department of Corrections, 2023). In addition to this enormous budget, Mayor Muriel Bowser's recent budget proposal for the city included another \$250,000,000 to be spent over the next six years constructing an annex on one of the two city jails (Gathright, 2022). It's difficult to imagine the need for such sizable budgets, given the relative lack of correctional facilities in D.C.; indeed, D.C. only employs 1,319 people in their DOC (District of Columbia Department of Corrections, 2023), a major downsizing after their only federal prison closed in 2001 and they began contracting the private Corrections Corporation of America for services such as prison transport (District of Columbia Department of Corrections, 2001). Furthermore, their average length of incarceration for adults in custody is rather short. In 2022, the average "length of stay to release" for men was about four months, but the median length was less than 25 days; similarly, women in D.C. DOC custody saw an average length of stay to release of 49 days, with a median length of two weeks (District of Columbia Department of Corrections, 2023). Once released, residents rarely return to D.C. jails – over 82% of adults who had been released in 2022 did not recidivate (District of Columbia Department of Corrections, 2023).

Washington D.C. has been the site of controversial lock-up rates. Some sources list D.C. as having the highest incarceration rate in the nation (Prison Policy Initiative, 2021a), this claim has been met with contestation, as some sources claim judging an urban-only region alongside

entire states is a disingenuous comparison (Austermuhle, 2019). Still, D.C. holds a spot in the upper echelons of incarceration, imprisoning 899 people per 100,000 residents (Prison Policy Initiative, 2021a), with some incarcerated in one of D.C.'s two municipal jails. From its own DOC report on these facilities, these statistics are complicated by gender, race, and class. Concerning race, the DOC reports: "DOC residents are 90.23% Black; the District of Columbia (D.C.) population is 45% Black" (District of Columbia Department of Corrections, 2023, p. 17). The D.C. DOC also reports that 55.8% of men in custody and 61.8% of women in custody were unemployed when they were incarcerated and that 14.6% of men in custody and 22.4% of women in custody are either homeless or have no last known address. Additionally, the average age of men in custody is 34, with half of all men in custody between 18-32, and the average age of women in custody is 37, with half of all women in custody between 18-37 years old; 2.64% of men and 2.63% of women are over 61 years old.

### **Restore the Vote Amendment**

Washington D.C. Law 23-277, otherwise known as the "Restore the Vote Amendment Act of 2019" was introduced as Bill 23-0324 by Councilmembers Robert C. White, Jr., Jack Evans, Kenyan R. McDuffie, David Grosso, Brianne K. Nadeau, Vincent C. Gray, Charles Allen, Mary M. Cheh, Anita Bonds, Elissa Silverman, Brandon T. Todd, Trayon White, Sr., and Chairman Phil Mendelson on June 4<sup>th</sup>, 2019. This law amended the District of Columbia Election Code of 1955 to abolish the disenfranchisement of D.C.'s incarcerated residents. Specifically, the law:

expands voting rights to residents incarcerated for felony convictions as well as to qualified individuals under the purview of the Department of Youth Rehabilitation Services. Among other things, it requires the Board of Elections to provide an absentee

ballot and voting information to those in the care and custody of the Department of Corrections and the Bureau of Prisons. (Council of the District of Columbia, 2021, para.

1)

After a series of referrals and hearings, it was transmitted to Mayor Muriel Bowser on November 2<sup>nd</sup>, 2020, who signed it November 16<sup>th</sup>, 2020. The law became effective beginning April 27<sup>th</sup>, 2021 and was published in the D.C. Register on May 7<sup>th</sup>, 2021.

At the time of writing, only a midterm election has occurred since the amendment was passed. Voter turnout remained stagnant between the most recent midterm election before the law's passing and after, with the turnout at about 43% for both the 2018 and 2022 elections (McDonald, 2022). As such, it isn't easy to see immediate impacts of the law; however, about 650 D.C. incarcerated residents have already registered to vote, and with a new mandate declaring the D.C. Board of Elections must provide every incarcerated D.C. resident with a voter registration form and information about voting rights, more are likely to register (Lerner, 2022).

### **Research Questions**

With the established context in mind, and the theoretical frameworks set forth in chapters 1 and 2, the following research questions are posed:

**RQ1:** How did public commenters frame the re-enfranchisement of incarcerated voters in their testimonials submitted in response to the proposed Restore the Vote Amendment Act of 2019?

**RQ2:** What persuasive appeals and framing tools were used in these public comments, and in what ways do these tools appear to contribute to the successful passing of this law?

### **Method**

This study used a content analysis to study public comments submitted to the Washington D.C. City Council at public hearings held on the Restore the Vote Amendment Act of 2019 ( $N =$

56). Testimonies were written or spoken and then entered into the public record. Oral-only testimonies were transcribed by the researcher.

### **Sampling**

Census sampling was used for this content analysis. All public hearing information was collected from Washington D.C.'s City Council webpage.<sup>2</sup> The City Council held two public hearing sessions in October 2019, where speakers could submit verbal or written testimony. Each testimony was treated as one coding unit. As per D.C. City Council legislative rules, speakers representing an organization ( $n = 35$ ) were allotted a maximum of five minutes of oral testimony, and individuals ( $n = 10$ ) were allotted three minutes. Representatives for the government (e.g., D.C. Board of Elections;  $n = 11$ ) were also permitted to testify before the Council. Testimonies ranged in length from a few sentences to several pages.

### **Concepts**

#### ***Language***

Coders counted each time various terms for incarcerated people were presented in the testimony (e.g., "felon" or "adult in custody") and noted any additional terms that were not accounted for in the codebook. In total, coders counted 474 terms across the 56 testimonies. Coders identified 17 additional terms that were not accounted for in the codebook. Tables 3.1 and 3.2 in the results section explore these further.

Three additional variables were computed as the sum of terms counted from the codebook matching one of three thematic categories: Space, crime, and personhood (see Table 3.2). Phrases under the "space" category define the group based on where they are physically located, primarily variations on describing prisons (e.g., "prisoners"). The "crime" category

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<sup>2</sup> Access here: <https://lims.dccouncil.gov/Legislation/B23-0324>

includes words that define the group based on their criminal legal history; this theme falls most in line with the labeling theory (e.g., “offender”). Finally, terms in the “personhood” category are characterized by their focus on the group as people first, emphasizing their role as community members, neighbors, and members of society (e.g., “community”).

Coders also counted each time a version of the word "democracy" was used. This could include words like “democratize” or “democratic” but did not include proper nouns, such as Democrat. In total, there were 60 invocations of “democracy” with an average of 1.07 (SD = 2.20) per testimony, and a maximum of 11 invocations in a single testimony.

### *Appeals*

Coders identified whether individual sentences within the testimony used rational and/or emotional appeals (see Table 3.3). Rational appeals were identified as sentences that aim to share adequate information to increase knowledge and highlight practical/functional aspects of the issue (Franconeri et al., 2021; Ha, 2020; D. Katz, 1960; McQuail, 2010). Rational appeals were thus coded as the following: Fact-based claim, statistics (including tables or figures), historical references, references to other policies (U.S. or global), or a citation of an academic or other research paper.

Emotional appeals were identified as sentences that “intend to produce” (Ridout & Searles, 2011, p. 446) one of four feelings about the legislation. Coders counted sentences that invoked enthusiasm, fear, pride, or sympathy (Brader, 2005; Kemp et al., 2013). Examples of indicators of emotional appeals include “uses threatening or otherwise shocking language (e.g., highlighting murderers, sex offenses specifically over other crimes)” for fear and “highlights success already achieved by the jurisdiction [] or the commenter's own organization” for pride.



As previously mentioned, scholars have debated the accuracy of pitting rational and emotional decision-making as opposite ends of the same pole (D. Katz, 1960; Marcus, 2000). In line with this, rational and emotional appeals are treated as discrete variables rather than a scale from one to the other; for example, the same sentence may include statistics and a sympathetic appeal. Within each appeal, indicators are treated as mutually exclusive; for example, if a sentence included statistics and citations, coders had to choose the most salient of the two.

### ***Framing***

Each framing tool – defining the problem, diagnosing causes, making moral judgments, and suggesting solutions (Entman, 1993) – was treated as a discrete variable in the content analysis. Table 3.4 displays sentence frequency counts for each framing tool. Codes for each framing tool were adapted from similar work on frame analysis by Jörg Matthes and Matthias Kohring (2008).

First, coders identified whether the testimony defined the problem as a topic-specific issue by counting sentences that framed the legislation as a voting rights issue, racial justice issue, criminal justice issue, or another issue with a write-in option. Coders counted 667 sentences defining the problem across the 56 testimonies, and coded three additional topic-specific issues, namely: Jurisdiction, education, and reputation.

Second, coders identified whether the testimony diagnosed causes by counting sentences that attributed either benefits or risks of the legislation to the following actors: Incarcerated people, politicians, citizens, bureaucrats, organizers, or "other." Coders did not identify any other stakeholders beyond those identified in the codebook for the D.C. testimonies. Coders counted 36 sentences diagnosing actors as the cause of benefits of the bill and nine sentences doing the same but for risks.

Third, coders identified whether a testimony made moral judgments by counting sentences that evaluated the benefits or risks of the legislation on the following: Democracy, morality, justice and punishment, politics, family and community, or “other.” Coders identified three additional moral judgments, namely: Society broadly (benefits), racial equity (benefits), and reputation (benefits). Coders counted 124 sentences making moral judgments about benefits and two sentences making moral judgments about risks.

Finally, coders identified whether a testimony suggested a solution by answering whether it supported, opposed, or otherwise did not take a stance and whether it provided an evaluation of the legislation. Fifty-four testimonials were in support of the bill, and two were neutral. The two neutral testimonials were given by the D.C. Board of Elections and the D.C. Department of Corrections, and these testimonials reported only on the logistics of enacting the bill with no opinion on its passing either way. In terms of evaluating the legislation, no testimonials wholly rejected the bill, three provided vague criticisms, 13 provided concrete suggestions, and 37 accepted the bill completely. For clarity, an example of a concrete suggestion would be “While I think this is strong legislation, and I along with JUFJ [Jews United for Justice] support its passage, I do suggest we make the vote truly accessible by providing ballots in postage-paid envelopes” (representative, Jews United for Justice, testimony 13) whereas a vague criticism would be “We must ensure that every single caged individual is granted unfettered access to this right and that all barriers to exercising this right be immediately and permanently dismantled” (core organizer, Black Lives Matter D.C., testimony 10).

### **Coder Training & Reliability Testing**

Two independent coders, the researcher and a close connection of the researcher, carried out the coding for the reliability testing process. The researcher, of course, had deep working

knowledge of the study and the intentions behind each code. The second coder, Caitlin Tabor, has in-depth knowledge of the theoretical framework of this study, as she holds a Master's of Social Work, has years of work experience with incarcerated populations, and is presently seeking a J.D. with coursework relevant to policymaking and incarceration. The two coders, though located in different time zones (one Pacific Standard Time, one Eastern Standard Time), were able to meet semi-regularly to review the codebook, discuss example testimonies, and work through coding decision making. The two coders were thus particularly suited for this work, based on their similar backgrounds, commitments, and experience with this research and with working with each other.

Coder training followed process recommendations from previous scholars: Determine category boundaries with maximum detail, train the coders through practice coding and discussion sessions, and conduct a pilot study (Wimmer & Dominick, 2014). Variables for this codebook were designed to be as limited in scope as possible to ensure maximum reliability; most of the codes used were either counting-based (e.g., how many times democracy is mentioned) or list-based (e.g., name all the words used to describe people effected by the policy). The strict boundaries of the coding made decisions less ambiguous for coders. Additionally, coders were advised to be conservative in their decision making; for example, if a coder was unsure whether a sentence used an emotional appeal, they were advised not to count it. As such, coding lends itself to being more reliable, as there is less ambiguity and deliberation over unclear testimonials.

Coders were given a random 20% sample of testimonies from all three legislative bodies to code. After an initial round of reliability testing, the coders met to discuss discrepancies and the codebook was revised to enhance precision. Then, coders met again to discuss the revisions

to the codebook and conducted another (different) 20% sample of testimonies. After the completion of the second round of coding, coders met to discuss any discrepancies, erring on the side of conservative coding, and moved forward without further revisions to the codebook based on the reliability test coefficients.

Reliability tests were conducted between the two coders by calculating Krippendorff's alpha for each variable using the sample sets (A. F. Hayes & Krippendorff, 2007). Alpha values ranged from 0.989-1.000 and are reported for each variable in Methodological Appendix A: Content Analysis. Reliability coefficients were calculated using the open-source software ReCal (Freelon, 2010, 2013). These alpha values are notably high compared to many similar studies, and this can likely be explained by three reasons already discussed: The coders themselves, the strictness of the codes, and the conservative coding process. First, the coders themselves have a significant in-depth knowledge of the field of research and come from similar backgrounds that would make them most likely to interpret the codes in the same way. Second, the codebook was written in such an intentional way that codes are very narrow in their scope and do not lend themselves to broad interpretation. Finally, coders were trained to be conservative in their decision making, defaulting to exclusion over inclusion, so there is less of a chance for deviation or error.

## **Results**

### **Language**

Most commonly, public commenters in D.C. used variations of the phrase “incarcerated people” to describe the group of people most impacted by the Restore the Vote Amendment Act. D.C. public commenters tended to use more language that underlined the humanity of the group, more often choosing phrases that incorporated words like residents, citizens, and people, rather

than highlighting criminal charges. Notably, while “adults in custody” is the current common way of referring to this group by DOC, it was not once mentioned in D.C. testimonials. Table 3.1 reports the frequency counts for each term accounted for in the codebook.

**Table 3.1**

*Frequency of Terms Used to Describe Those Impacted by the Legislation.*

Terms (from codebook)	Frequency
(Formerly) Incarcerated people/citizens, people who are/have been incarcerated	147
Returning/Returned Citizen	69
Convicted of felony/felony offenses, individuals with felony convictions	52
Residents in the Federal Bureau of Prisons	35
Felons	31
Prisoners	30
Inmates, detainees	29
Family (parents, siblings, children), community, neighbors	25
Individuals serving felony sentences	18
Humans, men/women	14
Justice-involved	11
Offenders (adults only)	6
Second-class citizens	4
Criminals	2
Law-breakers	1
Adults in custody	0

*Note.* Write-in options excluded.

In addition to the 16 possibilities accounted for in the codebook, coders also identified 17 additional terms used by D.C. commenters to describe those impacted by the Restore the Vote Amendment Act. Examples of these include “people in prison,” “caged neighbors,” “convicts,” and “ghost voter.” Table 3.2 categorizes each of the codebook terms and the additional terms into one of three themes: Space, crime, and personhood (defined in the methods section).

**Table 3.2***Thematic Coding of Language.*

Space ( <i>n</i> = 310)	Crime ( <i>n</i> = 110)	Personhood ( <i>n</i> = 54)
(Formerly) Incarcerated people	Convicted of a felony	Humans
Returning citizen	Felons	Family, community
Prisoners	Criminals	Justice-involved
Inmates/Detainees	Offenders	<i>Residents</i>
Residents in BOP	<i>People convicted of a crime</i>	<i>Citizens/Americans</i>
<i>People in prison</i>	Law-breakers	Second-class citizens
<i>People/citizens serving time</i>	<i>Convicts</i>	<i>Ghost voter</i>
<i>People behind bars</i>	Ind. serving felony sentences	<i>Washingtonians</i>
<i>Caged individuals/neighbors</i>		<i>Clients</i>
<i>People in cages</i>		<i>Disenfranchised citizens</i>
<i>Resident confined to the federal systems</i>		

*Note.* Any codebook term that was not counted is excluded (i.e., adults in custody). Write-in options are included in italics.

As indicated by a one-way analysis of variance (ANOVA), differences between the representational affiliation of the speaker (i.e., public witness, organization, or government) and thematic language categories are not significant. Only in the case of crime terms does the ANOVA approach significance, with public witnesses ( $M = 0.50$ ,  $SD = 0.85$ ) using crime terms at a much lower rate than bureaucrats ( $M = 1.55$ ,  $SD = 1.81$ ) and organizations ( $M = 2.51$ ,  $SD = 2.91$ ), but again, this difference is not significant;  $F(2, 53) = 2.74$ ,  $p = .073$ . Differences between the representational affiliation of the speaker and usage of “democracy” are also not significant, and the usage of “democracy” is not significant correlated with occurrences of terms in the space theme ( $r = .17$ ,  $p = .170$ ), the crime theme ( $r = -.05$ ,  $p = .726$ ), nor the personhood theme ( $r = -.01$ ,  $p = .938$ ).

### Appeals

Table 3.3 reports the total number of sentences counted for each appeal indicator, as well as the means and standard deviations. As sums of their indicators, rational and emotional appeals

are not significantly correlated ( $r = .11, p = .416$ ), so they can be reasonably assumed to be discrete variables. Correlations between language themes and appeals are only significant between rational appeals and space terms ( $r = .53, p < .001$ ), rational appeals and crime terms ( $r = .561, p < .001$ ), and emotional appeals and space terms ( $r = .31, p = .018$ ). As such, rational appeals are likely to appear alongside terms that emphasize space or crimes, and emotional appeals are additionally likely to appear alongside terms that emphasize space. Interestingly, words that emphasize personhood and the invocation of “democracy” are not correlated with the use of appeals in testimonials.

**Table 3.3**

*Descriptive Statistics for Appeals.*

	<i>N</i>	<i>Mean</i>	<i>S.D.</i>
Rational Appeals			
Fact-based claim	198	3.77	4.38
Statistics (including tables or figures)	82	2.43	2.61
Historical reference	47	2.00	3.64
Reference to other policies (US or global)	124	0.88	1.36
Citation of academic or other research paper (in-text or footnote)	51	2.18	5.16
Emotional Appeals – Enthusiasm			
Optimistic language, highlights a positive view of the future	77	0.82	0.88
Specifically highlights an excitement around voting	23	0.21	0.68
Highlights positive changes that could come from support/opposition	95	1.70	2.04
Emotional Appeals – Fear			
Highlights drawbacks, challenges, undesirable outcomes	42	0.05	0.30
Uses threatening or shocking language	46	0.02	0.13
Invokes imagery related to violence, law & order, public safety	8	0.07	0.32
Emotional Appeals – Pride			
Successes already achieved by jurisdiction or organization	107	1.09	1.69
Success or camaraderie around preferred action (support/oppose)	13	0.13	0.33
Invokes patriotism	4	0.05	0.30
Emotional Appeals – Sympathy			
Identifies current hardships faced by returning citizens	155	0.87	1.45
Identifies historical hardships faced by those effected by the Bill	52	0.29	0.73
Uses symbolism related to freedom	0	0.07	0.26

*Note.* *N* = Number of sentences.

While representations of organizations ( $M = 13.00$ ,  $SD = 12.33$ ) used more rational appeals than public witnesses ( $M = 8.50$ ,  $SD = 9.55$ ), and government representatives ( $M = 8.18$ ,  $SD = 7.69$ ), a one-way ANOVA indicated these differences were not significant. There are no significant differences between speakers at the rational indicator level either (i.e., for each type of rational appeal, such as the use of statistics).

Public witnesses ( $M = 6.60$ ,  $SD = 3.92$ ) used more emotional appeals overall than government representatives ( $M = 6.18$ ,  $SD = 4.77$ ) and representatives of organizations ( $M = 4.77$ ,  $SD = 3.60$ ), but this difference is also not significant. However, there is a significant difference between affiliations when looking at each feeling; while enthusiasm, fear, and pride are not significantly different, sympathy usage is. Public witnesses ( $M = 2.80$ ,  $SD = 2.35$ ) used significantly more sympathetic appeals in their testimonials than both bureaucrats ( $M = 1.18$ ,  $SD = 2.44$ ) and organizations ( $M = 0.80$ ,  $SD = 1.41$ );  $F(2, 53) = 4.67$ ,  $p = .014$ ,  $\eta^2 = 0.15$ .<sup>3</sup>

While differences between support and appeals cannot be estimated (as all but two neutral testimonies were in support), they can be calculated for evaluation of the bill. For rational appeals, there is a statistically significant difference between testimonials that accept the bill completely ( $M = 2.70$ ,  $SD = 3.16$ ,  $n = 37$ ), testimonies that provide vague criticism ( $M = 3.00$ ,  $SD = 3.61$ ,  $n = 3$ ), testimonies that provide concrete suggestions ( $M = 5.85$ ,  $SD = 5.87$ ,  $n = 13$ ), and testimonies that were coded as “other” (i.e., testimonies that did not take a stance;  $M = 8.67$ ,  $SD = 6.43$ ,  $n = 3$ ) on the number of fact-based claims included in their comments;  $F(3, 52) = 3.38$ ,  $p = .025$ ,  $\eta^2 = 0.16$ . There were no significant differences across evaluative categories for emotional appeals.

## **Framing**

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<sup>3</sup> Effect sizes are reported as absolute values.



Coders accounted for the four functions of framing in each testimony: Defining the problem, or what topic-specific issue the speaker raised; diagnosing causes, or to whom did the speaker attribute benefits/risks of the legislation; making moral judgments, or what areas might be benefitted or at risk because of the legislation; and suggesting remedies, or what stance the speaker takes on the legislation. Table 3.4 reports the total number of sentences counted for each framing indicator, as well as the means and standard deviations.

**Table 3.4**

*Descriptive Statistics for Framing Tools.*

	<i>N</i>	<i>Mean</i>	<i>S.D.</i>
Defining the problem			
Voting rights issue	288	5.14	4.35
Racial justice issue	184	3.29	4.14
Criminal justice issue	195	3.48	4.20
Diagnosing causes			
Benefits – Incarcerated people	20	0.36	1.23
Benefits – Politicians	11	0.20	0.48
Benefits – Citizens	1	0.02	0.13
Benefits – Bureaucrats	1	0.02	0.13
Benefits – Organizers	3	0.05	0.23
Diagnosing causes			
Risks – Incarcerated people	0	0.00	0.00
Risks – Politicians	0	0.00	0.00
Risks – Citizens	0	0.00	0.00
Risks – Bureaucrats	9	0.16	0.71
Risks – Organizers	0	0.00	0.00
Making moral judgments			
Benefits – Democracy	39	0.70	0.93
Benefits – Morality	12	0.21	0.53
Benefits – Justice & Punishment	44	0.79	1.39
Benefits – Political	2	0.04	0.27
Benefits – Family & Community	27	0.48	0.87
Making moral judgments			
Risks – Democracy	2	0.04	0.19
Risks – Morality	0	0.00	0.00
Risks – Justice & Punishment	0	0.00	0.00
Risks – Political	0	0.00	0.00
Risks – Family & Community	0	0.00	0.00

*Note.* N = Number of sentences. Write-in options excluded (reported in the methods section).

### ***Defining the Problem***

Paired sample t-tests indicate two significant differences between means for defining the problem. First, there is a significant difference between the testimonials that define the problem as a voting rights issue and those that define it as a racial justice issue;  $t(55) = 2.62, p = .011, d = 0.35$ . Then, there is also a significant difference between means for testimonies that define the problem as a voting rights issues versus a criminal justice issue;  $t(55) = -2.14, p = .037, d = 0.29$ . There is no significant difference between the means of racial justice and criminal justice issues. For all three topic-specific issues (i.e., voting rights issues, racial justice issue, and criminal justice issue), representatives of organizations defined the problem more often than other representational affiliations, but these differences were not significant.

Additionally, it is worth noting the three additional topic-specific issues D.C. commenters raised which were not accounted for in the codebook: Jurisdiction, education, and reputation. Testimonials that defined the problem as “jurisdiction” were concerned with census drawing, resource allocation, and the representational jurisdictions for people in prison (i.e., do they vote for representatives where they are located or at their last known address?); this topic-specific issue is where write-in terms like “ghost voter” arose. Next, testimonials that defined the problem as “education” were concerned with access to information inside prisons so that voters may make an informed decision and with a need for explicit instruction given to incarcerated people that informs them of their continued right to vote. Finally, testimonials that defined the problem as a “reputation” issue highlighted the importance of Washington D.C. as a leader, and they indicated a hopefulness and optimism that other jurisdictions would follow D.C. towards total enfranchisement.

No topic-specific issue was significantly correlated with the use of emotional appeals; however, all three were significantly correlated with rational appeals. Defining the problem as a voting rights issue was moderately positively correlated with rational appeals ( $r = .31, p = .019$ ), as was defining the problem as a criminal justice issue ( $r = .38, p = .004$ ). Defining the problem as a racial justice issue, however, had a very strong positive correlation with the usage of rational appeals, far exceeding the other two relationships ( $r = .83, p < .001$ ). This relationship is depicted in Figure 3.1. An example of this relationship comes from the testimony submitted by the representative for the Washington Lawyers' Committee for Civil Rights and Urban Affairs. In this testimony, the speaker includes, among other arguments, a five-paragraph history of the disenfranchisement of Black Americans, including historical references, citations to other research papers, statistics, and references to other policies. The following is an excerpt from that testimony:

Felony disenfranchisement laws, while in existence before reconstruction, proliferated and, in some cases, were narrowly tailored to attempt to deny ballot access mostly to Black voters [footnote citation]. And, the larger a state's Black population, the more likely the state was to pass the most expansive felony disenfranchisement laws [footnote citation]. In 1955, the U.S. Congress imposed a voter disenfranchisement law on the District that barred individuals with criminal convictions from voting. (Testimony 51.)



as the cause of risks), there are no significant differences between the representational affiliation of the speaker and the number of sentences counted diagnosing causes on either the aggregate or indicator-level. Testimonials that accepted the bill completely as their evaluation did not include any sentences diagnosing actors as the cause of risks, compared to those that provided concrete suggestions ( $M = 0.54$ ,  $SD = 1.33$ ) and vague criticisms ( $M = 0.67$ ,  $SD = 1.15$ ), but this difference is still on the cusp of significance;  $F(3, 52) = 2.65$ ,  $p = .058$ . There were additionally no significant differences between evaluation of the bill and diagnosing benefits.

### ***Making Moral Judgments***

Coders counted 126 sentences across the 56 testimonies that made moral judgments (see Table 3.4). Again, D.C. commenters attributed few risks to the bill – only the following two sentences were coded as risks, both to democracy:

The one simple change that I would suggest to the Bill, that I believe would strengthen it, is to develop a way to provide postage paid ballots to ensure that finances don't prevent incarcerated citizens from voting. (Public witness, testimony 35.)

While the proposed legislation would take the critical step of restoring the vote to thousands of District residents, the Committee has concerns about how the District will ensure that all D.C. residents actually have the ability to cast their votes. (Representative of Washington Lawyers' Committee for Civil Rights and Urban Affairs, testimony 51.)

Both sentences indicate a concern for the ability of incarcerated people to be able to fairly exercise their democratic rights; in other words, the risk to democracy is that incarcerated people still would not be able to participate fully, creating an inequitable system. Coders identified three additional moral judgments. First, the bill would benefit “society broadly” – here, an organizer from Black Lives Matter D.C. highlighted the abstract benefits that enfranchisement would have,

stating: “We can no longer deprive our communities of the brilliance, experience, wisdom, and power that cages silence” (testimony 10). Additionally, the executive director of the HOPE Foundation highlighted racial equity – “Restoring the right to vote while incarcerated promotes racial equity” – and the reputation of D.C. – “I urge you to pass the Restore the Vote Amendment Act of 2019 so that the District can continue its bold leadership” (testimony 12). There were no significant differences between representational affiliation of the speaker and moral judgments or between evaluation of the bill and moral judgments, on either the aggregate or indicator-level.

### ***Suggesting Solutions***

Fifty-four out of 56 testimonials were in support of the Bill, with the two neutral testimonials coming from bureaucratic organizations who only reported on what was feasible in terms of election administration. Sixty-six percent of testimonials accepted the Bill completely, 29% provided some form of criticism of the Bill, and 5% provided some other form of evaluation (i.e., two neutral testimonies and one testimony proposing a different Bill).

### **Putting It Together**

The matrix in Table 3.5<sup>4</sup> displays all the Pearson’s correlation coefficients between language themes (i.e., space, crime, and personhood), the use of “democracy,” rational and emotional appeals, and combined sums for framing tools (i.e., diagnosing causes benefits and risks, making moral judgments benefits and risks). A correlation matrix is the most appropriate form of data presentation, given that all variables are continuous and no causal ordering can be established across variables. The first notable finding here is that nearly every variable, except for the other language variables, is significantly correlated with terms thematically categorized as

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<sup>4</sup> For formatting purposes, Table 3.5 is included at the end of the chapter.

“space.” This means that when commenters use phrases that highlight a person’s physical location, they often use appeals and framing tools at the same time, which is less common for crime terms and not at all the case for personhood terms.

As previously noted, rational appeals are significantly correlated with all three topic-specific issues (i.e., voting rights, racial justice, and criminal justice). It seems that when commenters define the problems, they do so using rational appeals; for example, commenters often used statistics to explain the scope of disenfranchisement and the disproportionate incarceration of minoritized people. Additionally, rational appeals is significantly correlated with one framing tool – diagnosing causes, risks. Three testimonies attributed blame to bureaucrats using rational appeals, reflecting on concerns about the ability of the government to implement their plan. Interestingly, one of these three testimonies was given by a neutral-stance bureaucrat. The Deputy Mayor for Public Safety and Justice said this:

To implement this bill requires the participation of the U.S. Bureau of Prisons (BOP), a federal agency not under our purview. Its willingness to participate in ensuring District residents’ voting rights – or simply respond to requests for information – is impossible to predict and cannot be compelled. (Testimony 53.)

Further interesting is the lack of many significant correlations for emotional appeals. It appears that when commenters are using emotional appeals, they are not engaging in many other tools, apart from identifying benefits. Emotional appeals are moderately positively correlated with diagnosing causes, such that emotional appeals are somewhat likely to appear alongside attributing benefits to certain stakeholders, and they are moderately positively correlated with making moral judgments, such that they are likely to appear evaluating benefits of the bill. The use of emotional appeals thus likely needs further research.

Predicting support for the bill is fraught for D.C. public commenters, as all but two testimonies were in support. Still, using support/neutral as categories for a dependent variable, the language variables, appeals, and framing mechanisms were used as independent variables to predict possible support in a linear regression. The overall regression is not statistically significant;  $F(13, 42) = 1.67, p = .10$ . Two variables could be statistically significant predictors of support, though these should be considered carefully given the insignificant regression equation. First, the usage of rational appeals appears to significantly predict support, wherein as less rational appeals are used, the more likely a commenter is to support the bill;  $\beta = -0.79, p = .025$ . This negative relationship can likely be explained by the two neutral stance testimonials; both neutral testimonials were given by bureaucrats explaining the policy and logistics of implementing the bill, relying almost exclusively on rational appeals to do so. Second, defining the problem as a racial justice issue appears to predict support in that more sentences defining it as such leads to a greater likeliness of supporting the bill;  $\beta = 0.72, p = .007$ .

### **Conclusion**

Studying Washington D.C.'s Restore the Vote Amendment Act was inherently limited by the unexpected unanimity of support across testimonials. For the policymakers, this unilateral support is an obvious win, but it makes analyzing and predicting indicators of support impossible, as testimonials could not be placed into independent comparison groups of support/opposition. Still, there is a great deal to be learned from public comments submitted to the D.C. City Council on the Restore the Vote Amendment Act that can help answer the two research questions that asked how commenters framed their arguments and in what ways the language, appeals, and framing contributed to the overall success of the bill.



Findings from the content analysis indicated that D.C. public commenters primarily relied on language that emphasized the physical space of people impacted by the bill (particularly the phrases “incarcerated people” and “returning citizens”), rational appeals, and defining the problem (most often as a voting rights issue) to make their arguments. Less commonly, but still importantly, organizations and bureaucrats made numerous appeals to pride while public witnesses made strong sympathetic appeals. Additionally, commenters highlighted numerous benefits of the bill, and attributed them primarily to incarcerated people, bureaucrats, and organizers. D.C. commenters rarely ever discussed risks, and the few times they did come up, they were concerned with the government’s ability to implement the law fairly, reflecting a tenuous relationship between the people and their trust of bureaucrats.

Several interesting interactions emerged within the comments. First, rational appeals were correlated with all three topic-specific issues, and especially strongly for racial justice, indicating that commenters supported their problem definition with facts, statistics, historical references, references to other policies, and citations. Additionally, there were numerous correlations between the use of space terms and both the appeals and framing tools. D.C. commenters are thus naming the group specifically when crafting their arguments, and doing so in a way that highlights their positions in prison. Finally, while predicting the support for the bill is fraught, given the almost unanimity of opinion, two interesting possible relationships emerged. The negative relationship between rational appeals and support is likely related to the neutral comments put forth by bureaucrats that explained the logistics of implementing the bill rather than reflecting a truly negative relationship between the variables. The positive relationship between defining the problem as a racial justice issue and support, however, is a promising finding that could potentially be useful for future campaigns towards total enfranchisement.

Two contextual factors discussed at the start of this chapter also played a clear role in the resounding support for the Restore the Vote Amendment Act. First, Washington D.C.'s ongoing struggle for statehood and their familiarity with representational lack was reflected explicitly and implicitly in the public comments. Speaking to this directly, one neighborhood commissioner said this in their testimony:

As we continue our march to statehood, we must practice what we preach and prove what love for our own looks like with the restoration of a right that should be guaranteed based on the fact that we are a citizen on this country. (Testimonial 16)

The Executive Vice President of Movement Strategies at Demos echoed this, even more explicitly, when they said “This is a particularly profound reform in light of the fact that the District of Columbia itself lacks representation in Congress” (Testimonial 3). In addition to this point, D.C. commenters reflected on the geographic distance between residents and prisons, as D.C. does not have any federal prisons in its jurisdiction. One public witness provided a lengthy research report, including the fact that “Washingtonians under the federal custody reside in over 118 BOP [Bureau of Prisons] facilities across 35 States. On average, Washingtonians are some 900 miles plus from the District” (testimony 20). One public commenter, an eighth-grade student from a local middle school, testified to the Council on the social impact of this distance:

Finally, voting is an important right for inmates to have because it allows them to feel more connected to the outside world. This connection that they can gain through voting is very important... When many prisoners return to society it can be challenging, since they have been locked away from all this for so long it can feel like the world has moved on without them and that they no longer belong. But, people who work with inmates say that having a general sense of what is going on in the world and their communities can help

decrease the isolation. Voting is a way for prisoners to be tied to and informed of what is happening in the outside world, and that tie to the outside world can be very beneficial in their lives. (Testimonial 8.)

These contextual factors make D.C. an unsurprising location for a successful campaign to re-enfranchise incarcerated people. D.C. residents are acutely aware of their own history of representational suppression, the sociological impact of being displaced from your community, and thus the value of each resident having access to the vote.

This study is limited by its small sample size and homogeneity of viewpoints, two issues which are accounted for in the next chapter. Additionally, D.C. testimonials were made publicly available as videos by the City Council, but were transcribed by the researcher and treated as written testimonies. In watching the videos for transcription, the importance of visuals and body language became immediately clear; for example, several public commenters cried while giving their testimonies and were comforted by the commenters sitting beside them. The intimacy of these interactions adds an additional layer that is not captured in a written testimony. As such, a future iteration of this study should replace the written testimonies as coding units with the video footage and should account for nonverbal communication in the coding process.

D.C. public commenters focused predominately on the facts and figures of disenfranchisement in their district, the history of racial discrimination in disenfranchisement policies, and their belief in the value of voting as a tool for rehabilitation. Revisiting the theoretical framework of the study, framing theory and persuasive appeals are largely at work, though importantly not labeling theory. There is almost no evidence of D.C. public commenters using labels to control the prison population; rather, the emphasis on space and personhood words demonstrates a move away from the traditional labeling practice that uses “felon” and

similar terms to mark deviance. D.C. commenters did, however, engage a great deal with persuasive appeals, clearly using both rational and emotional appeals to make their arguments. Interestingly, the weak correlation between the two could indicate that they are indeed quite separate, contrary to the previous argument that they should not be treated as completely removed from one another. D.C. commenters also clearly framed their arguments, focusing on defining the problem and then outlining the potential benefits. In this way, D.C. commenters gave the City Council a rather unified frame through which to understand the issue:

Disenfranchisement of incarcerated people is a racialized voting rights issue that our city would benefit from eradicating.

With 54 comments from community members, organizational representatives, and bureaucrats in support of the bill (and no comments opposed), the City Council was well positioned to pass the Restore the Vote Amendment Act. The next chapter uses the same coding scheme to examine a less successful piece of legislation that was proposed in Oregon. This case accounts for many of the pitfalls of the D.C. context, as it includes nearly three times as many testimonies, including some in opposition, and is in a state that has several prisons within its jurisdiction and full Congressional representation. After examining Oregon closely in the next chapter, the dissertation will be set up for a directly comparative analysis between both contexts in the subsequent chapter.

**Table 3.5***Correlation Matrix for Language, Appeals, and Framing.*

	1	2	3	4	5	6	7	8	9	10	11	12	13
1. Space Terms	1.00												
2. Crime Terms	.14	1.00											
3. Personhood Terms	.02	.05	1.00										
4. Democracy	.19	-.05	-.01	1.00									
5. Rational Appeals	<b>.53**</b>	<b>.56**</b>	.14	.24	1.00								
6. Emotional Appeals	<b>.31*</b>	-.12	.19	.05	.11	1.00							
7. Voting Rights	<b>.46**</b>	.10	-.15	<b>.55**</b>	<b>.31*</b>	.19	1.00						
8. Racial Justice	<b>.40**</b>	<b>.45**</b>	.13	.14	<b>.83**</b>	.12	.22	1.00					
9. Criminal Justice	<b>.30*</b>	<b>.27*</b>	-.05	.07	<b>.38**</b>	.25	.08	.17	1.00				
10. Causes – Benefits	<b>.28*</b>	-.14	.01	.01	.09	<b>.37**</b>	.22	.13	.02	1.00			
11. Causes – Risks	<b>.33*</b>	.18	-.16	.00	<b>.50**</b>	.09	<b>.39**</b>	<b>.48**</b>	.07	-.03	1.00		
12. Judgments – Benefits	<b>.34**</b>	-.07	-.03	.18	.18	<b>.53**</b>	.14	.20	<b>.49**</b>	<b>.56**</b>	.04	1.00	
13. Judgments – Risks	.22	-.07	-.13	<b>.35**</b>	.19	-.02	<b>.33*</b>	.22	-.16	-.02	<b>.51**</b>	.03	1.00

*Note.* Categories for diagnose causes benefits, diagnose causes risks, make moral judgments benefits, and make moral judgments risks

were collapsed into a single variable representing the combined total for each (e.g., “causes – benefits” is a sum count of every mention of benefits, regardless of which benefit was mentioned).

\*\*  $p < .001$ . \*  $p < .05$ .

## CHAPTER 4

### STUDY 2: OREGON

To contrast the unanimous support of Washington D.C. public commenters for the Restore the Vote Amendment Act, Oregon was selected as a second case study. In 2021, Oregon proposed similar legislation to both its State House of Representatives and State Senate that was nearly identical to the Restore the Vote Amendment Act, but neither bill passed. Notably, as will be outlined in the section on HB2366 and SB571, Oregon has recently introduced new legislation that works towards the same goals, but this policy is still in an ongoing process with no clear outcome yet.

As of the 2020 census, Oregon has a population of 4,237,256 residents and as of 2018, about 84,000 people from Oregon are under state supervision (Prison Policy Initiative, 2021b). Oregon's history with crime cannot be disentangled from its history with race. Beginning with the Black Exclusion Law of 1844, Oregon made it punishable by methods such as whipping and flogging for Black settlers to enter Oregon's borders (Mcclintock, 1995). After achieving statehood in 1857, writers of Oregon's constitution made Black exclusion a part of the Oregon Bill of Rights, and, while it was invalidated long before, references to this amendment were not fully removed from the state constitution until 2002 (Brady, 2021). Just last year, Oregon voters passed Measure 112 which removed language from the state constitution permitting slavery as punishment for a crime, with 55.6% of voters approving the change (New York Times, 2022). Additionally, Oregon holds some tough-on-crime policies. One example is Measure 11, which places children as young as 15 in the adult criminal system based on their criminal history and institutes mandatory minimum sentencing with no possibility of sentence reduction (Del Carlo,

1996; Oregon Department of Corrections, 2023). Though this is a brief overview, these pieces of Oregon's history provide some context for understanding disenfranchisement in the state.

In this chapter, I will replicate the study conducted in Washington D.C. (see chapter 3) using an Oregonian sample. First, I discuss Oregon as a context, focusing on its corrections resources and imprisonment demographics. Next, I outline the two pieces of legislation that were submitted to the Oregon State Legislature to enfranchise incarcerated people, highlighting its history, parameters, and future. I then pose two research questions and discuss the methods of the study. Finally, I present the results of the research and discuss some conclusions. Studying Oregon's public comments is useful because it provides a different perspective and outcome from D.C., serving as useful supplementary data.

### **Context**

Oregon's Department of Corrections oversees 14 prisons, 36 jails, and 4,417 employees with an annual budget of over 1.8 billion dollars (National Institute of Corrections, 2020). The length of stay for most prisoners is considerably longer than those in D.C. – the median length of stay for an incarcerated person in Oregon is 69 months, or almost six years (Oregon Department of Corrections, 2022). Additionally, with longer stays and more prisons, people incarcerated in Oregon are expected to work full time. In 1994, Oregonians passed Measure 17 which “requires correctional institutions to actively engage adults in custody in full-time work or on-the-job training” (Oregon Department of Corrections, 2023, para. 4), for which people incarcerated in Oregon can expect between \$0.05 and \$0.47 as an hourly wage (Sawyer, 2017), which is then garnished to pay for correctional facility programs and wages (Saydyie DeRosia, personal communication, October 7, 2021).<sup>5</sup>

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<sup>5</sup> In an invited talk, Victim Services Program Coordinator Saydyie DeRosia stated “Most of my position and my programs are funded by the inmates. It's not funded by tax dollars... We have what we call PRAS [Performance

Oregon locks up its residents at a rate of about 555 people per 100,000 (Prison Policy Initiative, 2021b); this is higher than "almost any democracy on earth" (Prison Policy Initiative, 2021b, para. 1). Oregon's prison system currently houses about 13,000 adults, of which approximately 8% are Black and 3% are Native American (Oregon Department of Corrections, 2022). However, the U.S. Census Bureau indicates a stark disproportionate representation as Black people and Native Americans each comprise 2% of the Oregon population. Women's incarceration rates have outpaced men's in Oregon (Sawyer, 2018), increasing over 1200% since 1980 (Vera Institute of Justice, 2019). Additionally, the average age of adults in Oregon prisons is 42 years old, with nearly 9% over the age of 61. While Oregon's Department of Corrections does not report demographic statistics on employment, education, or housing, they do report that 10% of the incarcerated population has the "highest treatment need" for mental health and that over 50% of the incarcerated population has some form of substance dependence or addiction (Oregon Department of Corrections, 2022). Finally, despite the high incarceration rates, recidivism rates in Oregon have decreased over the last few years, with only about 3.5% of people released from Oregon prisons returning to prison in 2020 (Oregon Department of Corrections, 2021).

### **HB2366 & SB571**

Oregon House Bill 2366 (HB2366) and Senate Bill 571 (SB571) were introduced to the 81<sup>st</sup> Oregon Legislative Assembly in the 2021 Regular Session by a coalition of State Representatives and Senators. These bills permit registering, updating registration, and voting in elections while incarcerated, even if convicted of a felony. After public hearings were held,

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Recognition and Awards System], so when the inmates work a job, like in the call center or the laundry or kitchen, they earn money... They're not taxed... but what the State of Oregon has done is tax them 20% [on their] PRAS, and that 20% is dedicated to victim services."



HB2366 moved to the House Committee on Rules and SB571 moved to the Joint Committee on Ways and Means. The 2021 Regular Session adjourned with neither of these bills moving forward in the legislative process, halting (at least temporarily) the potential for Oregon to become the third state where incarcerated people can vote while in custody. As such, approximately 12,000 people in Oregon's jails and prisons remain disenfranchised (Shumway, 2023).

On March 15, 2023, a new bill – Senate Bill 579 – was introduced to the Oregon State Senate that includes the same stipulations as HB2366 and SB571 but with an added clause that "provides that person does not forfeit and may not be deprived of right to vote while incarcerated" (Senate Bill 579, 2023, para. 2). This bill passed a Judiciary Committee vote and now waits in the Joint Ways and Means Committee (Shumway, 2023).

An interesting relationship that has become apparent from the new bill but is relevant to the study of HB2366 and SB571 is that between race, political affiliation, and support for the bill. Interestingly, while Republicans have remained the opposition to these enfranchisement bills, Oregon's prison population appears to be overwhelmingly composed of white Republicans. Indeed, despite the disproportionate incarceration of people of color relative to the state population in Oregon, white people make up almost 70% of Oregon's total prison population (Oregon Department of Corrections, 2022; Prison Policy Initiative, 2021b). This should matter for Oregon state politicians, considering the potential for a sizable new voting bloc in an increasingly purple state. In an interview with Democrat State Senator James Manning, Jr., a chief sponsor for the newest iteration of the bill and one of three Black members of the Oregon Senate, he described a mock election recently held at one of the state prisons where Donald Trump won overwhelmingly as "kind of amazing" (Selsky, 2023, para. 12). Thus, the relevancy

of race, political affiliation, and support will be relevant for studying HB2366 and SB571, particularly when unpacking framing and persuasive appeals in the public comments.

### **Research Questions**

With the established context in mind, and the theoretical frameworks set forth in chapters 1 and 2, the following research questions are posed:

**RQ1:** How did public commenters frame the re-enfranchisement of incarcerated voters in their testimonials submitted in response to the proposed bills HB2366 and SB571?

**RQ2:** What persuasive appeals and framing tools were used in these public comments, and in what ways do these tools appear to contribute to the failed passing of this legislation?

### **Method**

This study used a content analysis to study public comments submitted to the Oregon State House of Representatives on HB2366 ( $n = 46$ ) and the Oregon State Senate on SB571 ( $n = 102$ ; total  $N = 148$ ). Testimonies were written or spoken and then entered into the public record. Oral-only testimonies were transcribed by the Oregon State Legislature.

### **Sampling**

Census sampling was used for this content analysis. All public hearing information was collected from Oregon's State Legislature webpage.<sup>6</sup> The Oregon State House of Representatives held one public hearing in March 2021, and the Oregon State Senate held two public hearings, one in February 2021 and one in March 2021. Speakers could submit verbal or written testimony, with oral testimony provided as a transcript by the Oregon State Legislature.

Oregon does not impose a time limit based on organizational affiliation. Oregon saw a greater proportion of individuals provide testimony ( $n = 89$ ) than representatives from

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<sup>6</sup> Access HB2366 here: <https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/HB2366>  
Access SB571 here: <https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/SB571>

organizations ( $n = 48$ ) or bureaucrats (e.g., Oregon Secretary of State;  $n = 11$ ). Three entries were removed from the Oregon Senate sample because they were repeated testimonies.

Testimonies ranged from less than five words to several pages.

## **Concepts**

### *Language*

Coders counted each time various terms for incarcerated people were presented in the testimony (e.g., “felon” or “adult in custody”) and noted any additional terms that were not accounted for in the codebook. In total, coders counted 403 terms across the 148 testimonies. Coders identified 51 additional terms that were not accounted for in the codebook (e.g. “Oregonians in prison” and “mafia bosses”). Tables 4.1 and 4.2 in the results section explore these further.

Three additional variables were computed as the sum of terms counted from the codebook matching one of three thematic categories: Space, crime, and personhood. Phrases under the “space” category define the group based on where they are physically located, primarily variations on describing prisons (e.g. “inmates”). The “crime” category includes words that define the group based on their criminal legal history; this theme falls most in line with the labeling theory (e.g., “criminals”). Finally, terms in the “personhood” category are characterized by their focus on the group as people first, emphasizing their role as community members, neighbors, and members of society (e.g., “humans”).

Coders also counted each time a version of the word "democracy" was used. This could include words like “democratize” or “democratic” but did not include proper nouns, such as Democrat. In total, there were 103 instances of invoking “democracy” with an average of less

than one mention per testimony ( $M = 0.70$ ,  $SD = 1.35$ ), and a maximum of nine invocations in one testimony.

### *Appeals*

Coders identified whether individual sentences within the testimony used rational and/or emotional appeals (see Table 4.3). Rational appeals were identified as sentences that aim to share adequate information to increase knowledge and highlight practical/functional aspects of the issue (Franconeri et al., 2021; Ha, 2020; D. Katz, 1960; McQuail, 2010). Rational appeals were thus coded as the following: Fact-based claim, statistics (including tables or figures), historical references, references to other policies (U.S. or global), or a citation of an academic or other research paper.

Emotional appeals were identified as sentences that “intend to produce” (Ridout & Searles, 2011, p. 446) one of four feelings about each piece of legislation. Coders counted sentences that invoked enthusiasm, fear, pride, or sympathy (Brader, 2005; Kemp et al., 2013). Examples of indicators of emotional appeals include “uses threatening or otherwise shocking language (e.g., highlighting murderers, sex offenses specifically over other crimes)” for fear and “highlights success already achieved by the jurisdiction [] or the commenter's own organization” for pride.

As previously mentioned, scholars have debated the accuracy of pitting rational and emotional decision-making as opposite ends of the same pole (D. Katz, 1960; Marcus, 2000). In line with this, rational and emotional appeals are treated as discrete variables; for example, the same sentence may include statistics and a sympathetic appeal. Within each appeal, indicators are treated as mutually exclusive; for example, if a sentence includes statistics and citations, coders had to choose the most salient and prominent of the two options.

### *Framing*

Each framing tool – defining the problem, diagnosing causes, making moral judgments, and suggesting solutions (Entman, 1993) – was treated as a discrete variable in the content analysis. Table 4.6 displays sentence frequency counts for each framing tool. Codes for each framing tool were adapted from similar work on frame analysis by Jörg Matthes and Matthias Kohring (2008).

First, coders identified whether the testimony defined the problem as a topic-specific issue by counting sentences that framed the legislation as a voting rights issue, racial justice issue, criminal justice issue, or another issue with a write-in option. Coders counted 916 sentences defining the problem across the 148 testimonies, and coded 19 additional topic-specific issues (see Table 4.7).

Second, coders identified whether the testimony diagnosed causes by counting sentences that attributed either benefits or risks of the legislation to the following actors: Incarcerated people, politicians, citizens, bureaucrats, organizers, or “other.” Coders counted 40 sentences attributing benefits to various stakeholders, and 54 attributing risk. Coders additionally identified one other stakeholder: “Illegal aliens” (risk).

Third, coders identified whether a testimony made moral judgments by counting sentences that evaluated the benefits or risks of the legislation on the following: Democracy, morality, justice and punishment, politics, family and community, or “other.” Coders counted 219 sentences making moral judgments about benefits and 68 sentences about risks. Coders also identified six additional moral judgments: Reproductive health (benefit), reputation (benefit), sustainability (benefit), education (benefit), state wellbeing (risk), and reputation (risk).

Finally, coders identified whether a testimony suggested a solution by answering whether it supported, opposed, or did not take a stance and whether it provided an evaluation of the legislation. Of 148 testimonies across two legislative bodies, 103 testimonies were in support and 44 were opposed (one additional testimony was coded as “other” because it was off topic, completely about gun rights). Ninety-nine testimonies accepted the bill completely, two provided vague criticisms, two presented concrete suggestions, and 42 wholly rejected the bill (three additional testimonies were coded as “other” because they were either off topic or unclear). For clarity an example of a concrete suggestion would be “Some recommendations to support our fight for equity in the democratic process: Allowing for people that are held in federal facilities in Oregon, but were convicted of crimes outside of Oregon to change their residence to the location of the prison...” (representative, Common Cause Oregon, testimony 29 House), whereas a vague criticism would be “Once that debt to society is paid back, they have been held accountable for their actions and should have their voting rights restored. Not before” (public witness, testimony 36 Senate).

### **Coder Training & Reliability Testing**

Two independent coders, the researcher and a close connection of the researcher, carried out the coding for the reliability testing process. The researcher, of course, had deep working knowledge of the study and the intentions behind each code. The second coder, Caitlin Tabor, has in-depth knowledge of the theoretical framework of this study, as she holds a Master’s of Social Work, has years of work experience with incarcerated populations, and is presently seeking a J.D. with coursework relevant to policymaking and incarceration. The two coders, though located in different time zones (one Pacific Standard Time, one Eastern Standard Time), were able to meet semi-regularly to review the codebook, discuss example testimonies, and work

through coding decision making. The two coders were thus particularly suited for this work, based on their similar backgrounds, commitments, and experience with this research and with working with each other.

Coder training followed process recommendations from previous scholars: Determine category boundaries with maximum detail, train the coders through practice coding and discussion sessions, and conduct a pilot study (Wimmer & Dominick, 2014). Variables for this codebook were designed to be as limited in scope as possible to ensure maximum reliability; most of the codes used were either counting-based (e.g., how many times democracy is mentioned) or list-based (e.g., name all the words used to describe people effected by the policy). The strict boundaries of the coding made decisions less ambiguous for coders. Additionally, coders were advised to be conservative in their decision making; for example, if a coder was unsure whether a sentence used an emotional appeal, they were advised not to count it. As such, coding lends itself to being more reliable, as there is less ambiguity and deliberation over unclear testimonials.

Coders were given a random 20% sample of testimonies from all three legislative bodies to code. After an initial round of reliability testing, the coders met to discuss discrepancies and the codebook was revised to enhance precision. Then, coders met again to discuss the revisions to the codebook and conducted another (different) 20% sample of testimonies. After the completion of the second round of coding, coders met to discuss any discrepancies, erring on the side of conservative coding, and moved forward without further revisions to the codebook based on the reliability test coefficients.

Reliability tests were conducted between the two coders by calculating Krippendorff's alpha for each variable using the sample sets (A. F. Hayes & Krippendorff, 2007). Alpha values

ranged from 0.989-1.000 and are reported for each variable in Methodological Appendix A: Content Analysis. Reliability coefficients were calculated using the open-source software ReCal (Freelon, 2010, 2013). These alpha values are notably high compared to many similar studies, and this can likely be explained by three reasons already discussed: The coders themselves, the strictness of the codes, and the conservative coding process. First, the coders themselves have a significant in-depth knowledge of the field of research and come from similar backgrounds that would make them most likely to interpret the codes in the same way. Second, the codebook was written in such an intentional way that codes are very narrow in their scope and do not lend themselves to broad interpretation. Finally, coders were trained to be conservative in their decision making, defaulting to exclusion over inclusion, so there is less of a chance for deviation or error.

## **Results**

### **Language**

Table 4.1 reports the frequency counts for each term accounted for in the codebook. Variations of the phrase “incarcerated people” were used far more often than any other term across the Oregon House and Senate public comments. Beyond this, Oregon commenters frequently used terms emphasizing criminality and did not use phrases such as returning or second-class citizens. The frequent usage of terms that highlight the deviance and criminality is likely related to the opposition present in this sample, wherein nearly 30% of all testimonials rejected the legislation entirely.



**Table 4.1**

*Frequency of Terms Used to Describe Those Impacted by the Legislation.*

Terms (from codebook)	Frequency
(Formerly) Incarcerated people/citizens, people who are/have been incarcerated	145
Felons	55
Convicted of felony/felony offenses, individuals with felony convictions	43
Humans, men/women	37
Prisoners	33
Adults in custody	24
Inmates, detainees	24
Criminals	19
Family (parents, siblings, children), community, neighbors	13
Individuals serving felony sentences	4
Justice-involved	4
Offenders (adults only)	2
Law-breakers	0
Residents in the Federal Bureau of Prisons	0
Returning/Returned Citizen	0
Second-class citizens	0

*Note.* Write-in options excluded.

Out of 16 terms accounted for in the codebook, Oregon commenters only used 12. However, coders also identified another 51 terms that were not counted in the codebook, many of which further speak to the opposition of Oregon commenters to the legislation. Examples of these additional phrases range from “people behind bars” to “serial killers” to “Americans.” Table 4.2 presents all the phrases used by Oregon commenters categorized within the three thematic themes discussed in the methods section: Space, crime, and personhood. In Oregon’s case, there was a fair amount of overlap across themes, particularly between crime and personhood. For example, one public witness to the Oregon Senate provided an extensive list of potential scenarios they foresaw based on the proposed legislation. A short excerpt reads:

Does the Committee support conferring voting privileges to convicted felons such as;

- A virulent “white supremacist” voting on Black Lives Matter racial equity demand issues? ...

- Judges who took bribes voting on Judiciary issues?...
- A Public Utility Official who destroyed the energy grid voting on Energy and Environment issues?...
- A deranged college professor [who] recommended suicide to a failing student and the student committed suicide voting on Education issues? (Public witness, testimony 102 Senate.)

In this testimony, “white supremacist,” “judges,” “public utility official,” and “deranged college professor” are all used and, while they are not inherently criminal labels, they are used to describe crimes, complicating the relationship between personhood and crime.

As indicated by a one-way analysis of variance (ANOVA), representatives of the government ( $M = 4.09$ ,  $SD = 3.42$ ) used significantly more space terms than organizations ( $M = 1.88$ ,  $SD = 2.80$ ) or public witnesses ( $M = 1.02$ ,  $SD = 1.37$ );  $F(2, 145) = 11.20$ ,  $p < .001$ ,  $\eta^2 = 0.13$ .<sup>7</sup> On the other hand, representatives from organizations ( $M = 0.71$ ,  $SD = 1.32$ ) used significantly more personhood terms than bureaucrats ( $M = 0.55$ ,  $SD = 0.93$ ) or public witnesses ( $M = 0.16$ ,  $SD = 0.45$ );  $F(2, 145) = 6.59$ ,  $p = .002$ ,  $\eta^2 = 0.08$ . There were no significant differences between affiliation groups on the usage of crime terms. Similarly, there were significant correlations between space terms and the invocation of “democracy” ( $r = .20$ ,  $p = .015$ ) and between personhood terms and democracy ( $r = .19$ ,  $p = .022$ ), but not between crime and democracy. Additionally, bureaucrats ( $M = 2.27$ ,  $SD = 2.83$ ) invoked “democracy” significantly more than representatives from organizations ( $M = 1.15$ ,  $SD = 1.41$ ) and public witnesses ( $M = 0.26$ ,  $SD = 0.67$ );  $F(2, 145) = 18.40$ ,  $p < .002$ ,  $\eta^2 = 0.20$ .

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<sup>7</sup> Effect sizes are reported as absolute values.

**Table 4.2***Thematic Coding of Language.*

Space ( <i>n</i> = 226)	Crime ( <i>n</i> = 104)	Personhood ( <i>n</i> = 54)
(Formerly) Incarcerated people Prisoners Adults in custody	Felons Convicted of a felony Criminals	Humans, <i>folks</i> Family, community Justice- involved/ <i>impacted</i>
Inmates/Detainees <i>People experiencing incarceration</i> <i>Eligible Oregonians at youth correctional facilities, incarcerated students</i> <i>People in our correctional facilities</i> <i>Indigent and displaced Oregonians</i> <i>People who are imprisoned</i> <i>People/persons behind bars</i>	Ind. serving felony sentences Offenders  Arsonists  Kidnappers  <i>People with conviction histories/convicted of a crime</i> <i>Serial killers</i> <i>Oregon citizens on parole or probation</i> Murderers Rapists	<i>Constituents</i> <i>Marginalized individuals/folks</i> <i>Subject</i>    <i>Gender non-binary/non-priority individuals</i> Veterans  <i>Citizens</i> <i>Stakeholders</i>  <i>Little people</i> <i>Americans</i>
<i>People/everyone in prison</i> <i>People that are held in federal facilities in Oregon</i> <i>Incarcerated voters</i> <i>Innocent people in prison</i>	<i>Child molesters/pedophiles</i> <i>People/citizens who commit crimes</i> <i>Convicts/convicted person</i> <i>Embezzlers</i>	<i>Leftist politicians</i> <i>Public utility official</i>    <i>Judges</i> <i>Deranged college professor</i> <i>Oregonian</i> <i>People unjustly treated by the system</i>
<i>Imprisoned individuals/people</i> <i>People inside prisons (living and working)</i> <i>Incarcerated population</i> <i>People in jails</i>	<i>Mafia bosses</i> <i>White supremacist</i>    <i>Cannibals</i>	
<i>Incarcerated community members</i> <i>Oregonians in prison</i>	<i>Construction fraudsters</i> <i>Pyramid scheme operator</i> <i>Illegal aliens</i> <i>Ex-prisoners/ex-felons</i>	

*Note.* Any codebook term that was not counted is excluded (i.e., law-breakers, residents in the

Federal Bureau of Prisons, returning/returned citizen, and second-class citizen). Write-in options are included in italics.

## Appeals

Table 4.3 reports the total number of sentences counted, means, and standard deviations for each appeal indicator. As sum totals of their indicators, rational and emotional appeals are strongly correlated ( $r = .62, p < .001$ ), so it is very likely that these co-occur in Oregon testimonials. Given the size of the correlation and the theoretical standpoint that rational and emotional appeals are not wholly distinct, a new variable titled “persuasion” is created that will be tested alongside the individual rational and emotional appeals variables. Persuasion is a sum of all appeal indicators, rational and emotional, and this scale is reasonably reliable;  $\alpha = 0.72$ .

Correlations between language variables (i.e., space, crime, personhood, and democracy) are significant with all appeals usages except for emotional appeals and crime terms. Relationships are positive, such that the use of persuasive appeals generally co-occurred with the use of space terms ( $r = .37, p < .001$ ), crime terms ( $r = .17, p = .036$ ), personhood terms ( $r = .44, p < .001$ ), and the invocation of democracy ( $r = .60, p < .001$ ). Generally, then, it seems that when Oregon commenters made persuasive statements, they explicitly identified about whom these claims concerned.

Overall, there were significant difference between bureaucrats ( $M = 14.64, SD = 10.34$ ), organizations ( $M = 12.50, SD = 8.23$ ), and public witnesses ( $M = 4.08, SD = 4.83$ ) on the use of persuasive appeals;  $F(2, 145) = 32.21, p < .001, \eta^2 = .31$ . Public witnesses hardly made use of persuasive appeals; 49% of public witness testimonies were coded as two sentences or less containing persuasive appeals, including 22 testimonies which did not use a single persuasive appeal. On the other hand, bureaucrats and organizations submitted 59 testimonies combined, and at their highest, included nearly 40 sentences using persuasive appeals.

**Table 4.3***Descriptive Statistics for Appeals.*

	<i>N</i>	<i>Mean</i>	<i>SD</i>
Rational Appeals			
Fact-based claim	198	1.34	1.96
Statistics (including tables or figures)	82	0.55	1.13
Historical reference	47	0.32	0.80
Reference to other policies (US or global)	124	0.84	1.61
Citation of academic or other research paper (in-text or footnote)	51	0.34	1.07
Emotional Appeals – Enthusiasm			
Optimistic language, highlights a positive view of the future	77	0.52	0.93
Specifically highlights an excitement around voting	23	0.16	0.66
Highlights positive changes that could come from support/opposition	95	0.64	1.00
Emotional Appeals – Fear			
Highlights drawbacks, challenges, undesirable outcomes	42	0.28	0.83
Uses threatening or shocking language	46	0.31	1.46
Invokes imagery related to violence, law & order, public safety	8	0.05	2.55
Emotional Appeals – Pride			
Successes already achieved by jurisdiction or organization	107	0.72	1.50
Success or camaraderie around preferred action (support/oppose)	13	0.09	0.37
Invokes patriotism	4	0.03	0.23
Emotional Appeals – Sympathy			
Identifies current hardships faced by returning citizens	155	1.05	1.55
Identifies historical hardships faced by those effected by the Bill	52	0.35	0.81
Uses symbolism related to freedom	0	0.00	0.00
All persuasive appeals	1124	7.59	7.87

*Note.* *N* = Number of sentences.

Drilling down, there were also significant differences across affiliation for every rational appeal indicator. Table 4.4 reports the results for each one-way ANOVA, including effect sizes for each relationship. In all but one instance, organizations and bureaucrats use more persuasive appeals than public witnesses. However, what is clouded by the broad persuasive appeal variable is the relationship specifically relating to fear – public witnesses used fear appeals at a significantly higher rate than organizations or bureaucrats (who never used it). As will be explored further next, this is likely related to the opposition that came from public witnesses.

**Table 4.4**

*One-way ANOVA Statistics for Appeals Indicators by Representational Affiliation.*

	Public witness	Organization	Bureaucrat	$F(2, 145)$	$p$	$\eta^2$
Fact-based claim	0.73 (1.32)	2.23 (2.41)	2.36 (2.38)	12.40	< .001	.15
Statistics	0.26 (0.98)	1.02 (1.23)	0.91 (1.14)	8.42	< .001	.10
Historical reference	0.07 (0.25)	0.69 (1.11)	0.73 (1.27)	12.70	< .001	.15
Reference other policies	0.33 (1.01)	1.27 (1.67)	3.09 (2.66)	21.90	< .001	.23
Citing research	0.08 (0.38)	0.58 (1.41)	1.45 (2.02)	11.15	< .001	.13
Enthusiasm	0.56 (1.03)	2.48 (1.84)	2.36 (2.29)	30.20	< .001	.29
Fear	1.06 (2.21)	0.04 (0.20)	0.00 (0.00)	6.22	.003	.08
Pride	0.09 (0.42)	1.96 (2.28)	2.00 (1.34)	32.67	< .001	.31
Sympathy	0.91 (1.53)	2.23 (2.00)	1.73 (2.69)	8.64	< .001	.11

*Note.* In each affiliation column, mean is presented with standard deviation in parentheses.

Public witness  $n = 89$ , organization  $n = 48$ , bureaucrat  $n = 11$ .

Overall, testimonials that supported the bill ( $n = 103$ ,  $M = 9.71$ ,  $SD = 8.33$ ) used significantly more persuasive appeals than those that were opposed ( $n = 44$ ,  $M = 2.80$ ,  $SD = 3.43$ );  $t(145) = -5.31$ ,  $p < .001$ ,  $d = 0.96$ . Table 4.5 further breaks this relationship down with independent sample t-test statistics by stance on the bill for each appeals indicator. As was anticipated based on the affiliation/appeals ANOVA, a look at the indicators provides an important piece of nuance to the analyses: While nearly all appeals are used more by testimonials in support of the bill, fear appeals are used significantly more by testimonials in opposition. Lastly, there was no significant difference between testimonials that did not suggest changes to the bill (i.e., accepted completely or wholly rejected,  $n = 141$ ,  $M = 7.61$ ,  $SD = 7.95$ ) and the few that did (i.e., vague criticisms or concrete suggestions,  $n = 4$ ,  $M = 9.25$ ,  $SD = 6.65$ ) in terms of persuasive appeal use;  $t(143) = -0.41$ ,  $p = .627$ .

**Table 4.5***T-test Statistics for Appeals Indicators by Stance.*

	Opposed ( <i>n</i> = 44)	Support ( <i>n</i> = 103)	<i>t</i> (145)	<i>p</i>	<i>d</i>
Fact-based claim	0.18 (0.58)	1.84 (2.13)	-5.09	< .001	0.92
Statistics	0.05 (0.21)	0.78 (1.29)	-3.73	< .001	0.67
Historical reference	0.02 (0.15)	0.45 (0.93)	-3.01	< .001	0.54
Reference other policies	0.23 (0.68)	1.11 (1.81)	-3.12	< .001	0.56
Citing research	0.07 (0.45)	0.47 (1.24)	-2.07	< .001	0.37
Enthusiasm	0.07 (0.33)	1.86 (1.79)	-6.58	< .001	1.19
Fear	2.02 (2.82)	0.06 (0.27)	7.01	< .001	1.26
Pride	0.02 (0.15)	1.19 (1.87)	-4.13	< .001	0.74
Sympathy	0.14 (0.51)	1.95 (2.00)	-5.94	< .001	1.07

*Note.* In each stance column, mean is presented with standard deviation in parentheses. Cohen's

*d* integers are absolute values.

### **Framing**

Coders accounted for the four functions of framing in each testimony: Defining the problem, or what topic-specific issue the speaker raised; diagnosing causes, or to whom did the speaker attribute benefits/risks of the legislation; making moral judgments, or what areas might be benefitted or at risk because of the legislation; and suggesting remedies, or what stance the speaker takes on the legislation. Table 4.6 reports the total number of sentences counted, means, and standard deviations for each framing indicator.

**Table 4.6***Descriptive Statistics for Framing Tools.*

	<i>N</i>	<i>Mean</i>	<i>SD</i>
Defining the problem			
Voting rights issue	380	2.57	3.09
Racial justice issue	171	1.16	2.00
Criminal justice issue	365	2.47	2.94
Diagnosing causes			
Benefits – Incarcerated people	6	0.04	0.20
Benefits – Politicians	14	0.09	0.38
Benefits – Citizens	2	0.01	0.12
Benefits – Bureaucrats	4	0.03	0.20
Benefits – Organizers	14	0.09	0.39
Diagnosing causes			
Risks – Incarcerated people	44	0.30	1.39
Risks – Politicians	7	0.05	0.24
Risks – Citizens	0	0.00	0.00
Risks – Bureaucrats	3	0.02	0.14
Risks – Organizers	0	0.00	0.00
Making moral judgments			
Benefits – Democracy	94	0.64	1.03
Benefits – Morality	33	0.22	0.52
Benefits – Justice & Punishment	44	0.30	0.67
Benefits – Political	5	0.03	0.18
Benefits – Family & Community	43	0.29	0.70
Making moral judgments			
Risks – Democracy	32	0.22	1.30
Risks – Morality	2	0.01	0.12
Risks – Justice & Punishment	27	0.18	0.65
Risks – Political	5	0.03	0.18
Risks – Family & Community	2	0.01	0.12

*Note.* *N* = Number of sentences. Write-in options reported in methods and Table 4.7.

### ***Defining the Problem***

Paired sample t-tests indicated significant differences between the means of the topic-specific issues (i.e., voting rights, racial justice, and criminal justice). First, there are significant differences between voting rights and racial justice framing;  $t(147) = 5.78, p < .001, d = 0.48$ .

There are also significant differences between racial justice and criminal justice framing;  $t(147)$



= -4.63,  $p < .001$ ,  $d = -0.38$ . There are not, however, significant differences between the means of voting rights and criminal justice issues. Further, while there are no significant differences between affiliation groups on criminal justice framing, there are for voting rights and racial justice. Bureaucrats ( $M = 5.36$ ,  $SD = 4.18$ ) defined the problem as a voting rights issue more often than both organizations ( $M = 4.42$ ,  $SD = 3.41$ ) and public witnesses ( $M = 1.22$ ,  $SD = 1.76$ );  $F(2, 145) = 29.96$ ,  $p < .001$ ,  $\eta^2 = .29$ . Bureaucrats ( $M = 2.09$ ,  $SD = 3.36$ ) also defined the problem as a racial justice issue most often, with organizations ( $M = 1.94$ ,  $SD = 1.88$ ) close behind, but public witnesses ( $M = 0.62$ ,  $SD = 1.66$ ) much further behind them;  $F(2, 145) = 9.01$ ,  $p < .001$ ,  $\eta^2 = .11$ .

Oregon public commenters defined the problem using 19 additional frames, which are outlined in Table 4.7. These topics covered a broad spectrum of issues related to voter enfranchisement, as well as others not immediately obviously related. For example, two testimonials alluded to another proposed bill that was being considered in the Oregon legislature at the time concerning gun rights, pitting the two bills against each other. Indeed, one public witness said:

I find this quite ironic that the very same Chairman is also the chairman/sponsor for SB 554, which violates law abiding citizen's constitutional rights that do not break the law? In summation, you propose to diminish law abiding gun owner's rights, attempt to imprison law-abiding citizens for lawfully exercising 2<sup>nd</sup> amendment rights, and reward currently incarcerated serial killers, child molesters, and rapists. (Testimonial 17, Senate.)

Similarly, organizers who testified on behalf of Sunrise PDX drew linkages between voter enfranchisement and issues such as climate justice and sustainability. For example, one 16-year old representative for the youth Sunrise Movement PDX said: "Racial justice is climate justice.

Black and Brown humans are disproportionately impacted by the climate crisis and disproportionately incarcerated compared to white people” (testimonial 75, Senate). Thus, what is important to draw from these additional topic-specific issues is that numerous Oregon commenters viewed voter enfranchisement as one piece of a larger puzzle, defining the problem in several connected ways simultaneously.

**Table 4.7**

*Write-in Options for Topic-Specific Issues.*

Topic-Specific Issues Coded as “Other”	
Health, gender, and reproductive rights	Jurisdiction and census
Gun rights	State wellbeing
Veterans affairs	Healthcare
Women’s rights	Reputation
Sustainability	Parenting
Housing	Financial
Accountability for legislators	Families
Polarization	Prison abolition
Climate justice	Stereotypes
Trauma	

All three topic-specific issues were significantly correlated with the use of persuasive appeals. Voting rights ( $r = .67, p < .001$ ) and racial justice ( $r = .65, p < .001$ ) framing were particularly strongly correlated with persuasive appeals, though criminal justice framing ( $r = .36, p < .001$ ) was also moderately correlated with persuasive appeals. The positive correlations in all these relationships indicates that the variables move together – as more persuasive appeals are used, the testimonial is more likely to define the problem using one of these frames, and vice versa. Finally, independent samples t-tests using stance as the independent groups indicates significant relationships with voting rights and racial justice issues. Testimonials that supported the bill ( $M = 3.50, SD = 3.24$ ) defined the problem as a voting rights issue significantly more than those that were opposed ( $M = 0.45, 0.98$ );  $t(145) = -6.10, p < .001, d = 1.10$ . Similarly, as

testimonials that were opposed *never* defined the problem as a racial justice issue ( $M = 0.00$ ,  $SD = 0.00$ ), those that were in support ( $M = 1.66$ ,  $SD = 2.21$ ) do so significantly more;  $t(145) = -4.97$ ,  $p < .001$ ,  $d = 0.90$ .

### ***Diagnosing Causes***

As indicated in Table 4.6, Oregon commenters included 40 sentences attributing benefits to one of five actors and 54 sentences attributing risks. While Oregon commenters attributed more risks than benefits, these were largely skewed; 81% of the sentences attributing risks diagnosed incarcerated people as the causes for the risk, and the other 19% attributed the risks to politicians and bureaucrats, with no risks attributed to citizens or organizers. Benefits, on the other hand, were somewhat more balanced, with 35% each being attributed to politicians and organizers, and the rest split among the remaining actors. Additionally, one comment diagnosed “illegal aliens” as the cause for potential risks of the bill; a public witness testimony submitted to the Oregon Senate stated “Does the American people deserve to feel that the honor of being able to vote is just given to anyone in addition to illegal aliens who cross our borders as well?” (*sic*; testimony 89).

Using sums of attributions (i.e., total of all sentences diagnosing benefits and total of all sentences diagnosing risks), there is a significant difference between representational affiliation and benefits, but not risks. Bureaucrats ( $M = 1.00$ ,  $SD = 1.34$ ) diagnosed the five actors as the cause of potential benefits of the bill significantly more than organizations ( $M = 0.52$ ,  $SD = 0.90$ ) and public witnesses ( $M = 0.04$ ,  $SD = 0.26$ );  $F(2, 145) = 15.71$ ,  $p < .001$ ,  $\eta^2 = .18$ . While public witnesses ( $M = 0.60$ ,  $SD = 1.84$ ) did diagnose actors as the causes for risks of the bill more often than organizations ( $M = 0.02$ ,  $SD = 0.14$ ) and bureaucrats ( $M = 0.00$ ,  $SD = 0.00$ ), this relationship is merely approaching significance;  $F(2, 145) = 2.87$ ,  $p = 0.06$ . Additionally,

testimonials that support the bill ( $M = 0.39$ ,  $SD = 0.83$ ) diagnosed actors as the causes for benefits significantly more than those opposed ( $M = 0.00$ ,  $SD = 0.00$ );  $t(145) = -3.09$ ,  $p = .002$ ,  $d = .56$ ; and, inversely, testimonials that were opposed ( $M = 1.20$ ,  $SD = 2.49$ ) diagnosed actors as the causes for risks significantly more than those that supported the bill ( $M = 0.01$ ,  $SD = 0.10$ );  $t(145) = 4.88$ ,  $p < .001$ ,  $d = .88$ .

### ***Making Moral Judgments***

Coders counted 219 sentences that made moral judgments about benefits of the bill and 68 sentences about risks. Additionally, coders identified six moral judgments not accounted for in the codebook which included benefits to reproductive health, reputation, sustainability, and education, as well as risks to state wellbeing and reputation. There were significant differences between representational affiliations and moral judgments, for both benefits and risks. First, bureaucrats ( $M = 2.55$ ,  $SD = 1.86$ ) and organizations ( $M = 2.54$ ,  $SD = 2.12$ ), on average, made moral judgements about benefits at almost the exact same rate, and this was significantly more than those made by public witnesses ( $M = 0.78$ ,  $SD = 1.62$ );  $F(2, 145) = 16.80$ ,  $p < .001$ ,  $\eta^2 = .19$ . Then, public witnesses ( $M = 0.76$ ,  $SD = 1.98$ ) made significantly more moral judgments about risks than both bureaucrats and organizers, neither of whom made any moral judgments about risks;  $F(2, 145) = 4.37$ ,  $p = .014$ ,  $\eta^2 = .06$ . Furthermore, testimonials that supported ( $M = 2.13$ ,  $SD = 2.09$ ) were the only ones that made moral judgments about benefits, with none made by those opposed ( $M = 0.00$ ,  $SD = 0.00$ );  $t(145) = -6.72$ ,  $p < .001$ ,  $d = 1.21$ ; and inversely, all moral judgments about risks came from testimonies opposed ( $M = 1.55$ ,  $SD = 2.60$ ) with none from those in support ( $M = 0.00$ ,  $SD = 0.00$ );  $t(145) = 6.06$ ,  $p < .001$ ,  $d = 1.42$ .

### ***Suggesting Solutions***

As previously mentioned, 103 testimonies were in support of the legislation and 44 were opposed. A Chi-square test of association shows a relationship between stance (i.e., support or opposition) and evaluation (i.e., accepts the bill completely, provides vague criticisms, provides concrete suggestions, or wholly rejects the bill);  $X^2(4, N = 147) = 142.23, p < .001$ . This means that stance and evaluation are related, and that together they indicate a broader solution variable, as is intended. It is also worth noting the division of representational affiliation across testimonial stances. While support for the bill was divided among 43% public witnesses, 46% organizations, and 11% bureaucrats, 100% of oppositional testimonies were given by public witnesses. There is a significant association between representational affiliation and stance on the bill;  $X^2(2, N = 147) = 42.10, p < .001$ .

### **Putting It Together**

The matrix in Table 4.8<sup>8</sup> displays all the Pearson's correlation coefficients between language themes (i.e., space, crime, and personhood), the use of "democracy," persuasive appeals, and combined sums for framing tools (i.e., diagnosing causes benefits and risks, making moral judgments benefits and risks). A correlation matrix is the most appropriate form of data presentation, given that all variables are continuous and no causal ordering can be established across variables. While many of the correlation coefficients are significant, most are small to moderate coefficients that don't indicate strong relationships between the variables. Rather, this might mean that while many testimonials use multiple tools alongside each other, this is not a hard and fast rule or practice across the 148 testimonials.

One standout is the nearly perfect relationship between diagnosing causes of risks and making moral judgments about risks. This relationship is presented graphically in Figure 4.1.

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<sup>8</sup> For formatting purposes, Table 4.8 is included at the end of the chapter.

While most testimonies hovered around two to four sentences using each framing tool, testimonial 102 was particularly notable. This comment (quoted above), submitted by a public witness to the Oregon Senate, included a list of 15 different examples of possible negative outcomes from passing the bill, each naming a scenario where incarcerated people would be to blame for risks to democracy. Additional examples of this relationship were testimonials that accused politicians of vying for votes; for example, a jointly written comment by two public witnesses said “The idea of restoring voting rights to incarcerated felons is on its face ridiculous, and as with many other voting ‘reforms,’ a transparently devious strategy to bolster the Democrat voter base” (testimonial 7, Senate). What this relationship indicates, though, is that Oregon public commenters opposed to the bill (because only testimonials in opposition made moral judgments about risks) are clear to place blame on actors when evaluating negative aspects or risks that they see as possibilities because of the legislation. Testimonials combined framing tools to develop a “this person is the reason for this problem” rhetoric in their comments.

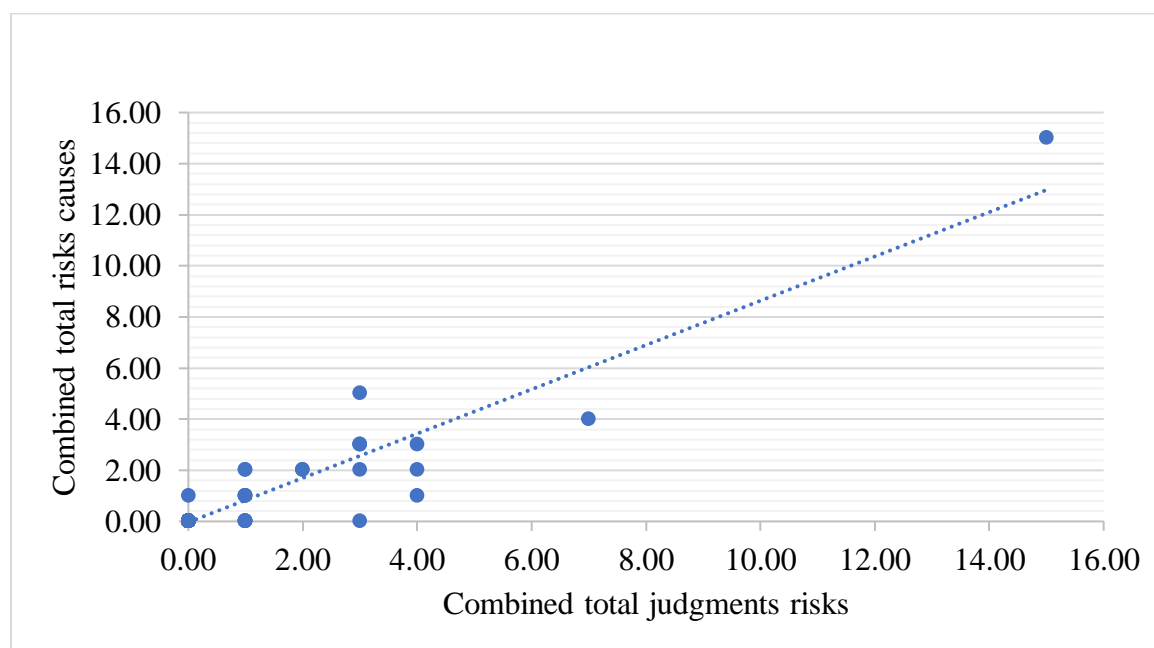
Moreover, diagnosing causes and making moral judgments about benefits both have significant relationships with nearly every other variable. This further indicates that public commenters are often implementing multiple techniques when framing their arguments, including using varying language and persuasive appeals. The relationship between persuasive appeals and making moral judgments about benefits is a good example of this; the moderately strong relationship between the two indicates that testimonials evaluate a positive of the bill and then use rational and emotional appeals to support their claims. One testimony submitted by a currently incarcerated person and read by a representative of Next Up Action Fund demonstrates this relationship as it uses emotional appeals to argue for the benefits to democracy and justice:

My voice even as small as it is could be joined with other voices to be heard. That would give me reason to stay active in the community and even encourage others to be heard... Voting would tell me that Oregon believes in me that change is possible... (Testimonial 36, House of Representatives).

Summarily, the use of multiple techniques at once is not uncommon for Oregon public commenters and indicates a dynamic framing of the issue.

#### Figure 4.1

*Association Between Total Sentence Counts for Diagnose Causes (Risks) and Moral Judgments (Risks).*



*Note.* Each dot represents an individual testimonial. Values on each axis represents the number of sentences coded for that variable (i.e., number of sentences coded as diagnosing actors as the causes of potential risks and number of sentences coded as making moral judgments about potential risks). The dotted line indicates the line of best fit. Pearson's correlation between these two variables is .94,  $p < .001$ .

Finally, a linear regression can provide some predictive information on support for the bill. Using support/opposition as a dichotomous dependent variable and language, persuasive appeals, and framing mechanisms as independent variables, the overall regression model is significant;  $F(9, 137) = 14.61, p < .001, R^2 = .49$ . This means that just under half of the variance in support can be explained by language, appeals, and framing tools.

Five variables significantly predict support in the linear regression model. First, both space terms ( $\beta = .19, p = .007$ ) and crime terms ( $\beta = -0.24, p < .001$ ) predict support, but in different directions such that testimonials that use space-related terms are more likely to support the bill but as the number of crime-related terms increases, support decreases. Next, as a testimonial uses more persuasive appeals, it is more also more likely to show support for the bill ( $\beta = .25, p = .014$ ). Finally, both moral judgments variables significantly predict support, but like space and crime terms, they have inverse relationships. Testimonials that make moral judgments about benefits are more likely to support the bill ( $\beta = .26, p = .002$ ), but testimonials that make moral judgments about risks are more likely to oppose the bill ( $\beta = -.60, p = .001$ ).

### **Conclusion**

Despite a majority of public comments supporting HB2366 and SB571, neither piece of legislation successfully passed through the Oregon State Legislature. This unsuccessful outcome and the diversity of opinions in public comments makes Oregon a particularly useful context for studying framing and persuasion in policy discourse. This content analysis, which included a close examination of the 148 comments submitted to the Oregon State House of Representatives and Oregon State Senate, has produced useful findings that detail how commenters used language, appeals, and framing to construct their arguments and in what ways these tools help predict support for the policy.



While Oregonians did rely most heavily on phrases that prioritize physical location (e.g., “incarcerated people”), this was less true when accounting for words and phrases not included in the codebook. Additional terms used by Oregon commenters leaned a lot deeper into the criminal theme, aligning heavily with labeling theory, in that they used words that highlighted delinquency to justify opposition to the bill in particular. Additionally, numerous write-in words from the Oregon comments resisted thematic classification at all; for example, the testimonial that provided a list of people such as “judges” and “public utility officials” used words that, on their own, imply a sense of personhood, but in context with the rest of the statement, were emphasizing criminality. Thus, there was considerable overlap across themes, and future research should endeavor to expand the list of coded terms and to revisit thematic codes based on new findings.

One standout finding of the Oregonian comments was the strong correlation between rational and emotional appeals, which led to the creation of the broad variable “persuasion,” which has theoretical implications for the discrete nature of both variables. Oregon commenters tended to use rational and emotional appeals together, indicating a possible dual systems technique. Revisiting the elaboration likelihood model and heuristic-systematic model, these psychological models state that people follow one path at a time when deliberating on a decision – one that is either cognitively-involved, or related to rationality, or one that is reliant on shortcuts, or related to emotions. The findings of the current study imply that public commenters appeal to both sides simultaneously, which would maximize persuasion such that a person could cognitively take any route to process the information. Adding nuance to this, public witnesses hardly used any persuasive appeals whereas organizers and bureaucrats used a substantive amount of every indicator, except for fear (which was used predominately by public witnesses).

This was additionally true for support of the bill; supporters used many kinds of appeals, with several at a time, while those in opposition almost exclusively invoked fear appeals.

As with persuasive appeals, organizations and bureaucrats also engaged in multiple framing tools simultaneously, and significantly more so than public witnesses. While public witnesses barely defined the problem, organizations and bureaucrats frequently did so as either a voting rights or racial justice issue, and they often used persuasive appeals alongside those problem definitions (e.g., as supportive evidence). Organizations and bureaucrats also readily attributed benefits to stakeholders and made moral judgments about those benefits, while public witnesses spent more time making moral judgments about the risks of the legislation. Similarly, testimonials in support diagnosed causes and made moral judgments about benefits while those opposed focused on the risks. These findings have two implications related to framing theory. First, organizers and bureaucrats – who were all in support of the bill – used every framing tool at their disposal, and often. Organizers and bureaucrats followed the general conventions of framing by defining the problem, diagnosing causes, making moral judgments, and then suggesting a clear solution, which pushed a specific way of thinking about the problem. On the other hand, public witnesses in opposition to the bill honed in on two techniques and hardly strayed. Fear appeals and evaluations of risk became the sole territory of oppositional bills; these comments used fear alongside their name and blame technique, which consisted of diagnosing actors as the cause of risks about which they made frequent moral judgments. Thus, oppositional comments represent a more pointed style of framing, wherein these commenters presented a unified message that encouraged the listener to interpret the issue through the lens of threat and loss. Thus, while supporters (particularly those affiliated with an organization or a bureaucrat) used dynamic framing with many techniques, those opposed fixated on fear and risk alone.

As Oregon commenters included a diversity of opinions, some predictions could be made aimed towards support for the bill, and indeed, five relationships significantly predicted support. As testimonies include more space terms, more persuasive appeals, and make more moral judgments about the benefits of the bill, support for the bill increases. On the other hand, as testimonies include more crime terms or make more moral judgments about the risks of the bill, support for the bill decreases. A particularly interesting point emerges here concerning the role of crime terms – as the phenomenon being discussed is most often referred to as “felon disenfranchisement,” and “felon” is a crime term, this is a good indicator that language should move away from that characterization and towards a space term, such as “incarcerated people.”

It is worth revisiting Oregon’s contextual history discussed at the beginning of this chapter for two reasons. First, Oregon’s tough-on-crime policy, Measure 11, was a relevant piece of legislation in many of the testimonies. A standout feature of the Oregon public comments was the connection between numerous other topic-specific issues, such as gun rights and reproductive rights, with enfranchisement; Oregonians who submitted testimonies often drew linkages between policies, and this includes Measure 11. Next Up Action Fund and the Oregon Justice Resource Center solicited responses from currently incarcerated people in advance of the Oregon State House of Representatives to be submitted as testimony, and several of these commenters alluded to Measure 11’s two main provisions; for example, one commenter wrote “I have not voted in the past because I received a felony when I was 18 yr (*sic*) old” (testimony 42). Another wrote:

I am 39 years-old and have been incarcerated for the last 23 years. I came to prison as a first time juvenile offender and have never had the opportunity to vote... As someone who was 16 years-old when I made the worst decision of my life, my incarceration

precluded me from any civic engagement or ability to effect positive changes in policies that would benefit young adults whose life may be headed down a similar trajectory as mine. (Testimony 44.)

While these comments, and others like them, allude to Measure 11 as a reason to support the bill, highlighting the long-lasting consequences of its provisions, oppositional comments emphasized the need for punishments like these. One commenter, for example, said “The actions of abandonment from law and order, punishment, the Constitution, and basic American values are not acceptable” (testimony 9, Senate), indicating a desirability for policies such as Measure 11, and a disappointment that Oregon may be moving away from “law and order.”

Second, Oregon’s history of racism was particularly important to some commenters and notably absent from others. One notable comment that highlighted the issue as one of racial justice came from a D.C. City Councilor who sponsored the Restore the Vote Amendment Act, who outright described the phenomenon by saying “Felony disenfranchisement is not just racist; it is bad policy” (testimonial 45, House of Representatives). In this comment, the councilmember describes how passing the legislation would be an important move towards justice and rectifying historic racist policies across the U.S. Other testimonies make more direct calls to Oregon’s own history; for example, the representative from Common Cause Oregon stated “Oregon has a painful history. And we are working to repair the damage. We cannot overlook our past when it comes to the treatment of people of color” (testimony 101, Senate) and the representative from Campaign Legal Center cited numerous sources on Oregon’s history related to prisons and race. At the same time, testimonies opposed to the bill never defined the problem as one of racial justice, and rarely discussed race overall. In fact, oppositional testimonies for HB2366 and SB571 mirrored the current rhetoric around the new bill, redirecting attention to a fear of vote-

grabbing. One public witness referred to the bill as a “transparently devious strategy to bolster the Democrat voter base” (testimony 7, Senate) and another said “I would hope that no political party is in such desperate need of votes to allow incarcerated felons this right” (testimony 11, Senate). Ultimately, Oregonians are acknowledging the state’s history regarding race when in support of the bill and shying away from it when opposed.

While a lot can be drawn from this study, it is still limited in two ways. First, the design of the codebook could not account for some of the unique nuances of Oregonian comments. The great number of write-in options, particularly for the language used to describe people impacted by the bill and for defining the problem, was indicative of this issue. Future research should include a revision to the codebook that is more inclusive of the wide range of themes and terms used by public commenters. Additionally, although the inclusion of oppositional testimonies represents an improvement from the D.C. dataset, there are still only 44 of these testimonies, which is likely too few to draw meaningful conclusions. In Oregon, this can be supplemented by drawing on the new bill’s recent public hearings, but overall, a more expansive approach – either geographically or with related policies – would be a significant improvement.

Across 148 testimonies, Oregonians expressed their support and opposition to HB2366 and SB571, ending in a stalled bill and no change in enfranchisement law for incarcerated people. This contrasts with D.C.’s successful passing of the Restore the Vote Amendment Act. The next chapter takes these two contexts, using the two datasets from chapters 3 and 4, to compare the two and draw conclusions about both campaigns. In doing so, further knowledge is developed about how context – geographic, social, political, and historical – plays a role in support for re-enfranchising the incarcerated population.

**Table 4.8***Correlation Matrix for Language, Appeals, and Framing.*

	1	2	3	4	5	6	7	8	9	10	11	12
1. Space Terms	1.00											
2. Crime Terms	.11	1.00										
3. Personhood Terms	.01	-.11	1.00									
4. Democracy	<b>.20*</b>	.02	<b>.19*</b>	1.00								
5. Persuasive Appeals	<b>.37**</b>	<b>.17*</b>	<b>.44**</b>	<b>.60**</b>	1.00							
6. Voting Rights	<b>.27**</b>	.09	<b>.39**</b>	<b>.60**</b>	<b>.67**</b>	1.00						
7. Racial Justice	<b>.32**</b>	.07	<b>.16*</b>	<b>.49**</b>	<b>.65**</b>	<b>.38**</b>	1.00					
8. Criminal Justice	<b>.41**</b>	<b>.21*</b>	.16	.11	<b>.36**</b>	.10	.06	1.00				
9. Causes – Benefits	<b>.19*</b>	.02	<b>.25**</b>	<b>.33**</b>	<b>.40**</b>	<b>.42**</b>	<b>.19*</b>	.07	1.00			
10. Causes – Risks	-.13	<b>.28**</b>	-.10	-.10	.03	-.13	-.15	<b>.36**</b>	-.08	1.00		
11. Judgments – Benefits	<b>.23**</b>	.00	<b>.35**</b>	<b>.49**</b>	<b>.57**</b>	<b>.53**</b>	<b>.33**</b>	.15	<b>.46**</b>	<b>-.18*</b>	1.00	
12. Judgments – Risks	<b>-.16*</b>	<b>.27**</b>	-.12	-.13	.00	<b>-.17*</b>	<b>-.17*</b>	<b>.37**</b>	-.11	<b>.94**</b>	<b>-.22**</b>	1.00

*Note.* Categories for diagnose causes benefits, diagnose causes risks, make moral judgments benefits, and make moral judgments risks

were collapsed into a single variable representing the combined total for each (e.g., “causes – benefits” is a sum count of every mention of benefits, regardless of which benefit was mentioned).

\*\*  $p < .001$ . \*  $p < .05$ .

## CHAPTER 5

### A COMPARATIVE ANALYSIS OF D.C. AND OREGON

Building on the research in chapters 3 and 4, this chapter uses the D.C. and Oregon datasets to conduct comparative research across contexts. Generalizing findings based on a single case study (i.e., D.C. or Oregon) is fundamentally limited, particularly with the small and specific samples used for this study. As such, this study takes an explanatory approach to comparative research: “Studies in this tradition rely on characteristics of units to explain differences in some kind of output variable” (de Vreese, 2017, p. 289). In other words, the differences in output variables lie in D.C.’s success and Oregon’s failure to pass the bill, and the characteristics of the units are the language, appeals, and framing tools used in the public comments. Furthermore, Allan Colbern and Karthick Ramakrishnan’s (2020) research on immigration laws and immigrant rights at the state level in the United States is a relevant model for this study. Similar to their work on federalism, this study compares conditions for success in different contexts to better understand how a jurisdiction might move towards more progressive citizenship.

In this chapter, I first provide some basic comparisons between the contexts and their pieces of legislation, reviewing key information from chapters 3 and 4. Then, I propose research questions based on the previous studies and provide an overview of the methods. Finally, I present results and discuss some conclusions. Overall, comparing the two serves as a fruitful way of understanding how policies succeed in unique contexts.

#### Contexts Compared

Washington D.C., is a highly urbanized, highly educated, diverse region with no federal prisons in its jurisdiction. In contrast, Oregon is a predominately rural state with large swaths of

farmland mixed with pockets of college towns, one urban center (i.e., Portland), and 14 prison facilities. Since D.C. has no federal prisons in their jurisdiction, incarcerated D.C. residents often must be placed hundreds of miles away from D.C., whereas incarcerated Oregonians predominately stay within Oregon's borders. In both contexts, incarceration rates are nuanced by demographics, in that people of color and poor people are disproportionately incarcerated, although white people still make up an almost super majority of Oregonians in prison. Each context is also informed by their own history and political situation. Washington D.C.'s lack of statehood plays a critical role in this policy, as their absence of Congressional representation informs their perspective on voting rights. Oregon is also influenced by its history of Black Exclusion Laws and tough-on-crime policies.

In D.C., the Restore the Vote Amendment Act was passed through the City Council and became law in 2021. Since its passing, 650 D.C. residents incarcerated around the U.S. have registered to vote, and more are to come given a new mandate that the D.C. Board of Elections must provide every incarcerated D.C. resident with information about voting rights and a voter registration form. In Oregon, HB2366 and SB571 were proposed to the Oregon State Legislature in 2021 but did not successfully become law. These proposals would have permitted registering, updating registration, and voting while incarcerated. Despite the failure of these bills, new legislation was proposed in 2023 that would accomplish the same goals, though this bill has not yet succeeded or failed.

### **Research Question**

Considering the theoretical frameworks set for in chapters 1 and 2, the research conducted in chapters 3 and 4, and the discussed context comparison, the following research questions are proposed:



**RQ1:** How did language use, appeals, and framing tools differ across the D.C. and Oregon campaigns?

**RQ2:** How does language, appeal, and framing tool usage contribute to the differing outcomes between D.C. and Oregon?

### **Method**

This study used a content analysis to study public comments submitted to the Washington D.C. and Oregon legislative bodies on their proposed legislation ( $N = 204$ ). Testimonies were written or spoken in these hearings and entered into the public record. Each testimony was treated as one coding unit. More detailed descriptions of the methods for this study are included in chapters 3 and 4.

### **Sampling**

All public hearing information for Washington D.C. was collected from their City Council webpage ( $n = 56$ ). As per D.C. City Council legislative rules, speakers representing an organization ( $n = 35$ ) were allotted a maximum of five minutes of oral testimony, and individuals ( $n = 10$ ) were allotted three minutes. Additionally, representatives for the government (e.g., D.C. Board of Elections;  $n = 11$ ) were permitted to testify before the city council. Written testimonies ranged in length from a few sentences to several pages.

All public hearing information for Oregon was collected from Oregon's State Legislature webpage ( $n = 148$ ). Oregon does not impose a time limit based on affiliation. Oregon saw a greater proportion of individuals provide testimony ( $n = 89$ ) than representatives from organizations ( $n = 48$ ) or bureaucrats (e.g., Oregon Secretary of State;  $n = 11$ ). Testimonies ranged from less than five words to several pages.

### **Concepts**

### *Language*

Coders counted each time various terms for incarcerated people were presented in the testimony (e.g., "felon" or "adult in custody") and noted any additional terms that were not accounted for in the codebook. Words were also classified into three themes – space, crime, and personhood – that categorized terms based on an emphasis on physical location, criminal label, and humanity, respectively. Coders also counted each time a version of the word "democracy" was used (e.g., "democratize" but not Democratic party).

### *Appeals*

Coders identified whether individual sentences within the testimony used rational and/or emotional appeals. Rational appeals were coded as the following: Fact-based claim, statistics (including tables or figures), historical references, references to other policies (U.S. or global), or a citation of an academic or other research paper. Emotional appeals were identified as sentences that “intend to produce” (Ridout & Searles, 2011, p. 446) one of four feelings about each piece of legislation: Enthusiasm, fear, pride, or sympathy (Brader, 2005; Kemp et al., 2013). Rational and emotional appeals are treated as discrete variables; for example, the same sentence may include statistics and a sympathetic appeal. Within each appeal, indicators are treated as mutually exclusive; for example, if a sentence includes statistics and citations, coders had to choose the most salient and prominent of the two options.

### *Framing*

First, coders identified whether the testimony defined the problem as a topic-specific issue by counting sentences that framed the legislation as a voting rights issue, racial justice issue, criminal justice issue, or another issue with a write-in option. Next, coders identified whether the testimony diagnosed causes by counting sentences that attributed either benefits or

risks of the legislation to the following actors: Incarcerated people, politicians, citizens, bureaucrats, organizers, or "other." Then, coders identified whether a testimony made moral judgments by counting sentences that evaluated the benefits or risks of the legislation on the following: Democracy, morality, justice and punishment, politics, family and community, or "other." Finally, coders identified whether a testimony suggested a solution by answering whether it supported, opposed, or otherwise did not take a stance and whether it provided an evaluation of the legislation (e.g., "accepts the Bill completely" or "provides concrete suggestions").

### **Coder Training & Reliability Testing**

Two independent coders, the researcher and a close connection of the researcher, carried out the coding for the reliability testing process. The researcher, of course, had deep working knowledge of the study and the intentions behind each code. The second coder, Caitlin Tabor, has in-depth knowledge of the theoretical framework of this study, as she holds a Master's of Social Work, has years of work experience with incarcerated populations, and is presently seeking a J.D. with coursework relevant to policymaking and incarceration. The two coders, though located in different time zones (one Pacific Standard Time, one Eastern Standard Time), were able to meet semi-regularly to review the codebook, discuss example testimonies, and work through coding decision making. The two coders were thus particularly suited for this work, based on their similar backgrounds, commitments, and experience with this research and with working with each other.

Coder training followed process recommendations from previous scholars: Determine category boundaries with maximum detail, train the coders through practice coding and discussion sessions, and conduct a pilot study (Wimmer & Dominick, 2014). Variables for this

codebook were designed to be as limited in scope as possible to ensure maximum reliability; most of the codes used were either counting-based (e.g., how many times democracy is mentioned) or list-based (e.g., name all the words used to describe people effected by the policy). The strict boundaries of the coding made decisions less ambiguous for coders. Additionally, coders were advised to be conservative in their decision making; for example, if a coder was unsure whether a sentence used an emotional appeal, they were advised not to count it. As such, coding lends itself to being more reliable, as there is less ambiguity and deliberation over unclear testimonials.

Coders were given a random 20% sample of testimonies from all three legislative bodies to code. After an initial round of reliability testing, the coders met to discuss discrepancies and the codebook was revised to enhance precision. Then, coders met again to discuss the revisions to the codebook and conducted another (different) 20% sample of testimonies. After the completion of the second round of coding, coders met to discuss any discrepancies, erring on the side of conservative coding, and moved forward without further revisions to the codebook based on the reliability test coefficients.

Reliability tests were conducted between the two coders by calculating Krippendorff's alpha for each variable using the sample sets (A. F. Hayes & Krippendorff, 2007). Alpha values ranged from 0.989-1.000 and are reported for each variable in Methodological Appendix A: Content Analysis. Reliability coefficients were calculated using the open-source software ReCal (Freelon, 2010, 2013). These alpha values are notably high compared to many similar studies, and this can likely be explained by three reasons already discussed: The coders themselves, the strictness of the codes, and the conservative coding process. First, the coders themselves have a significant in-depth knowledge of the field of research and come from similar backgrounds that

would make them most likely to interpret the codes in the same way. Second, the codebook was written in such an intentional way that codes are very narrow in their scope and do not lend themselves to broad interpretation. Finally, coders were trained to be conservative in their decision making, defaulting to exclusion over inclusion, so there is less of a chance for deviation or error.

## Results

### Language

Table 5.1 reports the frequencies of 68 unique words and phrases used by public commenters to describe people impacted by the piece of legislation, totaling over 1,000 mentions, organized in three thematic groups. While both groups used phrases stemming from “incarcerated people” most frequently ( $n_{D.C.} = 147$ ;  $n_{OR} = 145$ ), they differed in their language use beyond that. For example, while D.C. testimonials included returning or returned citizens 69 times, Oregon did not once use this phrase. Similarly, Oregonians used the more common Department of Corrections phrase “adults in custody” 24 times, while D.C. residents never used it. D.C.’s exclusive support versus Oregon’s more mixed testimonials is also reflected in the language used; in the write-in option for other words, Oregonians spoke directly about crimes, referring to the group as “murderers,” “rapists,” and other criminal labels, while D.C. residents did not.

Differences between the usage of space, crime, and personhood terms were all significant across legislative bodies, with D.C. using more terms than Oregon in all cases. For space terms, D.C. commenters used an average of 5.54 terms ( $SD = 5.16$ ) per testimony, compared to Oregon’s 1.53 ( $SD = 2.26$ );  $t(202) = 7.71$ ,  $p < .001$ ,  $d = 1.21$ . For crime terms, D.C. commenters used an average of 1.96 terms ( $SD = 2.57$ ) per testimony, compared to Oregon’s use of less than

one per testimony ( $M = 0.83$ ,  $SD = 1.25$ );  $t(202) = 4.22$ ,  $p < .001$ ,  $d = 0.66$ . While both D.C. ( $M = 0.96$ ,  $SD = 1.44$ ) and Oregon ( $M = 0.36$ ,  $SD = 0.90$ ) testimonies used, on average, less than one personhood term per testimony, the difference was still significant;  $t(202) = 3.56$ ,  $p < .001$ ,  $d = .56$ .

**Table 5.1**

*Frequency of Words Used to Describe Those Impacted by the Legislation in Each Jurisdiction*

	D.C.	Oregon	Total
Adults in custody	0	24	24
Convicted of felony/felony offenses, individuals with felony convictions	52	43	95
Criminals	2	19	21
Family (parents, siblings, children), community, neighbors	25	13	38
Felons	31	55	86
(Formerly) Incarcerated people/citizens, people who are/have been incarcerated	147	145	292
Humans, men/women	14	37	51
Individuals serving felony sentences	18	4	22
Inmates, detainees	29	24	53
Justice-involved	11	4	15
Law-breakers	1	0	1
Offenders (adults only)	6	2	8
Prisoners	30	33	63
Residents in the Federal Bureau of Prisons	35	0	35
Returning/Returned Citizen	69	0	69
Second-class citizens	4	0	4

Coders also counted the number of times public commenters invoked democracy. Across the 204 testimonials, democracy was mentioned 163 times, with D.C. public commenters using the word about 1.5 times as often as Oregonians, but this difference is not significant.

### Appeals

Across jurisdictions, there are significant differences concerning fact-based claims, statistics, historical references, citing research, enthusiasm, fear, and both rational and emotional appeals on an aggregate level (see Table 5.2). In all cases, except for fear appeals, the D.C.

public commenters employ appeals at a higher rate than Oregonians; the exception of fear appeals can likely be attributed to D.C.'s exclusively supportive testimonies versus Oregon's diversity of opinion.

**Table 5.2**

*Descriptive Statistics and T-Test Results for Each Appeal by Jurisdiction*

	D.C. M (S.D.)	Oregon M (S.D.)	<i>t</i> (202)	<i>p</i>	<i>d</i>
<b>Rational appeals</b>	<b>11.25 (11.17)</b>	<b>3.39 (4.70)</b>	<b>7.08</b>	<b>.001**</b>	<b>1.11</b>
<b>Fact-based claim</b>	<b>3.77 (4.38)</b>	<b>1.34 (1.96)</b>	<b>5.48</b>	<b>.001**</b>	<b>0.86</b>
<b>Statistics</b>	<b>2.43 (2.61)</b>	<b>0.55 (1.13)</b>	<b>7.15</b>	<b>.001**</b>	<b>1.12</b>
<b>Historical reference</b>	<b>2.00 (3.64)</b>	<b>0.32 (0.80)</b>	<b>5.32</b>	<b>.001**</b>	<b>0.83</b>
Reference to other policies	0.88 (1.36)	0.84 (1.61)	0.15	.878	0.02
<b>Citing research</b>	<b>2.18 (5.16)</b>	<b>0.34 (1.07)</b>	<b>4.11</b>	<b>.001**</b>	<b>0.65</b>
<b>Emotional appeals</b>	<b>5.38 (3.83)</b>	<b>4.20 (4.04)</b>	<b>1.88</b>	<b>.031*</b>	<b>0.29</b>
<b>Enthusiasm</b>	<b>2.73 (2.66)</b>	<b>1.32 (1.72)</b>	<b>4.47</b>	<b>.001**</b>	<b>0.70</b>
<b>Fear</b>	<b>0.14 (0.44)</b>	<b>0.65 (1.79)</b>	<b>-2.09</b>	<b>.038*</b>	<b>0.33</b>
Pride	1.27 (1.84)	0.84 (1.65)	1.61	.110	0.25
Sympathy	1.23 (1.94)	1.40 (1.88)	-0.56	.577	0.09

*Note.* \*\* Correlation is significant at the .01 level. \* Correlation is significant at the .05 level.

## Framing

Coders accounted for the four functions of framing in each testimony: Defining the problem, or what topic-specific issue the speaker raised; diagnosing causes, or to whom did the speaker attribute benefits/risks of the legislation; making moral judgments, or what areas might be benefitted or at risk because of the bill; and suggesting remedies, or what stance the speaker takes on the bill.

### *Defining the Problem*

Across the 204 testimonies, 668 sentences were coded as voting rights issues, 355 as racial justice issues, and 560 as criminal justice issues. Testimonies from D.C. ( $M = 5.14$ ,  $SD = 4.35$ ) included significantly more sentences framing the problem as a voting rights issue than in Oregon ( $M = 2.57$ ,  $SD = 3.09$ );  $t(202) = 4.72$ ,  $p < .001$ ,  $d = 0.74$ ; and, testimonies from D.C. ( $M$

= 3.29, SD = 4.14) framed the problem as a racial justice issue at more than double the rate of Oregonian testimonies (M = 1.16, SD = 2.00);  $t(202) = 4.94, p < .001, d = 0.78$ . There were no significant differences between jurisdictions in framing the problem as a criminal justice issue.

### ***Diagnosing Causes***

Regarding diagnosing causes, D.C. and Oregonian testimonies significantly differed in the number of benefits attributed to various actors but not the number of risks. Testimonies from D.C. (M = 0.64, SD = 1.38) attributed more benefits than those from Oregon (M = 0.27, SD = 0.72);  $t(202) = 2.52, p = .013, d = .40$ . Looking more specifically at the various actors in diagnosing causes, there are few but important significant differences across jurisdiction, support, and affiliation. First, D.C. testimonials (M = 0.36, SD = 1.23) attribute significantly more benefits of the legislation to incarcerated people than Oregonians (M = 0.04, SD = 0.20);  $t(202) = 3.05, p = .003$ . D.C. testimonials (M = 0.16, SD = 0.71) also attributed more risks of the legislation to bureaucrats than Oregonians (M = 0.02, SD = 0.14);  $t(202) = 2.30, p = .022$ . One such example of this is a D.C. testimonial that expressed concern at the federal Bureau of Prisons' ability to carry out the legislation fairly and expediently.

### ***Making Moral Judgments***

D.C. and Oregon testimonies significantly differed in the number of sentences that made moral judgments about the benefits and the risks of passing legislation. Perhaps unsurprisingly, D.C. (M = 2.21, SD = 2.09) evaluated significantly more benefits than Oregonians (M = 1.48, SD = 2.00);  $t(202) = 2.31, p = .022, d = 0.36$ ; and Oregonians (M = 0.46, SD = 1.58) evaluated significantly more risks than public commenters from D.C. (M = 0.04, SD = 0.19);  $t(202) = -2.01, p = .046, d = 0.32$ . Looking more specifically at the moral judgment topics, only justice and punishment was significant across jurisdictions: D.C. testimonials (M = 0.79, SD = 1.39)



identified benefits to justice and punishment significantly more than Oregonian testimonials ( $M = 0.30$ ,  $SD = 0.67$ );  $t(202) = 3.39$ ,  $p < .001$ ; inversely, Oregonian testimonials ( $M = 0.18$ ,  $SD = 0.65$ ) identified more risks to justice and punishment than D.C., which did not mention any;  $t(202) = -2.10$ ,  $p = .037$ .

### ***Suggesting Solutions***

D.C. public testimonies did not include a single oppositional comment, with 54 in support and two neutral, whereas the Oregon legislative bodies included 44 oppositional statements, 103 in support, and no neutral stances. D.C. public commenters provided more suggestions on improving the legislation than Oregonians, with nearly 30% of commenters providing vague feedback or concrete suggestions for change, as opposed to just 3% of Oregonians. There are significant, moderate associations between the legislative body and both support for the legislation;  $X^2(2, N = 203) = 25.66$ ,  $p < .001$ ,  $V = 0.36$ ; and evaluation of the bill;  $X^2(2, N = 204) = 46.50$ ,  $p < .001$ ,  $V = 0.48$ .

Expanding on the significant association between support and jurisdiction, a simple logistic regression model was run using support as the dependent variable and jurisdiction as the independent variable. This model was insignificant and thus, while legislative body and stance are associated, the predictive relationship is not present.

### **Conclusion**

Building on the research in chapters 3 and 4, this study specifically analyzed significant differences between D.C. and Oregon's public comments concerning language, appeals, and framing. The successfully passed Washington D.C. Restore the Vote Amendment Act was exclusively supported by public commenters (except two government testimonies that declared they must maintain neutrality), predominately attended to by organizational representatives, and

frequently used appeals and framing tools. The unsuccessful Oregon HB2366 and SB571 bills were split in support, with primarily individual public witnesses speaking independently, with little use of appeals or framing tools. Washington D.C. and Oregon share many sociopolitical similarities, including greater support in the public comments, yet their outcomes were opposed. In this section, I will review the key findings of the study with contextualizations.

As evidenced by this study, D.C. public comments were significantly more engaged in persuasion and framing than those from Oregon. D.C. testimonials used more space, crime, and personhood terms than Oregonians, and, more broadly, public commenters from D.C. used phrases that tended to be person-first phrases while Oregonians used single words that labeled a person's delinquency. Public commenters from D.C. also engaged in more persuasive appeals, particularly rational and enthusiastic appeals, than Oregonians; however, in line with their diversity of opinion, including opposition to the legislation, Oregonians did use significantly more fear appeals than D.C. commenters. Similarly, D.C. commenters highlighted significantly more benefits overall, whereas Oregonians highlighted significantly more risks, particularly concerning moral judgments. While there were no differences between jurisdictions on defining the problem as a criminal justice issue, D.C. commenters defined the problem as a voting rights issue and racial justice issue significantly more than Oregonians.

Overall, D.C. commenters used every tool in the arsenal when crafting their arguments in support of the Restore the Vote Amendment Act. D.C. commenters played two both sides of the persuasion routes – central and peripheral – when analyzed within an elaboration likelihood model framework. Furthermore, D.C. commenters – seemingly unlike Oregonians – followed the traditional structure of defining a problem, diagnosing causes, making moral judgments, and suggesting solutions as part of their argument frame. Contrastingly, Oregonians appear to almost

exclusively engage with the process of labeling delinquency – along the lines of the labeling theory – and with utilizing fear appeals as a mechanism of persuasion. With Oregonians being the only group to demonstrate opposition to the legislation, this finding is relatively unsurprising.

Although both jurisdictions began with the same laws (i.e., that voting rights are restored upon release from custody), proposed similar policies to enfranchise people in prison, and saw a majority support in their public comments, the outcomes of the bills were opposed, with D.C. passing and Oregon stalling their legislations. Washington D.C. and Oregon could be considered very similar contexts, and in many ways, they are, so their differential policy outcomes are ripe for comparison, as many variables are already controlled for in the design. D.C. and Oregon are both considered Democrat-strongholds, with liberal-leaning populations and a history of voting blue in major elections. However, Oregon is somewhat more “purple” than D.C., with a history as a whites-only state and a sizable rural population that has seen more Republican representation than its urban counterparts. So, while D.C. and Oregon are considered more liberal than most of the rest of the country, Oregon’s political orientation is less cut and dry than D.C.’s tends to be. In a similar vein, Oregon’s urban cities tend to have a more diverse and younger population than the rest of the state, which mimics D.C.’s population; however, the rural population of Oregon is less like that of D.C., with a whiter and older demographics than the urban areas. Thus, the contrasting policy outcomes could, in part, be connected to the differences in demographics and politics between urban D.C. and parts of Oregon and the more rural areas of Oregon. In the future, a process tracing or qualitative comparative analysis approach may be well suited to comparing and further uncovering reasons for these differential outcomes.

In addition to the population demographics, differences between D.C. and Oregon’s incarceration contexts is further likely to contribute to the policy outcomes studied in this

dissertation. D.C.'s incarceration rate may be higher than Oregon's, but Oregon holds twice as many people in prison than D.C., meaning a substantially larger number of new voters.

Additionally, D.C. is a small, urbanized region with no prisons within its jurisdiction, whereas Oregon is a large and predominately rural state with 14 prison facilities and an almost \$2 billion budget for corrections. The distance between D.C. residents in prison and the district's jurisdiction were repeatedly mentioned in D.C. comments, emphasizing the importance of physical space and distance from community for D.C. commenters. As Oregon's incarcerated population is predominately located in Oregon, it is likely that the connection between an incarcerated person and their community is less relevant. It would be interesting to further explore the role of proximity in shaping these comments, and indeed I will explore a concept I call "proximal risk" in the next chapter.

The sampling of this study is inherently limited because very few pieces of legislation have been introduced addressing incarcerated people's rights. In future research, it would be interesting to compare not only by jurisdiction but also across policies; for example, a comparison of a voting rights bill for incarcerated people with one that rolls back the use of solitary confinement, thus addressing two different but equally critical points of contention for incarcerated people's liberation. Additionally, expanding the study to talk directly with public commenters would add a unique dimension that can further develop an understanding of what sources intend to do in their public comments and how effective they feel they are.

The use of comparative research can produce fruitful findings that expand beyond a single context. In this study, I have developed an understanding of how two contexts could come to different outcomes, based on their unique histories, political situations, and use of varying mechanisms in argument construction. Still, the preceding studies (chapters 3, 4, and the current)

are limited in their retrospective analysis and in that they represent two very specific contexts. To account for this, the next chapter moves towards a predictive model of support through an experiment. This next study will further knowledge on the possibilities of using different persuasive appeals and framing tools to achieve support for nationwide total enfranchisement of incarcerated people.

## CHAPTER 6

### STUDY 3: PREDICTING TOTAL ENFRANCHISEMENT

The next study of this dissertation moves away from retroactive analyses and towards a predictive analytical model of behavior. Here, I examine willingness to grant people in prison the right to vote from a general population. The study uses a 3 x 2 between subjects experiment that manipulates language on a fictitious petition to motivate support for a hypothetical ballot initiative that would introduce total enfranchisement in the United States. Participants also answer a series of questions that investigate traits such as fear of crime, perceived risk, and their demographics. Though work has been done to better understand public views towards felon enfranchisement after sentence completion, this is both dated and not aimed at enfranchisement from within prison (Manza et al., 2004). This study is thus novel in its approach (i.e., a large spatial and population base) and in its contribution (i.e., addressing reversing the loss of voting rights for all incarcerated people). Broadly, this study aims to answer the question: Do voters support total enfranchisement for incarcerated voters and why?

In this chapter I will first provide a brief overview of relevant pieces of voting rights history in the U.S., including an overview of the current classifications of voting rights laws used in this study. Then, I will present the research questions and hypotheses crafted based on the theoretical framework. Next, I will review the methods used for this study, including a description of the experimental design, manipulation, measures, and sampling. Finally, I will present the results of the study and discuss some conclusions. This study is an important supplement to the preceding content analyses as it adds a nationwide predictive model for total enfranchisement in the United States.

#### Context & Premise

Suffrage in the United States began with white male landowners. In 1870, the ratification of the 15<sup>th</sup> Amendment extended the right to vote to African American men, in 1920, the ratification of the 19<sup>th</sup> Amendment extended it further to white women, and in 1971, the ratification of the 26<sup>th</sup> Amendment reduced the legal voting age from 21 to 18 years old. Since the beginning of U.S. history, though, voting rights have been infringed upon by various forms of disenfranchisement, such as religious and literacy tests, poll taxes, and voter intimidation, particularly during the Jim Crow era (Alexander, 2012). While the passing of the Voting Rights Act of 1965 and the ratification of the 24<sup>th</sup> Amendment abolished many of these practices, laws disenfranchising citizens based on criminal background endure.

Felon disenfranchisement can be traced to the Reconstruction era and remains in all but two states and Washington D.C. (Pettus, 2013). Though enfranchisement for incarcerated people has trended towards becoming more expansive in the last decade, this is not true nationwide. As discussed in chapter 1, Virginia has recently rolled back its incarceration voting laws, making it more difficult to restore voting rights after incarceration. Still, most states have moved towards more progressive policies that grant formerly incarcerated people their right to vote. Table 6.1 classifies all 50 states and Washington D.C. based on their voting laws into four categories: Rights never lost, rights restored on release, rights restored after additional requirements met, and rights restored only by executive clemency. In the first group, rights never lost, are the three jurisdictions where residents can vote from prison. In the second group, rights restored on release, formerly incarcerated people are granted their right to vote immediately upon completion of their jail or prison sentence. Most states are located in the third group, rights restored after additional requirements are met; in this classification, formerly incarcerated people are granted their right to vote after they have completed their sentence and meet additional

stipulations, such as completion of parole or payment of fines and fees. Finally, for formerly incarcerated people in the fourth group, voting rights are only granted upon an executive clemency granted by the governor; these clemencies are exceedingly rare. It is additionally worth noting that many states (e.g., Florida) have further stipulations dependent on a person's conviction, particularly for murder and sex offense charges.

**Table 6.1**

*Classifications of Voting Rights Laws on State-Level, Based on Reinstatement.*

Rights never lost	Rights restored on release	Rights restored after additional requirements met	Rights restored only by executive clemency
Maine	California	Alabama	Iowa
Vermont	Colorado	Alaska	Kentucky
Washington D.C.	Connecticut	Arizona	Mississippi
	Hawaii	Arkansas	Virginia
	Illinois	Delaware	
	Indiana	Florida	
	Maryland	Georgia	
	Massachusetts	Idaho	
	Michigan	Kansas	
	Montana	Louisiana	
	Nevada	Minnesota	
	New Hampshire	Missouri	
	New Jersey	Nebraska	
	New York	New Mexico	
	North Dakota	North Carolina	
	Ohio	Oklahoma	
	Oregon	South Carolina	
	Pennsylvania	South Dakota	
	Rhode Island	Tennessee	
	Utah	Texas	
	Washington	West Virginia	
		Wisconsin	
		Wyoming	

*Note:* "Additional stipulations" include, for example, parole or payment of fines and fees.

## Research Questions and Hypotheses



Based on the previously outlined theoretical framework in chapters 1 and 2, as well as the context outlined above, the following research questions and hypotheses are proposed:

**RQ1:** How is support for total enfranchisement differentially impacted when people are presented with rational vs emotional appeals in petition language?

**RQ2:** How is support for total enfranchisement differentially impacted when the petition is framed as either a voting rights issue, racial justice issue, or criminal justice issue?

**RQ3:** What self-reported reasons do people provide for why they do or do not support total enfranchisement?

**H1:** Attitudes towards prisoners will have a positive relationship with support for total enfranchisement.

**H2:** Fear of crime will have a negative relationship with support for total enfranchisement.

**H3:** Proximal risk will have a negative relationship with support for total enfranchisement.

**H4:** Ideological risk will have a negative relationship with support for total enfranchisement.

**H5:** Consumption of media about crime/criminals will have a negative relationship with support for total enfranchisement.

**H5a:** Attitude towards prisoners will mediate the relationship between consumption of media about crime/criminals and support for total enfranchisement.

**H5b:** Fear of crime will mediate the relationship between consumption of media about crime/criminals and support for total enfranchisement.

**H6a:** Self-labeling as a felon will have a positive relationship with support for total enfranchisement, mediated through attitudes towards prisoners.

**H6b:** Self-labeling as a felon will have a positive relationship with support for total enfranchisement, mediated through fear of crime.

**H7a:** Other-labeling felons will have a negative relationship with support for total enfranchisement, mediated through attitudes towards prisoners.

**H7b:** Other-labeling felons will have a negative relationship with support for total enfranchisement, mediated through fear of crime.

### **Method**

The complete instrument used for this study (i.e., informed consent form, survey materials, and debriefings) is detailed in Methodological Appendix B: Experiment. This project received ethical approval from the Institutional Review Board at the University of Oregon in March 2023 and was conducted in April 2023.

### **Design, Manipulation, & Procedure**

This experiment used a between-subjects 3 x 2 design with a 4-day lag between surveys. Participants were first sent a questionnaire where they were randomly assigned an experimental manipulation and then answered a few short questions. A few days later, they were sent a follow up questionnaire with no experimental manipulation; this survey only asked dependent measure questions. Participants were compensated for completion of the experiment with \$2 for the first questionnaire and \$3 for the second. Participants completed informed consent forms for both waves and were debriefed at the end of each questionnaire.

Table 6.2 illustrates the six experimental groups, which are manipulated based on frame and appeal. The manipulation is a paragraph long text that asks participants to sign a petition in support of total enfranchisement, two examples of which are shown in Box 6.1. Participants were presented the manipulation on a page that read “Read the following text carefully. When you are finished, please go to the next page.” Participants were able to move to the next page after 45 seconds had elapsed. After reading the petition, they were asked if they would support it and

why. Participants then answered a manipulation check and demographics question, and this concluded the first part of the experiment.

After a delay of four to ten days, participants completed a second questionnaire. The built-in time delay between surveys was intended so that participants might forget or have a fuzzier memory of the manipulation, and in that way their answers may not be as influenced by what they believed the researcher might want to hear. The second questionnaire included no randomization or manipulations; participants were only asked to complete a series of batteries that asked about their attitudes and opinions on crime and related topics. After participants had completed both questionnaires, their answers were linked in one complete dataset by Amazon MTurk Worker ID.

**Table 6.2**

*Experimental Design.*

		Topic-Specific Issue Frame		
		<b>Voting Rights</b>	<b>Racial Justice</b>	<b>Criminal Justice</b>
Persuasive Appeals	<b>Rational</b>	Rational x Voting Rights ( $n = 21$ )	Rational x Racial Justice ( $n = 40$ )	Rational x Criminal Justice ( $n = 38$ )
	<b>Emotional</b>	Emotional x Voting Rights ( $n = 24$ )	Emotional x Racial Justice ( $n = 29$ )	Emotional x Criminal Justice ( $n = 40$ )

*Note.* N-value represents the number of participants in each experimental group.

**Box 6.1**

*Two Manipulation Script Examples.*

Condition	Text
Rational x Voting Rights	<p><b>Sign Our Petition: Grant Voting Rights for People in Prison</b>  <b>Problem:</b> Currently, 48 states ban people in prison from voting in elections. By taking voting rights away, we develop a class of citizens most affected by the law but with no say in how it is shaped. Thus, we are asking for you to support a petition that would reinstate the voting rights of adult citizens so that they may vote from prison.  <b>Impact:</b> The ability to vote is the ability to partake in democratic processes, choose representatives, and weigh in on ballot measures. Over six million Americans were excluded from the 2016 election because of felon voting rights laws. The United States is the only Western democracy that restricts voting rights as a punishment for a crime, and this is considered an extreme policy by the United Nations. Restoring voting rights to people in prison restores an aspect of their citizenship.  <b>Action:</b> Add your voice to the growing list of American voters who support the voting rights of all citizens. Voting is a <i>right</i>, not a privilege.</p>
Emotional x Racial Justice	<p><b>Sign Our Petition: Grant Voting Rights for People in Prison</b>  <b>Problem:</b> Currently, 48 states ban people in prison from voting in elections. By taking voting rights away, we develop a class of citizens most affected by the law but with no say in how it is shaped. Thus, we are asking for you to support a petition that would reinstate the voting rights of adult citizens so that they may vote from prison.  <b>Impact:</b> We cannot overlook our past when it comes to the treatment of people of color. Current voting laws are vestiges of segregation and Jim Crow; they are racist doctrines that target minorities. Who is viewed as a criminal determines who loses their voting rights, and people of color are disproportionately targeted by police and politicians as criminals. This also has generational impacts on the children of disenfranchised people, affecting whole communities, especially poor communities and communities of color. Changing these laws to allow people in prison to vote begins addressing these racial inequities.  <b>Action:</b> Add your voice to the growing list of American voters who support racial justice for all citizens. Voting is a <i>right</i>, not a privilege.</p>

## Sample

Participants were recruited using Amazon Mechanical Turk (MTurk), with the filtered specification that they must currently reside in a U.S. state and have a masters qualification.<sup>9</sup> While all sampling panels have drawbacks, particularly the typical oversampling of middle-aged highly-educated white women, previous research indicates MTurk is comparable with other panels, providing quality data at a more affordable cost than most alternatives (Chambers et al., 2016). After several rounds of recruitment, 192 participants completed both waves and were included for the final analysis, exceeding the target of 180 participants for a sufficiently powered experiment. Allocation to experimental groups ranged from 21-40 participants, with the complete breakdown presented in Table 6.2.

### *Demographics (from first wave)*

**Gender.** The sample was comprised of 59.4% men and 40.6% women, with no participants reporting a gender identity other than men/woman.

**Age.** The youngest participant in the sample was 24 years old and the oldest was 76 years old. The average age was 45.05 years with a standard deviation of 10.90 years.

**Education.** Forty-one participants (21.4%) reported secondary/high school as their highest level of education and 46 (24.0%) reported two-year college or vocational school. Eighty-four participants (43.8%) hold a Bachelor's degree and 21 (10.9%) hold a degree beyond a Bachelor's. No participants reported an education level lower than secondary school, and "post-Bachelor's degree" was the highest option given to participants (so specifics beyond that were not reported).

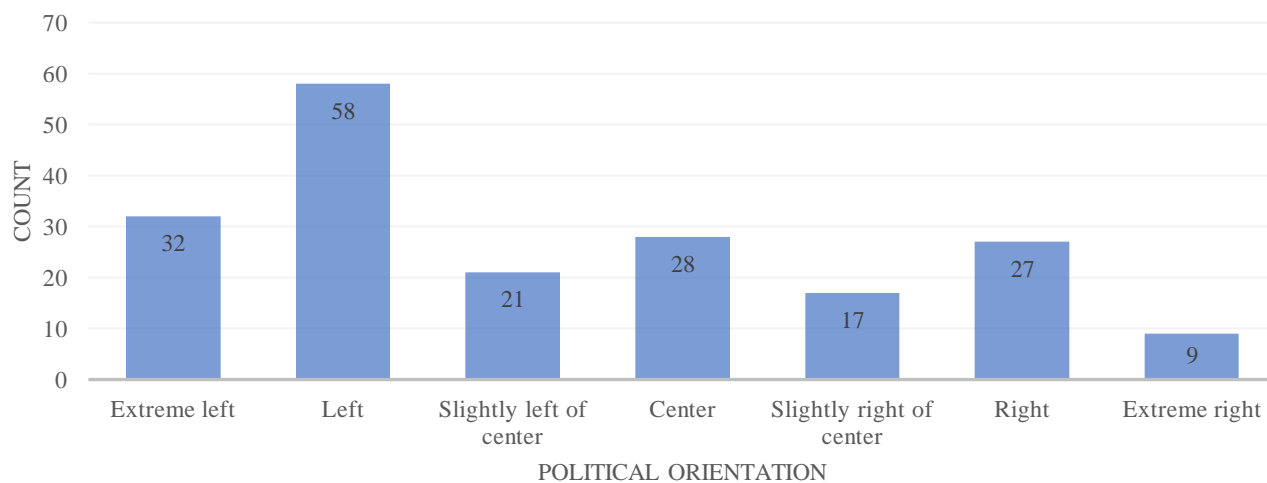
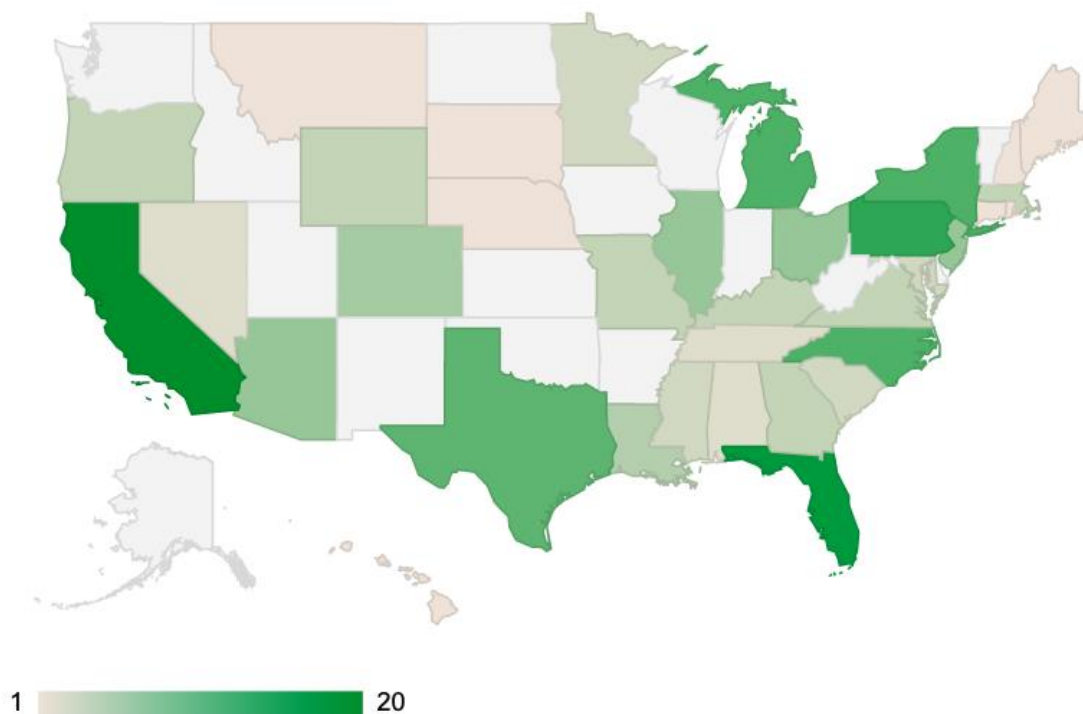
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<sup>9</sup> This is a designation granted by Amazon MTurk based on a worker's previous ratings and completions on other surveys within the system and indicates that a worker may be more likely to expend more effort and thought into completing a survey, rather than selecting random answers just to finish the questionnaire. It is unrelated to education or a degree.

**Race/Ethnicity.** Only six participants selected more than one option for race/ethnicity, all other participants either selected one option (or none). The sample is heavily skewed white, with 159 participants selecting white as one of their options. From there, there were seven Hispanic/Latinx participants, 15 Black/African American participants, and 15 Asian participants. No participants selected either American Indian/Alaska Native or Native Hawaiian/Pacific Islander as their race or ethnicity.

**Political Orientation.** The sample skewed slightly left of center ( $M = 3.30$ ,  $SD = 1.85$ ) in their political orientation. The graph in Figure 6.1 displays the distribution of participants' political orientation across the seven options.

**State of Residence.** Participants were decently spread throughout the country, though some states are not represented (see Figure 6.2). There were no participants from Alaska, Arkansas, Delaware, Idaho, Indiana, Iowa, Kansas, New Mexico, North Dakota, Oklahoma, Utah, Vermont, Washington, West Virginia, Wisconsin, or Washington D.C. in the sample. California ( $n = 20$ ), Florida, ( $n = 17$ ), and Pennsylvania ( $n = 14$ ) had the largest representations, but these are relatively proportional to their populations and not drastically out of proportion with the other represented states.

**Figure 6.1***Distribution of Participants' Political Orientation.***Figure 6.2***Distribution of Participants' States of Residence.*

## Measures

### *Attitudes Towards Crime*

The attitudes towards crime measure consists of 10 items adapted from the attitudes towards prisoners scale (Melvin et al., 1985) measured on seven-point Likert scales from strongly disagree to strongly agree. This includes statements such as “Only a few criminals are really dangerous” and “criminals only think about themselves” (“criminals” has replaced “prisoners”). After reverse coding four items, a scale variable was created with all 10 items that was very reliable:  $\alpha = 0.92$ . Higher scores indicate a more positive attitude towards prisoners, and the average participant score on this scale was 4.40 (SD = 1.21), which indicates a slightly more positive attitude towards prisoners overall.

### *Fear of Crime*

The fear of crime measure consists of 10 items measured on seven-point Likert scales from very afraid to not at all afraid (Chadee & Ditton, 2005; Ferraro, 1995). Participants rate their level of fear of being victimized of various crimes, such as “having someone break into your home while you are away” and “having your car stolen.” A scale variable was created with all 10 items, and this scale was very reliable:  $\alpha = 0.95$ . Higher scores indicate a greater fear of crime, and the average participant score on this scale was 3.79 (SD = 1.59), which indicates a slightly less fearful population overall.

### *Proximal Risk*

Proximal risk, or the potential of re-enfranchised voters entering one’s district, is adopted from previously replicated work measuring opposition to re-enfranchisement of felon voters (Chiricos et al., 2012; Manza et al., 2004; Pinaire et al., 2003). From this work, I use the items “people convicted of a crime who served their entire sentence and are now living in my



community should have the right to vote” and “felons who serve their time should return to my community as full citizens, with full rights and privileges.” This is supplemented with one item from research on racial redistricting: “District lines should be changed so that people in prison are represented where they are from rather than where they are incarcerated” (Tate, 2003). All three items are measured using seven-point Likert scales from strongly disagree to strongly agree. A scale variable was created with the three items, and this scale was moderately reliable:  $\alpha = 0.81$ . Higher scores indicate less perceived risk, and the average participant score on this scale was 5.14 (SD = 1.47), which indicates that, overall, participants did not perceive much proximal risk.

### ***Ideological Risk***

Ideological risk, or the perceived threat of re-enfranchising voters who would vote differently from yourself (e.g., if you are Republican, the new voter would vote Democrat), is adapted from political science research on partisan identity and internal efficacy (Huddy et al., 2018; Valentino et al., 2009). These nine items are measured on seven-point Likert scales from strongly disagree to strongly agree. Example statements include “If my party does badly in opinion polls, my day is ruined” and “voting is the only way that people like me can have any say about how government runs things.” A scale variable was created with all nine items that was somewhat reliable:  $\alpha = 0.74$ . Higher scores indicate a greater perceived ideological risk, and the average participant score on this scale was 3.49 (SD = 0.92), which indicates participants, overall, do not perceive much ideological risk.

### ***Consumption of Media – Crime/Criminals***

Media consumption is a self-reported frequency measure that asks participants how often they consume media that portrays crime. The question will be phrased as follows: “Sometimes in

the media, they depict crime or prisons. We might see a report on the local news about a recent crime, watch a television show like *Law & Order*, listen to a true crime podcast, or even hear a song that mentioned it. Thinking about your media consumption over the last week, how frequently would you say you consumed media that included some depiction of crime?" The examples included in the question are intentional to help facilitate thinking that might otherwise be difficult to recall in the moment. On the seven-point Likert scale provided, participants reported an average score of 4.75 (SD = 1.47), indicating that, overall, they consume slightly more crime media than not (in between "(4) neither frequently nor infrequently" and "(5) sometimes").

### ***Self-Label***

The self-label refers to a person's own relationship with the label "felon." This is measured through three questions (Restivo & Lanier, 2015). To mitigate social desirability concerns, participants are first primed with a text that reads: "About one in three Americans has some type of criminal record." They are then asked three yes/no questions about whether the person has been arrested (yes = 30, or 15.6%), been to court (yes = 55, or 28.6%), and/or been to prison (yes = 21, or 10.9%) in the last two years, averaging a score of 1.82 (SD = 0.33; where 0 = yes, 1 = no).

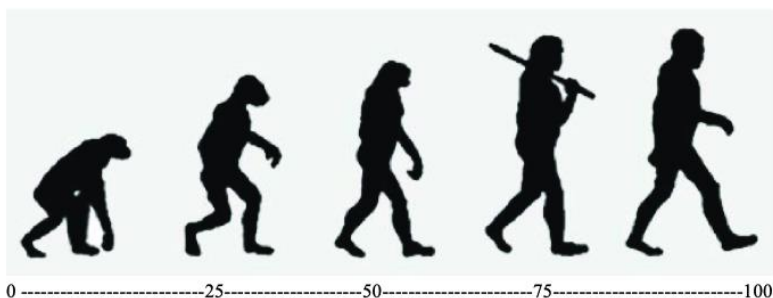
### ***Other-Label***

Other-labeling is used to measure perceived deviance of an outgroup, the key mechanism of labeling theory (Becker, 1963). Drawing on social psychology research, the other-label is measured using the Ascent of Human scale, which has been validated as an indicator of blatant dehumanization of outgroups (Kteily & Bruneau, 2017). Using this scale (see Figure 1), participants place six different social groups where they believe these groups belong on the

evolutionary scale. The exact text presented to participants is: “Using the Ascent of Human image as a guide, where do you think each group belongs on a scale from ape-like human (0) to advanced, modern humans (100)?” Participants then scored the following groups: Americans, drug users, criminals, citizens, veterans, and homeless people. Despite the obvious fact that all humans belong in the furthest right position, the unfortunate reality is that in numerous instances, the research has been replicated that people often do not place demonized outgroups in that position. For this study, I only look at the scores for criminals, with the other groups serving in more of a distractor task role so that participants both have other reference groups and are less aware that the question of importance is the criminals one. On the 0-100 scale, participants gave criminals an average score of 76.92 (SD = 28.37).

### Figure 6.3

#### *Ascent of Human scale*



#### *Outcome Variable*

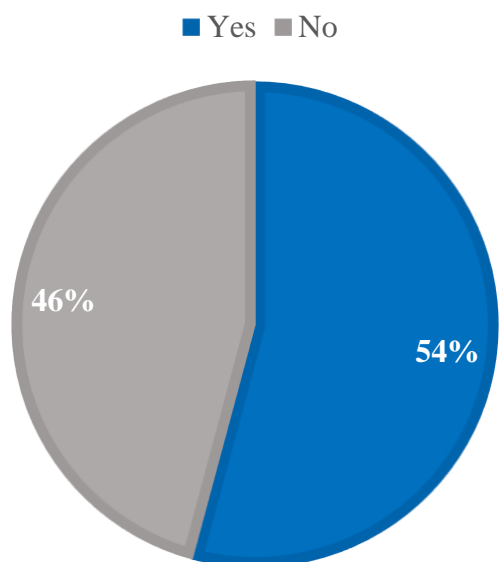
The outcome variable was measured as a simple yes or no answer to the question “Would you support this petition to grant people in prison the right to vote?” The sample was nearly split on the petition, with 104 participants in support and 88 opposed. Figure 6.4 displays this split graphically.

Participants were also offered an opportunity to expand on this answer with the question: “Why did you choose [yes/no]? There are no wrong answers, please provide as much detail as

you feel comfortable providing.” All answers are included in Methodological Appendix B: Experiment and select answers are discussed in the results section. Two randomly selected examples, one from each side, include: “People are in prison for a reason, and are being punished. They lose many other rights and privileges, and voting should be one of them” and “the prisoners are still people and should be allowed that basic right.”

**Figure 6.4**

*Support for Total Enfranchisement*



### *Manipulation Check*

**Appeals Check.** Participants answered the following question to check whether the rational/emotional appeals manipulation was successful: “On a scale from 1 (very rational/not at all emotional) to 7 (very emotional/not at all rational), where would you place the language in the paragraph you read?” Table 6.3 displays the means and standard deviations for each group, which were almost entirely clustered around the midpoint of the scale. The independent samples t-test for this manipulation check failed;  $t(190) = -0.86, p = .393$ ; indicating that the appeals manipulations for this study were not strong enough to be picked up by participants.

**Table 6.3***Descriptive Statistics of Appeals by Condition*

	<i>N</i>	<i>Mean</i>	<i>SD</i>
Rational appeals conditions	99	3.28	1.62
Emotional appeals conditions	93	3.48	1.63

*Note.* Participants were asked on a one to seven scale to rate their perception of the appeals used in the argument, with one the most rational and seven the most emotional.

**Issue Check.** Participants also answered the following question to check whether the topic-specific issue manipulation was successful: “Of the following options, which would you say is the main argument the petition made?” with the answer choices: (1) The petition argued this is a voting rights issue, (2) The petition argued this is a racial justice issue, or (3) The petition argued this is a criminal justice issue.” The topic-specific issue check was significant and successful;  $X^2(4) = 104.67, p < .001$ ; though this is not as straightforward as it may seem. Table 6.4 displays how participants in each experimental condition identified the issue, and here it is clear that participants in the criminal justice issue conditions did not identify it as such. Rather, the successful manipulation differences appear to be between voting rights conditions and racial justice conditions, with criminal justice petitions interpreted as a voting rights issue.

**Table 6.4***Participant Perceptions of the Petition Argument, by Actual Conditions*

	Participant choice - Voting rights	Participant choice - Racial justice	Participant choice - Criminal justice
Actual - Voting rights (45)	43	0	2
Actual - Racial justice (69)	24	44	1
Actual - Criminal justice (78)	69	0	9

*Note.* Numbers in parentheses and in columns are *n*-values. Participants selected the issue they thought the petition was arguing.

**Results**

## Appeals and Topic-Specific Issue Framing

The first two research questions for this study ask how persuasive appeals and topic-specific issues influence decisions to support total enfranchisement. Because the persuasive appeals manipulation failed the manipulation check, results drawn from this variable should be taken as a possibility and not an edict; these results indicate what *could* be happening, but not necessary what *is* happening. Future research will need to improve upon this manipulation to gather more reliable and valid results. Still, it is worth examining the possibilities for persuasion and for the successful topic-specific issue framing manipulation.

First, concerning persuasion, 62.6% of participants who read rational arguments supported the petition, whereas just 45.2% of participants who read emotional arguments supported the petition, giving an early indication that rational arguments are likely more persuasive than emotional ones. A chi-square goodness-of-fit test supports this claim, with a significant association between persuasive appeals and support for the petition;  $X^2(1) = 5.89, p = .015$ . Then, concerning topic-specific issue frames, 37.8% of participants in the voting rights condition supported the petition, compared to 65.2% in the racial justice condition, and 53.8% in the criminal justice issue. A chi-square goodness-of-fit test indicates a significant association between topic-specific issue framing and support for the petition;  $X^2(2) = 8.27, p = .016$ .

Additionally, taking the two experimental conditions (i.e., persuasive appeals and topic-specific issue framing) as independent variables and support as the dependent variable, a significant regression equation is produced to predict support;  $F(2, 189) = 3.91, p = .022$ . Here, only persuasive appeals significantly predict support ( $\beta = -.18, p = .015$ ), wherein rational appeals are more likely to lead to support than emotional appeals. This should be explored further, especially considering the failed manipulation check. The lack of significance for topic-

specific issue framing is also an interesting subject for future research, as there was a significant association but not a significant predictive relationship.

### **Hypothesis Testing**

The hypotheses tested in this study are intended to develop a predictive model of support for total enfranchisement. These use measures from the second wave survey as independent and mediating variables and the support question as an independent variable. These relationships are tested using a linear regression analyses, the results of which are included in Table 6.5. The ANOVA for this regression model is significant;  $F(13, 170) = 9.47, p < .001; R^2 = .42$ .

The linear regression analysis indicates four significant predictors (two of which were not hypothesized): Persuasive appeals, attitudes towards prisoners, proximal risk, and political orientation. These relationships, with their corresponding direction (positive/negative) are depicted in the causal model in Figure 6.5. As previously mentioned, any significant relationship with persuasive appeals should be taken cautiously, given the failed manipulation check. Still, here we see a significant relationship where rational appeals lead to a greater likeliness for participants to support total enfranchisement. This is particularly interesting, given the findings in the previous chapter that indicated supporters used more rational appeals and those in opposition tended to use more emotional (fear-based) appeals.

Confirming H1, attitudes towards prisoners positively predicted support for total enfranchisement, such that more positive attitudes towards people in prison increases the likeliness that a person would support total enfranchisement. Additionally, H3 is confirmed, as proximal risk is a significant predictor for support, such that as people perceive less proximal risk, their likeliness of supporting the petition increases. In other words, the perception that a person in prison voting may affect the makeup of one's own political jurisdiction influences

whether someone would want to grant people in prison the right to vote. This has important implications for understanding the conditionality of support based on self-interest. Aside from these two hypotheses, all other hypotheses are rejected by the linear regression analysis results.

In addition to the relationships already discussed, I also tested several demographic variables as possible predictors for support. Though gender, age, and education are not significant, political orientation demonstrates strong significance. Based on the linear regression analysis, as people report their political orientation as further to the left, the likeliness that they will support total enfranchisement increases.

**Table 6.5**

*Linear Regression with Support for Total Enfranchisement as the Dependent Variable*

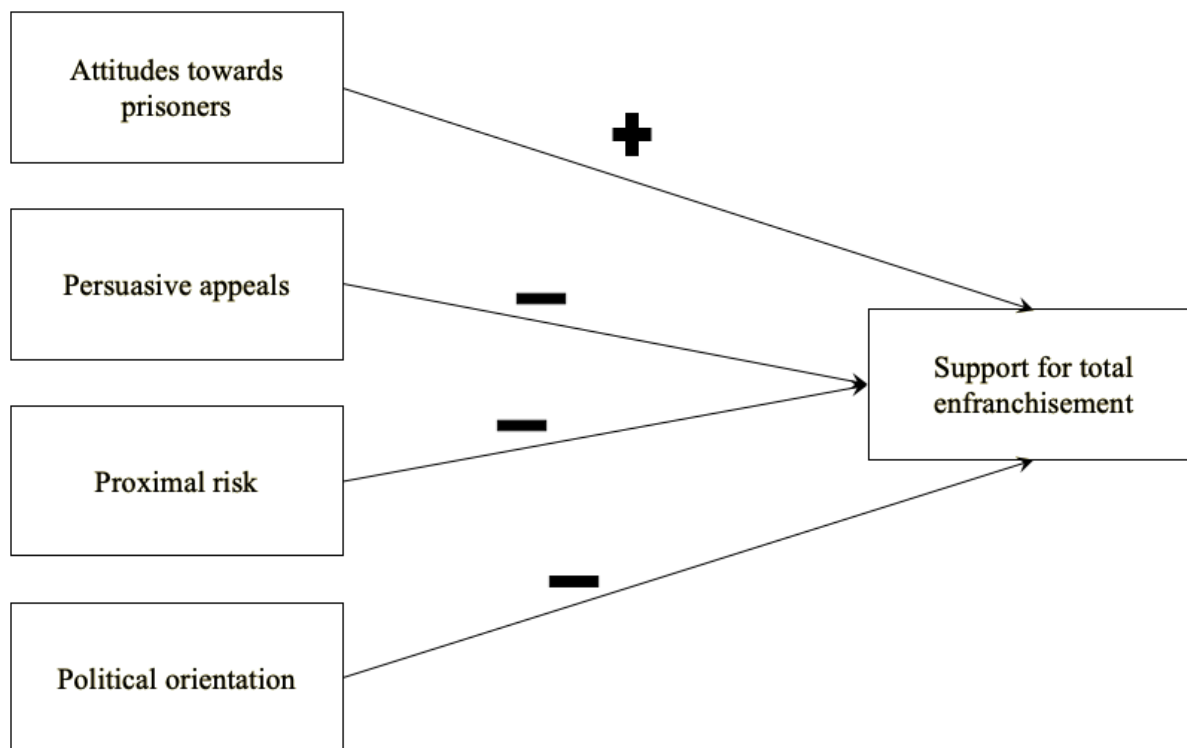
	<i>B</i>	<i>SE</i>	$\beta$	<i>t</i>	<i>p</i>
<b>Persuasive appeals condition</b>	<b>-.13</b>	<b>.06</b>	<b>-.13</b>	<b>-2.14</b>	<b>.034</b>
Topic-specific issue framing condition	.02	.04	.04	0.64	.523
<b>Attitudes towards prisoners</b>	<b>.09</b>	<b>.04</b>	<b>.22</b>	<b>2.43</b>	<b>.016</b>
Fear of crime	.02	.02	.05	0.77	.443
<b>Proximal risk</b>	<b>.07</b>	<b>.03</b>	<b>.21</b>	<b>2.54</b>	<b>.012</b>
Ideological risk	-.04	.04	-.08	-1.22	.223
Consumption of crime media	.01	.02	.02	.32	.749
Self-labeling	.14	.10	.10	1.47	.144
Other-labeling	-.00	.00	-.07	-0.95	.343
Gender	-.07	.07	-.07	-1.05	.296
Age	.00	.00	.00	0.06	.957
Education	-.01	.03	-.03	-0.43	.668
<b>Political orientation</b>	<b>-.10</b>	<b>.02</b>	<b>-.35</b>	<b>-4.81</b>	<b>&lt;.001</b>

*Note.* Variables in bold are significant predictors for support for total enfranchisement.



**Figure 6.5**

*Significant Predictors for Support for Total Enfranchisement, Based on the Results of the Linear Regression Analysis.*



*Note.* As attitudes for prisoners become more positive, likeliness of support increases. Rational appeals = 0 and emotional appeals = 1, so being shown more rational appeals increases likeliness to support total enfranchisement. Higher scores indicate *less* risk (more openness), so as proximal risk perception increases, support decreases. Lower scores on the political orientation scale represent a more left-perspective, so as participants indicate they are further to the left politically, likeliness to support increases.

### **Conclusion**

In a nationwide experiment conducted via Amazon MTurk, I found that rational appeals, positive attitudes towards prisoners, low perceptions of proximal risk, and left-leaning political

orientations all increase a person's likeliness of supporting total enfranchisement. Figure 6.5 illustrates the causal modeling developed through a linear regression analysis, with these four predictors and their directional relationships with the outcome variable. These findings provide further evidence for the role of persuasion in political communication and, interestingly, demonstrate the lack of influence topic-specific issue framing has on people as they weigh whether they will sign onto a petition regarding total enfranchisement. Similarly, these findings demonstrate that labeling may not have the impact originally expected based on the existing research demonstrating the heavy burden the "felon" label holds on formerly incarcerated people as they navigate life outside of prison.

One of the key contributions of this study is the development of the concept "proximal risk." While the idea has floated around academic and political spaces for some time, the field has been lacking a clearly named and operationalized variable. Proximal risk gives us an important insight into the role of self-interest in supporting total enfranchisement. This variable gets at the idea that voters may be more concerned about their own representation within their jurisdiction than they are about extending democracy to all citizens, and indeed this study shows that this relationship is a significant one. As I have developed it for this study, proximal risk is presently quite narrow in its focus on voting rights for people in prison, and so future research that engages with proximal risk as a variable could expand the boundaries of the variable to see in what other contexts it may be suited for investigation.

There is a great wealth of untapped potential remaining in this dataset. Within this experiment, I have collected several studies worth of information, which I will be able to further explore in my research. One obvious example of this is the 189 open-ended responses for why participants supported/opposed the petition. This data could indeed be its own chapter and

requires careful coding and analysis that goes beyond the scope of this dissertation but will be important for my ongoing research on the topic. Additionally, further statistical tests and modeling could answer important questions about the relationships between labeling and support for enfranchisement; for example, self-labeling may be playing more of a moderating role than an independent variable. Indeed, I have set myself up with a dataset that will be fruitful for numerous other studies.

The insignificance of both framing and labeling – two of the key theoretical frameworks for this dissertation as a whole – has considerable implications moving forward. Political communication scholars may need to reconsider the immense importance that has been placed on topic-specific issue framing. Indeed, substantial framing literature over the last several decades has focused squarely on defining the problem through topic-specific issues, but the findings of this study demonstrate the lack of influence this kind of framing has on audiences, at least within a voting rights and carceral context. Shifting focus to the other functions of framing – diagnosing causes, making moral judgments, and suggesting solutions – may be a more useful design for academics, journalists, and activists alike. For academics, it would be worth studying how other functions of framing may (or may not) be more influential and persuasive than topic-specific issue framing alone. Journalists, particularly those who engage with solutions journalism, may find that working other framing mechanisms, such as diagnosing causes, may be a more informative way of communicating audiences than focusing on defining the problem. Finally, for activists, as defining the problem was clearly not a significantly influential way of garnering support for total enfranchisement, energy and resources may be better spent finding other ways of crafting an argument.

In the next and final chapter of the dissertation, I provide a discussion of all the findings in this study and put them in conversation with the theoretical frameworks I have employed throughout my work. Here, I will revisit ideas about the health of democracy and the role of citizenship to provide a mountaintop view of the theoretical contributions and practical impact of this project. I will then close the dissertation with a conversation about the future research this work lends itself to and some final thoughts about the broad implications for the political communication and political science fields.

## CHAPTER 7

### DISCUSSION

The right to vote is critical for a healthy democracy, and beyond that, access to education, polling places, and registration resources are functionally necessary so that voters may perform their civic duty effectively (Dionne Jr. & Rapoport, 2022; Mill, 1860/1958). Indeed, public commenters testifying in support of enfranchisement policies argued as much. In Washington D.C., one commenter said “the right to vote is an essential element of a democratic society” (representative of the Washington Lawyer’s Committee for Civil Rights and Urban Affairs, testimonial 51), and an Oregonian stated that “civic participation is the bedrock of any democracy. To facilitate full and robust voter engagement in our elections, we need to decrease barriers and expand access to safe and secure voting” (representative of Planned Parenthood of Oregon, testimony 8, Oregon house of Representatives). This dissertation started with this assumption – that voting is essential for democracy – and applied it to the enfranchisement of all incarcerated voters in the U.S. Through two content analysis case studies, a comparative analysis, and an experiment, I demonstrated the possibilities of using language, persuasion, and framing to motivate support for the extension of voting rights for all incarcerated U.S. citizens.

To develop this research, I focused on two mediums of communication that are oft absent from political communication research: Public comments submitted to legislative sessions and petitions. Public comments are in and of themselves interesting because they offer unsolicited opinions on real policies that are crafted by people with vested interests. Unlike other forms of collecting opinions – such as polling, surveying, op-eds, or the like – public comments are intended to persuade, and thus are highly likely to engage in some framing mechanisms, they are readily available as matters of public record, and there is no incentive to craft one other than a

legitimate interest and opinion on the matter. Petitions, on the other hand, actively solicit people; they clearly aim to sway another person to perform a behavior that they likely otherwise would not do. The use of “perform a behavior” is intentional here, as asking someone if they agree or disagree that a person should have their voting rights is a lower involvement, less committed ask than requesting they sign a petition, which would mean supporting a cause to move forward through a (presumably) legislative process. Using the two together, then, is a novel approach to understanding persuasion and framing in political communication, and has implications for studying further policy processes. Researchers would benefit greatly from continuing this method of data collection, as it results in a fruitful and unique dataset that adds to the body of understanding political engagement.

This dissertation additionally contributes to political science, political communication, and criminological literature in its bridging of several theories through a unified question on voting rights. Political communication has been ripe for the expansion of its borders into topics on crime, policing, and prisons, and this dissertation acts as a crucial step towards opening the gate by bringing abolitionist feminism and the carceral context to a conventionally political communication study of politics and democracy. Furthermore, the inclusion of labeling theory brings the criminology literature into an otherwise communication science focused theoretical framework, magnifying the possibilities of interdisciplinary study. This research has also employed traditionally critical/cultural studies concepts of power, contextuality, and historic awareness as a way of adding nuance to the post-positivist study of media effects, in a manner reflective of the burgeoning “critical media effects” model (Ramasubramanian & Banjo, 2020).

In this final chapter, I will focus on a broader theoretical discussion that moves outward in focus – away from the nitty gritty detail of the preceding chapters and towards an abstract,

theory-building conversation about the implications of this research. First, I review the empirical work of this dissertation, with a brief refresher on the findings and a connection to the theoretical framework to which they contribute. Then, I highlight some limitations of the studies and propose future opportunities that could address these gaps, and I do so by looking at the academic and practical implications of the research. Finally, I return to the idea of citizenship purgatory that was introduced in chapter 1 and discuss how the present research develops this concept in theory and practice. Here, I also reintroduce abolitionist feminism, leaving the dissertation on a note that connects the findings to these philosophical and political principles.

### **Summary of the Research & Findings, Connections to Theory**

This dissertation consisted of two content analysis case studies, a comparative analysis between those content analyses, and a nationwide experiment with six conditions. Ultimately, I endeavored to understand how previous campaigns for the enfranchisement of incarcerated people had been shaped by the public in political settings and to attempt to predict support for total enfranchisement of incarcerated people nationwide. In this section, I will briefly review how I conducted these studies and what I found, beginning with the content analyses followed by the experiment (lengthier discussions are included in the conclusion sections of chapters 3-6).

#### **Campaign Content Analyses of Washington D.C. and Oregon**

Chapters 3 and 4 looked at each case study individually, beginning with Washington D.C.'s Restore the Vote Amendment Act and following with Oregon's HB2366 and SB571. These two studies involved a retrospective look at legislative sessions that invited members of the public to speak for or against (or neutrally in some limited cases) policies that would grant residents of their respective jurisdictions the right to vote from prison, even if incarcerated outside the jurisdiction's borders. Using a content analysis, coders identified language,

persuasive appeals, and framing tools within the public comments, and this data was then used to advance a broad understanding for how commenters crafted their arguments, and in what ways these tools played a role in supporting the policies. Following each of the individual cases, a comparative analysis combining both datasets was implemented in chapter 5, developing a framework for understanding the role of context and history while also providing further detail on how D.C. and Oregon commenters were similar (or not) in their techniques.

In D.C., commenters were unanimous in their support for the policy. While good for lawmakers in their justification of the passing the bill, this homogeneity made identifying differences and drawing conclusions about support particularly fraught. Still, from the 56 testimonials submitted to the D.C. City Council, we can see that D.C. public commenters relied primarily on words that emphasized the physical location of a person, did not shy away from providing feedback and suggestions on the bill, and were primarily affiliated with organizations. Additionally, D.C. public commenters relied on multiple framing tools used simultaneously; for example, commenters may define the problem and make moral judgments about it within the same testimonial, or even the same sentence. Furthermore, D.C. commenters used appeals as support for their framing tools, and this is particularly true regarding their use of rational appeals to support their problem definition of the issue as one of racial justice. Thus, stemming from this analysis is a development of framing theory and persuasion together – concerning both, D.C. commenters demonstrated a multi-pronged approach that indicates that framing and persuasion can be used in multiplicity.

To account for the resounding support found in D.C. testimonials, public comments submitted to the Oregon State Legislature on HB2366 and SB571 were used as a second case study for analysis. In Oregon, though support was still the majority, there was a greater diversity



of opinion, with 30% of testimonials opposed to these pieces of legislation. This opposition was reflected in the wider variety of crime related terms used to describe incarcerated people (which indicates a possible labeling theory relationship), and this led to an increase of more prevalent fear appeals (via threatening language) and a much more prevalent evaluation of risk when diagnosing causes and making moral judgments. Additionally, Oregon was unique from D.C. in that rational and emotional appeals were highly correlated and indeed reliable as one variable representing “persuasion” broadly. This indicates that Oregonians likely use rational and emotional appeals simultaneously – for example, using statistics as a means for instilling fear – and thus, are intending to appeal to both processing routes, as outlined in the elaboration likelihood model and heuristic-systematic model. Finally, the data collected from Oregon public comments led to a significant regression model that indicated increasing space-related terms, persuasive appeals, and moral judgments about benefits would lead to greater support for the bill, though increased crime-related terms and moral judgments about risks had the opposite effect.

Comparing D.C. and Oregon led to novel findings about how each approached their respective campaigns and contributed to the understanding of language use, appeals, and framing could lead to different outcomes of policy support. Oregon and D.C. each has their own unique history and political situation that informed their public commenters arguments; for example, Oregonians alluded to Measure 11 policies and shied away from the role Black Exclusion Laws played in their history, while D.C. commenters connected the enfranchisement of incarcerated people to their struggle for statehood and the proximal distance between many incarcerated D.C. residents and the district. As previously mentioned, D.C. commenters took a multi-layered approach to framing and persuasion that involved using every tool in their arsenal to influence support for the Restore the Vote Amendment Act. This became even more apparent when

compared to Oregonian testimonials. In nearly every significant relationship comparing the two on language, appeals, and framing, D.C. used significantly more in their testimonies than Oregon. The exceptions, however, were in Oregon's heightened use of fear appeals and their use of framing tools related to risk (i.e., diagnosing causes and making moral judgments). These relationships, however, are also indicative of the stark contrast between D.C. and Oregon in terms of support for the legislation.

Washington D.C.'s Restore the Vote Amendment Act, which has now been law for nearly two years, lifted the ban on voting rights for all citizens, regardless of their felony conviction background. In doing so, D.C. expanded its voting potential by thousands, which, in addition to being a step towards repairing the harm done by the carceral state, benefits the legislative body as they continue their ongoing struggle toward statehood. By recognizing incarcerated people as constituents, the jurisdiction receives more funding, resources, and support that benefits the community. It also demands that politicians pay attention to the needs of people in prisons, as their vote becomes a valuable part of democracy. Although Oregon's HB2366 and SB571 were unsuccessful in 2021, Oregon legislators have attempted this policy measure again, with the introduction of SB579 in 2023. As Oregon's new bill progresses through the legislative process, it will be interesting to see how public commenters and legislators will craft their arguments in support or opposition using language, appeals, and framing tools.

### **Experimental Study of Nationwide Petition Support**

Chapter 6 outlined the predictive study for this dissertation. For this study, I conducted a multi-wave experiment that asked MTurk participants nationwide to support a fictitious petition that was manipulated based on persuasive appeals and framing tools and would allow for all U.S. incarcerated citizens to vote from prison. In the first wave of the study, participants were shown

the manipulation, asked to support, and then asked why they had chosen to support or not in an open-ended question. Several days later, participants were sent an additional questionnaire that asked about their fear of crime, attitudes towards prisoners, proximal and ideological risk, consumption of crime media, and labeling. In total, 192 participants from across the United States completed both questionnaires, with most participants indicating they would support a petition that aimed at total enfranchisement for all citizens in prison.

Through a linear regression analysis, I found that four variables significantly predicted support for total enfranchisement. First, the persuasive appeals manipulation significantly influenced support such that participants in the rational appeals condition were more likely to support total enfranchisement than those in the emotional appeals condition. Though this finding should be approached with caution, given the failed manipulation check, it is still worth considering given the importance of persuasion in the campaign analyses and in political communication literature more generally. Indeed, the findings from the experiment appeared to echo some of the findings from the campaign analyses. First, rational appeals appeared more often in supportive public comments and participants in rational appeals conditions were more likely to support the petition. Then, while emotional appeals appeared in public comments on both sides, there was the notable finding that many of the oppositional comments included emotional appeals, and particularly fear appeals. Similarly, participants in the emotional appeals condition more often rejected the petition than supported it, indicating that emotional appeals may not be substantive enough to persuade voters. Future research should indeed explore this further, with an eye towards nuancing emotional appeals as they may not be strong enough in text alone.

Two independent measures were additionally predictive of support for total enfranchisement (i.e., two hypotheses were supported and the rest rejected). As hypothesized, positive attitudes towards prisoners led to a greater likeliness to support total enfranchisement. It could be that influencing these attitudes is a key first step before influencing support, and this may be deeply connected to the negative portrayals of people in prison in media outlets. An interesting study for future research would be one that aims to manipulate attitudes towards prisoners through differential media depictions before trying to influence support. Next, proximal risk significantly predicted support, such that people who perceive more of a risk to their jurisdictional representation are less likely to support total enfranchisement. This variable was developed and operationalized specifically for this study and importantly puts a name to a feeling that has floated around academic and political spaces for some time. The sentiment that “people in prison won’t vote the way I want them to” is hardly a new one, and proximal risk acts as a label (with a reliable scale) for this attitude. Political communication scholars and political scientists would greatly benefit from adapting this variable to further studies on self-interest in democracy, as it indicates an individualistic notion that puts self-preservation before equality.

Finally, though other demographics did not significantly predict support, political orientation did, such that people who are more left-leaning are more likely to support total enfranchisement than those who are more right-leaning. This finding can be connected to the campaign analysis; while Oregon is still more left-leaning than many other states in the U.S., there is a sizable right-wing population. This population was represented in the comments made to the Oregon State Legislation that accused Democrats of trying to “grab” votes by enfranchising the prison population. Furthermore, we also saw that, in Oregon, Democrats are leading the movement towards total enfranchisement, with Republican legislators putting up

barriers to the new iteration of the bill, despite the evidence that Oregonians in prison largely vote Republican (Selsky, 2023). Thus, some of the dynamics that played out in the Oregonian case may be relevant to the findings from the nationwide experiment.

Of equal importance to the significance relationships, if not greater importance, was the insignificance of the framing manipulation and of the labeling variables. This study used topic-specific issue framing to define the problem for the audience and, although they did significantly pick up on this manipulation, there was no significant influence of the framing mechanism on participants' likeliness to support total enfranchisement. As discussed in the conclusion to Chapter 6, this has important implications for academics and strategic communicators. Academics should, perhaps, spend less resources on comparing different problem definitions and instead look at the potential influential power of other functions of framing. As this study only tested problem definition, it is not yet clear in this context whether a manipulation that diagnoses causes, makes moral judgments, or suggests solutions might be a more powerfully persuasive argument than the problem definition. In fact, an interesting study may well be to have conditions where each manipulation is a different function, rather than manipulating within a single function. Furthermore, strategic communicators should take from this study that defining the problem may not matter for audiences. Perhaps audiences are already operating with their own problem definition, but could be persuaded by moral judgments or by an assessment of the stakeholders involved (e.g., is this just a vote grab and if so by whom?).

The insignificance of labeling is additionally interesting, as there is ample evidence from criminology and sociology that labeling does influence a person's ability to move about the world and on their future development within the confines of their label. It is certainly a possibility that some of the lack of insignificance comes from the measures used in this study;

many previous studies on labeling theory use a natural experiment design wherein people are actually labeled “felon” and their likeliness to recidivate can be calculated by actual arrest records. In this study, though, I was interested in perceptions of labeling and thus used the self- and other-labeling measures developed for this experiment. These likely need further refinement to effectively measure labeling as intended. Still, it is worth considering the insignificance of both variables. First, a person’s own justice-involvement did not significantly predict their support for people in prison which has interesting implications for the role (or lack thereof) of empathy in support. Future research might ask why that is – do justice-involved people feel shame, are they trying to distance themselves, or is something else going on? Additionally, though the Ascent of Human was used to its fullest degree, with some participants rating criminals as a 0 on the humanness scale, this still was not a significant predictor for support. This scale has been repeatedly validated in similar contexts, and thus the measurement itself is likely not the explanation, so what is the psychological mechanism behind blatantly dehumanizing people who have committed a crime and its lack of relation to support for total enfranchisement? This needs further exploration.

### **Limitations and Opportunities for the Future**

#### **Academic**

Focusing on the scholarly limitations of this dissertation, the designs of both studies could have been improved in several ways. The content analysis was inherently limited by its sample size. Despite census sampling public comments submitted on each piece of legislation, the total sample size was only 204 total testimonials, and with some as short as just a few words, it becomes difficult to generalize meaningfully from the study’s findings. Future research using this method should grow in one of three possible directions to account for this limitation. First,

researchers could expand within the bounds of the same context, studying numerous pieces of legislation; for example, if a single state currently has proposed legislation on voting rights for people in prison, lengthening voter registration periods, and limiting poll watching practices, researchers could compare how all these policy discourses developed while being attentive to the specific context within which they were proposed. Second, researchers could expand the study geographically by modifying the boundaries of the legislation; for example, such a study could compare the Restore the Vote Amendment Act and HB2366 & SB571 with Florida's ballot initiative to restore voting rights after release. Though the policies differ in their allowances, they are related in topic and intent. Finally, future research could move beyond public comments to include press coverage, legislation changes over time, and comments made by the legislators themselves; regarding the last suggestion, a useful example would include coders watching the entirety of the city council public hearings on the Restore the Vote Amendment Act and including the question and answer periods between councilors and public commenters, which were not included in this study.

In addition to the limited scope of the content analysis, the experiment was indeed limited in its external validity. It is unlikely that a real-world scenario would involve asking MTurk workers, who are by their nature primed to complete surveys asking them to do certain tasks, to sign a petition presented through the University of Oregon branded Qualtrics form. Rather, future researchers should endeavor to bolster external validity by conducting field experiments where researchers pose as organizers asking for real signatures on a seemingly real petition. Though this would be considerably more resource-intensive, it would also bolster the validity of the study greatly. Of particular interest in this design would be accounting for people who immediately say no for reasons other than disapproving of the cause (e.g., walking past the

researcher without making eye contact). Indeed, a field experiment design would provide more information on additional variables such as researcher cues, nonverbal communication, and interpersonal interactions between researcher-as-organizer and participant-as-supporter.

The use of public comments and petitions as mediums for communication was both novel and limited. Public comments are intentional, written by involved community members with a vested interest in the policy under consideration with the express purpose of persuading audiences (particularly politicians) to support or oppose a certain measure. This means that, while they are a wealth of information about the policies and about stakeholder opinions and perceptions, they represent a necessarily select part of the population that has chosen to be politically involved, when the average citizen is not as committed to democratic engagement. To account for that, I also drawn on petitions as the inverse; petitions are also designed by heavily involved organizers with the intention of persuading, but they target people who are not already engaged and demand an action of that population. Still, the qualitative responses to the experiment highlight a key limitation of petitions: Many people just don't want to sign them, regardless of the cause. Thus, both mediums involve persuasion and political involvement, but to different ends and with different limitations. As this dissertation was focused on persuading people to support total enfranchisement, these mediums are appropriate for study in this context, but future studies may benefit more from examining communication methods that are less targeted in their approach (e.g., social media posts or interpersonal dialogue).

The method of examining public comments in this study could additionally be improved in future research. For this content analysis, I chose to look only at the text of testimonials, even transcribing videos of testimonials that were missing a text equivalent and then coding these transcripts. As I completed these transcripts though, it became clear to me how important visuals



are for in-person public hearings in local government. Indeed, many of the commenters in the D.C. public hearings used body language to emphasize their point, including crying during testimonies, which cannot be accounted for in text alone. Future research should study these public hearings with a more holistic approach, including visuals from videos or even observational studies at live hearings, as this is likely the best way to properly account for emotional appeals. Accounting for this would also strengthen emotional appeals manipulations – perhaps the use of text alone in the petitions can partly explain the failure of the persuasive appeals manipulation check; visuals and text combined may make for a more powerful emotional appeal than either alone. Political and visual communication scholars should thus consider the role of body language, outward expressions of emotions (e.g., crying), and the wider public hearing environment when studying testimonials submitted to legislative bodies.

### **Practical**

Thinking about this dissertation as a piece with practical value for organizers and activists, two key limitations arise. First, the design of the content analysis was such that assumptions were made about speaker intentions and audience reception. For example, a testimony that reads something along the lines of “I’m not sure this is a good idea” would likely have been coded as oppositional to the coders, although the speaker may in fact be a hesitant supporter. Furthermore, the black-and-white support and opposition model, alongside the narrow focus on public commenters, led to the seemingly nonsensical outcome where a majority of Oregon public commenters supported the legislation, and yet it did not pass. While the public comment content analysis design provides fruitful findings about appeals and framing, a future design could include speaking directly with authors of public comments to learn more about both their intentions and their understanding of other comments they witnessed. Doing so would

complete the speaker-message-receiver model that organizers could then use to better develop their messaging for future comments on similar policies.

In addition to this holistic view of the communication model, this research could benefit from a similarly holistic view of policy interconnectedness. As exemplified by the Oregonian testimonies, public commenters make clear connections between seemingly unrelated policies (e.g., gun rights, climate change), imagining their jurisdiction as simultaneously putting together multiple pieces of a puzzle. Thus, the single-issue focus of enfranchisement obfuscates the role other policies play at the same time (albeit a necessary design feature to maintain feasibility and parsimony). In the future, researchers can expand their policy view to account for these multiple moving parts. This involves looking even closer at the specific case study so that the design is contextually informed rather than one-size-fits-all.

### **Lessons for Journalism & Journalism Studies**

While the focus of this dissertation has been a theoretical contribution to political communication research and practical guidance for abolitionist activists, the study also holds important lessons and implications for scholars in journalism studies as well as journalism professionals. One critical gap in this dissertation has been the lack of directly studying news and other informational media source content about voting rights for people in prison, and future studies will need to analyze the discourse produced in these realms to understand the full scope of the issue. Still, what has been learned from public comments and public opinions/attitudes can be valuable in shaping solutions and citizen journalism practices in three key ways: Language, context, and framing.

In recent years, the Associated Press has worked to update their recommendations for journalists regarding language, with one key example being words used to describe people with

varying housing statuses. Often the product of collaborative movements between citizen journalists and local advocates, journalists have worked with effected communities to determine the most accurate and humanizing language to communicate the needs of the unhoused population with the broader community (Fitzsimmons, 2022). Recent work in Oregon regarding housing displacement caused by wildfires further addressed the importance of context in labeling, highlighted the differential treatment of groups based on the perceived cause of a person's housing situation (Cowal et al., 2023). These examples relate directly to the findings of the content analyses in this study, which indicate differential labeling for people in prison based on their physical space, criminal record, and personhood (e.g., people in prison, convict, and resident, respectively). Washington D.C. public commenters most often used the phrase "returning citizen" to describe those who are affected by the new amendment, a phrase that highlights post-incarceration and citizenship status, whereas Oregonians often used "adults in custody" a word that uses person-first language, but that emphasizes a current physical holding in prison and that is most commonly used by DOC officials. The decision that a journalists makes when labeling people in prison holds weight, with different words and phrases holding different implications, denotations, and biases towards the population. Journalism scholarship could also benefit from more in-depth studies about the effects of different labels in news stories. Activist groups have highlighted the harm caused by words such as felons, convicts, and inmates (Bryant, 2021) and political science scholars have identified the importance of language in belonging (e.g., removing the word "alien" from state constitutions; Colbern & Ramakrishnan, 2020). Now, journalism scholars should focus some attention on the role labeling plays in news stories about people in prison, with an eye towards effects on public opinion and attitudes about the population.

Related to the attention paid towards language, there is a clear need based on the findings of this study for journalists to be informed about the context within which they are writing. It is an unfortunate reality that local news is becoming exceedingly rare in the United States (e.g., D. Hayes & Lawless, 2021; Lawrence et al., 2022; Usher, 2021), which makes the recommendation that newsmakers need to take on a more hyperlocal approach a bit of an ironic one, but it is worth emphasizing the importance of context in journalism all the same. Supporting citizen journalism and hyperlocal news would give community members a better sense of the relevancy of broad policies, such as the ones discussed in this dissertation, to their own personal and political agendas. Additionally, finding that perceived proximal risk can lessen support for total enfranchisement has important implications for journalists, in that journalists would need that local perspective to be able to communicate whether proximal risk is indeed even a risk to voters, or whether this is in fact merely a *perception* of a risk. Furthermore, such a conversation would necessitate the use of rational appeals (e.g., statistics about how many newly eligible voters in a jurisdiction), which was further found to increase support for the policy. Thus, context neutral reporting that fails to include these nuances could be failing to sufficiently inform the populations that they intend to serve.

Finally, the importance of thematic framing emerged primarily from the Oregon public comments. To refresh, thematic framing highlights trends over time, placing an issue in a greater sociopolitical context, as opposed to episodic framing which focus on a single event at one time (Iyengar, 1994). Additionally related to the need for a more localized approach to journalism is the need for journalists to put policies into these larger contexts that go beyond a single piece of current legislation. In the Oregonian testimonials, public commenters appeared to use more of a thematic framing approach (though this should be further studied, as it was not explicitly coded

for in the present research) as they drew in examples from numerous other policies either previously or presently on the legislative agenda, or on issues that they believed the legislation should be addressing instead of voting rights for people in prison. The connections drawn between multiple issues simultaneously by public commenters should additionally be reflected in news stories about the issue, with journalists incorporating a greater perspective based on the sociopolitical environment in which they are writing.

### **Final Thoughts: Leaving Citizenship Purgatory**

Across the Washington D.C. and Oregon testimonials, there was a recurring theme of the semi-citizenship an incarcerated person faces when they are sent to prison. “You don’t lose your citizenship when you are incarcerated, and you shouldn’t lose your right to vote,” (testimony 16), one neighborhood commissioner in D.C. said. The representative from the D.C. State Board of Education furthered this, saying:

If we believe that freedom of religion, free speech, and due process, all maintained by those in our criminal justice system, are just as important as the right to vote, the council will pass this measure and lead the nation in this effort. (Testimony 31.)

In Oregon, one public witness relayed their own experience – “While I was in prison, my student loans did not stop accruing interest. Senators Wyden and Merkley did not cease being my representatives. I did not stop being an American citizen” (testimony 12, Oregon House of Representatives) – and a representative of the Oregon Coalition of Christian Voices stated: “The incarcerated have lost their freedom, not their citizenship. Being able to vote is a fundamental right, unrelated to a person’s conduct or character” (testimony 14, Oregon House of Representatives). Recognizing the right to vote as one that is fundamental to full citizenship indicates that any infringement on this right is an infringement on the citizenship itself.

Voting rights in the United States are predominantly for white people; one in 16 Black adults is disenfranchised nationally because of decades of tough-on-crime policies and the movement toward mass incarceration (Alexander, 2012; Lerner, 2022). As one jurisdiction has gained voting rights for incarcerated people, another has recently lost it for anyone convicted of a felony. Abolitionist feminism demands that we seek civil rights restoration for all people, particularly those in prison, given their uniquely vulnerable status (Davis et al., 2022). By studying and comparing policies that seek to reach these goals, we can further develop our knowledge of how best to appeal to listeners and frame the problem in a manner that leads to total enfranchisement and a reinstatement of their citizenship.

Voting rights are one piece of a larger puzzle that makes up incarcerated people's civil rights and full citizenship. These are even further complicated considering the number of non-citizens held in state custody within the U.S. Still, this dissertation makes a clear contribution to understanding citizenship purgatory, by demonstrating how contextual differences in different jurisdictions (i.e., findings from the content analyses) and personal proclivities regarding fears and attitudes (i.e., forthcoming findings from the experiment), can lead to legislative bodies passing laws that would move incarcerated people out of purgatory and closer to a fully realized form of citizenship that aligns with the principles of abolitionist feminism. Until then, incarcerated voters largely remain ghosts of their jurisdictions; counted in the census but unable to elect representatives or vote on policies that affect them.

## METHODOLOGICAL APPENDIX A: CONTENT ANALYSIS

### Codebook

#### *Context/Coding Unit:*

- The content under study will be the witness testimonies from the public hearings held for feedback on the District of Columbia Restore the Vote Amendment Act of 2019, the Oregon State House of Representatives HB2366, and the Oregon State Senate SB571.
- The coding unit is each individual testimony, coded separately from other testimonies. Each testimony will be provided in a folder as a separate document and is labeled with the testimony number (code 1.2).

#### *General Coding Rules:*

- Coding will be conducted using a Google Sheets coding sheet.
- Only code what is present in the testimony transcript (i.e., manifest content). Do not code your own interpretations or assumptions (i.e., latent content). There is a section at the end for coder remarks.
- If information is missing, **skip the question**.
- The relevant piece of D.C. legislation may be referred to as the Restore the Vote Amendment, the Restore the Vote Amendment Act, the Bill, B23-0324, or another similar name. The relevant pieces of Oregon legislation may be referred to as HB2366, SB571, the Bill, or another similar name. In the codebook, these are referred to as “the Bill.”

### Section 1: Registration Variables

<b>1.1 Coder Name</b>
Type in your name.
<b>1.2 Testimony number <math>\alpha = 1.000</math></b>
Type in the number of the testimony. Each document is labeled with a number.
<b>1.3 Affiliation of the Person Testifying <math>\alpha = 1.000</math></b>
Is the person testifying: <ul style="list-style-type: none"> <li>• A public witness.</li> <li>• Formally affiliated with an organization.</li> <li>• Formally affiliated with a governmental body.</li> </ul>

### Section 2: Basic Content of the Testimony

<b>2.1 What language does the testimony use to describe people in prison? <math>\alpha = 0.989</math></b>
---

**Enter the number of times each phrase is used:**

- Returning/returned citizens
- Justice-involved
- Felons
- Convicted of felony/felony offenses, individuals with felony convictions
- Individuals serving felony sentences
- (Formerly) Incarcerated people/citizens, people who are/have been incarcerated
- Residents in the Federal Bureau of Prisons
- Offenders (adult only)
- Law-breakers
- Family (parents, siblings, children), community, neighbors
- Criminals
- Humans, men/women
- Second-class citizens
- Inmates, detainees
- Prisoners
- Adults in custody
- Other: \_\_\_\_\_

Phrase may be used in any tense (past, present, future).

**2.2 Does the testimony explicitly mention democracy?  $\alpha = 0.993$** **Enter the number of times democracy is invoked in the testimony.**

Only tally if the testimony explicitly uses the word “democracy,” “democracies,” “democratic,” “democratizing,” “democratize,” or another form of the same word.

Note that referring to something like the Democratic Party should not be tallied.

**Section 3: Logic & Emotion****3.1 Does the testimony rely on facts, statistics, or other similar tools?  $\alpha = 0.993$** **Enter the number of sentences using each of the following tools:**

- Fact-based claim
- Statistics (including tables or figures)
- Historical reference
- Reference to other policies (US or global)
- Citation of academic or other research paper (in-text or footnote)

Facts, statistics, and other educational information is content that we might call “objective,” and it should be used in a way that’s intended to inform listeners/readers.



If a sentence appears to use more than one tool, tally only the one that is most present, or the main point of the sentence. You should not tally more than one tool for any sentence. Some sentences (e.g., commenter introduces themselves) will not be tallied.

Some examples include:

**Fact based claim:** “Controlling for other factors, voting by young adults is associated with higher levels of subsequent income and education, as well as mental health.”

**Statistics:** “In 1998, there were 8,700 people convicted of felonies in the District of Columbia who were disenfranchised.”

**Reference to other policies:** “I urge the Council to take the next step by joining Maine, Vermont and Puerto Rico to end felony disenfranchisement and restore voting eligibility to approximately 6,000 incarcerated District residents.”

### 3.2 Does the testimony rely on emotional appeals? $\alpha = 0.995$

Enter the number of sentences using each of the following appeals:

- **Enthusiasm:**
  - Uses optimistic language and otherwise highlights a positive view of the future (e.g., highlighting a breaking of the status quo, leading the nation).
  - Specifically highlights an excitement around voting, especially for the first time, either for the self or others.
  - Highlights other positive changes that could come from supporting/opposing the Bill.
- **Fear:**
  - Highlights drawbacks, challenges, or other undesirable outcomes.
  - Uses threatening or otherwise shocking language (e.g., highlighting murders, sex offenses specifically over other crimes).
  - Invokes imagery related to violence, law & order, public safety.
- **Pride:**
  - Highlights successes already achieved by the jurisdiction (i.e., D.C. or Oregon) or the commenter’s own organization.
  - Highlights success and camaraderie around achieving the preferred action towards the Bill (passing/blocking).
  - Invokes patriotism (e.g., mentioning “the troops”).
- **Sympathy:**
  - Specifically identifies current hardships faced by returning citizens.
  - Specifically identifies historical hardships faced by those effected by the Bill.
  - Uses symbolism related to freedom (e.g., metaphor of a caged bird).

If a sentence appears to use more than one appeal, tally only the one that is most present, or the main point of the sentence. You should not tally more than one appeal for any sentence. Some sentences (e.g., commenter introduces themselves) will not be tallied.

**The emotional appeal should be directed at the listener/reader towards an action (supporting/opposing the Bill).**

Some examples include:

**Enthusiasm point 1:** “Allowing the voices of individuals who remain incarcerated to be heard at the ballot box strengthens their stake in the greater community and fosters the possibility for positive outcomes not only for them, but for all of Oregon.”

**Fear point 2:** “So a criminal who supports terrorist attempts at attacking America should be given a voice in our political system?”

**Pride point 1:** “Planned Parenthood Advocates of Oregon has made access to democracy a top priority.”

**Sympathy point 1:** “Justice-involved women have often experienced childhood victimization, family violence, unhealthy relationships, unsafe housing, and are of low socioeconomic status.”

### 3.3 Overall, how much does the testimony appeal to each emotion? $\alpha = 1.000$

Using a 3-point scale (see below), how much does the testimony contain an appeal to:

- Enthusiasm
- Fear
- Pride
- Sympathy

Each of these will be rated on a scale from (1) no appeal, (2) some appeal, or (3) strong appeal (Ridout & Searles, 2011).

Responses should reflect the coder’s judgment of the commenter’s intent, rather than the coder’s own emotional response.

## Section 4: Framing

### 4.1 Does the testimony define the problem as a topic-specific issue? $\alpha = 0.991$

Enter the number of sentences addressing each of the following issues:

- **Voting rights issue:** The testimony uses language to place the Bill in a larger context of the voting rights movement in the US. Some broad examples include pointing to other voting legislation (e.g., the Voting Rights Act or 15<sup>th</sup> Amendment), citing disenfranchisement statistics in the US, or comparing the Bill to international voting policies.
- **Racial justice issue:** The testimony uses language to place the Bill in a larger context of the racial justice movement in the US. Some broad examples include drawing on historical references for comparison (e.g. Jim Crow), citing racial disparities in disenfranchisement statistics, or emphasizing a diverse and inclusive voter population.
- **Criminal justice issue:** The testimony uses language to place the Bill in a larger context of criminal justice in the US. Some broad examples include citing statistics about mass incarceration, conversations about recidivism, or connecting the topic to other arms of the criminal justice system (e.g., policing, sentencing, victim advocacy).

- **Other issues:** Any topic-specific issue that does not fit into the above categories (e.g., healthcare or housing).

The topic-specific issue should be thought of as “the content of the debate; that is, they define the central problem” (Matthes & Kohring, 2008, p. 266) of the testimony.

If a sentence appears to address more than one issue, tally only the one that is most present, or the main point of the sentence. You should not tally more than one issue for any sentence. Some sentences (e.g., commenter introduces themselves) will not be tallied.

Some examples include:

**Voting rights issue:** “Although many other states have attempted to reinstate voting rights for those who are incarcerated, Oregon would be the first state to be successful in this endeavor (joining the two states – Maine and Vermont – that never took them away).”

**Racial justice issue:** “We cannot overlook our past when it comes to the treatment of people of color.”

**Criminal justice issue:** “Plus all the indoctrination going on in society these days, it’s obvious that the criminal justice system is unstable and heading toward questionable leadership.”

#### 4.2 Does the testimony diagnose causes? $\alpha = 1.000$

Enter the number of sentences attributing benefits or risks *of the Bill* to each of the following actors:

- **Benefits:**
  - **Incarcerated people:** People in prison are responsible for the benefits.
  - **Politicians:** Politicians (e.g., city councilors) are responsible for the benefits.
  - **Citizens:** Everyday residents, voters are responsible for the benefits.
  - **Bureaucrats:** Bureaucrats, bureaucratic organizations (e.g., Board of Elections) are responsible for the benefits.
  - **Organizers:** Grassroots organizers, non-profit groups are responsible for the benefits.
  - **Other:** Someone else is responsible for the benefits.
- **Risks:**
  - **Incarcerated people:** People in prison are responsible for the risks.
  - **Politicians:** Politicians (e.g., city councilors) are responsible for the risks.
  - **Citizens:** Everyday residents, voters are responsible for the risks.
  - **Bureaucrats:** Bureaucrats, bureaucratic organizations (e.g., Board of Elections) are responsible for the risks.
  - **Organizers:** Grassroots organizers, non-profit groups are responsible for the risks.
  - **Other:** Someone else is responsible for the risks.

To diagnose causes is to “identify the forces creating the problem” (Entman, 1993, p. 52). “These variables tap the notion that certain actors can be blamed for the risks associated with [the Bill], whereas other actors are deemed responsible for possible benefits” (Matthes & Kohring, 2008, p. 266).

Importantly, these should be understood as actors who are the cause of benefits or risks of the Bill, not beneficiaries or victims.

If a sentence appears to attribute risks or benefits to more than one actor, tally only the one that is most present, or the main point of the sentence. You should not tally more than one actor for any sentence. Some sentences (e.g., commenter introduces themselves) will not be tallied.

Some examples include:

**Benefits – Politicians:** “As legislators, it is our role to enfranchise Oregonians, to expand opportunities for residents to shape their communities, to lower barriers for participation in self-government, and to proactively take steps to show the people of Oregon that we welcome and encourage the vote for those who want to vote.”

**Benefits – Organizers:** “At OSA we see that their voice matters too, and that Oregon has an opportunity to be a leader by affirming that fact through passing HB 2366.”

**Risks – Incarcerated People:** “HB2366 lets the inmates run the asylum.”

#### 4.3 Does the testimony make moral judgments? $\alpha = 1.000$

Enter the number of sentences evaluating the following benefits or risks of the Bill:

- **Benefits:**
  - **Democratic:** The Bill is beneficial to the health of a democracy.
  - **Morality:** The Bill is beneficial to morality.
  - **Justice & Punishment:** The Bill is beneficial to righting wrongs caused by justice system (e.g., post-sentence punishment).
  - **Political:** The Bill is beneficial for political jurisdictions, districting, and party dominance.
  - **Family & Community:** The Bill is beneficial for families and communities (e.g., reintegration).
  - **Other:** Some other benefit not listed above.
- **Risks:**
  - **Democratic:** The Bill is a risk to democracy.
  - **Morality:** The Bill is a risk for morality.
  - **Justice & Punishment:** The Bill as a risk to justice, crime deterrent (e.g., losing the right to vote is an incentive not to commit crime).
  - **Political:** The Bill is a risk for political jurisdictions, districting, and party dominance.
  - **Family & Community:** The Bill is a risk for families and communities (e.g., victims of crimes).
  - **Other:** Some other risk not listed above.

To make moral judgments is to “evaluate causal agents and their effects” (Entman, 1993, p. 52).

If a sentence appears to evaluate more than one risk or benefit, tally only the one that is most present, or the main point of the sentence. You should not tally more than one moral judgment for any sentence. Some sentences (e.g., commenter introduces themselves) will not be tallied.

Some examples include:

**Benefits – Justice & Punishment:** “We know that when people feel connected to their community, they're less likely to return to prison in the future.”

**Benefits – Family & Community:** “Instead, permitting Oregonians in prison to vote would help strengthen their connection to their communities and wider society, to which most of them will one day return.”

**Risks – Justice & Punishment:** “To change the wording of the law will force justice for victims to end.”

**Risks – Political:** “The idea of restoring voting rights to incarcerated felons is on its face ridiculous, and as with many other voting ‘reforms,’ a transparently devious strategy to bolster the Democrat voter base.”

#### 4.4 What does the testimony suggest as a solution? $\alpha = 1.000$

##### Identify the stance of the commenter:

1. Testimony is opposed to the Bill.
2. Testimony is neutral or otherwise not taking a side on the Bill.
3. Testimony is in support of the Bill.

#### 4.4 How does the testimony evaluate the Bill? $\alpha = 1.000$

##### Identify the commenter’s evaluation of the Bill:

1. Testimony accepts the Bill completely as is.
2. Testimony makes some vague criticisms or suggestions that are not clearly developed.
3. Testimony provides concrete suggestions for changes to the Bill.
4. Testimony wholly rejects the Bill.
5. Other: \_\_\_\_\_

Note that commenters may be in total support of the Bill but still criticize it or otherwise provide suggestions. The support of the commenter should not factor into the response to the evaluation.

## Section 5: Coder Remarks

### 5.1 Coder Remarks

Include any other remarks about the testimony in this field.

## METHODOLOGICAL APPENDIX B: EXPERIMENT

### Informed Consent for Both Questionnaires

You are being asked to participate in a research study. The box below highlights key information about this research for you to consider when deciding whether to participate. Carefully consider this information and the more detailed information provided below the box. Please ask questions about any of the information you do not understand before you decide whether to participate.

<b>Key Information for You to Consider</b>
<ul style="list-style-type: none"> <li>• <b>Voluntary Consent.</b> You are being asked to volunteer for a research study. Your participation is voluntary. If you decide to participate, you are free to withdraw your consent and discontinue participating at any time without penalty.</li> <li>• <b>Purpose.</b> The purpose of this research is to learn about peoples' political opinions and attitudes towards people in prison. This statement is intentionally vague, and even potentially misleading, to avoid influencing results. You will be debriefed on the true purpose of the study at the end.</li> <li>• <b>Duration.</b> This study will take approximately 10-30 minutes to complete across two surveys. The first survey will take approximately 5-10 minutes and the second survey, about one week after the first, will take approximately 15-20 minutes.</li> <li>• <b>Procedures and Activities.</b> You will be asked to read a short text and then respond to a questionnaire about attitudes and feelings towards the topic. You will be asked some sensitive questions, including your personal experiences with the criminal justice history.</li> <li>• <b>Risks.</b> Participants may feel uncomfortable with some questions, but should feel comfortable knowing the survey is confidential. In the case of a breach of confidentiality, the research team will be responsible for rectifying this.</li> <li>• <b>Benefits.</b> You will be paid \$2 for the first survey and \$3 for the second. Additionally, these surveys will benefit the research and broader communities.</li> </ul>

#### **What happens if I agree to participate in this research?**

You will first read a short text and then answer questions about your opinions on the text and about yourself. Then, in about a week, you will be asked to answer another survey with more questions about your political opinions. This study should take a total of 10-30 minutes to complete.

Following completion of each study, you will be prompted with a debriefing that explains the research further. Participants who withdraw from the study but still wish to be debriefed can email the Principal Investigator Courtney Tabor at [ctabor2@uoregon.edu](mailto:ctabor2@uoregon.edu).

### **How will my privacy and data confidentiality be protected?**

All identifying characteristics have been turned off in the Qualtrics data collection process. There are a few short demographics questions, but these are optional. All information will remain confidential with the researchers.

### **What are the risks if I participate in this research?**

There are some questions that may make participants feel uncomfortable or scared. All questions are optional and you may quit the study at any point. Additionally, there is a highly unlikely chance that confidentiality may be breached. If this occurs, the university ethics board and researchers will rectify the situation as soon as possible.

### **What are the benefits of participating in this research?**

You may or may not benefit from participating in this research. The benefits to you as a participant are minimal but they are indeed great for the researcher and society. The researchers and community benefit from a better understanding of message processing and opinion formation.

### **Who can answer my questions about this research?**

If there are any questions about the study, please contact Courtney D. Tabor at [ctabor2@uoregon.edu](mailto:ctabor2@uoregon.edu).

If you have questions about your rights or wish to speak with someone other than the research team, please contact the University of Oregon Research Compliance Services (RCS) at 541-346-2510 or [researchcompliance@uoregon.edu](mailto:researchcompliance@uoregon.edu).

You will be given a copy of this form to keep for your records.

### **STATEMENT OF CONSENT**

I have read the above information, and have received answers to any questions I asked. I consent to take part in the study.

By clicking NEXT, you consent to participate but can exit the study at any time.

Please select one of the following:

- I am 18 years or older and consent to participate in the study.
- I am not 18 years or older and/or I do not consent to participate in the study. [*Filter to end of survey*].

### **Questionnaire 1**

*All participants see:* Read the following text carefully. When you are finished, please go to the next page.

Participants are randomly assigned one of the following texts. The title and problem are the same for all, impact has the main manipulation, and then action has a slight manipulation across issues:

Condition	Text
Rational x Voting Rights	<p><b>Sign Our Petition: Grant Voting Rights for People in Prison</b></p> <p><b>Problem:</b> Currently, 48 states ban people in prison from voting in elections. By taking voting rights away, we develop a class of citizens most affected by the law but with no say in how it is shaped. Thus, we are asking for you to support a petition that would reinstate the voting rights of adult citizens so that they may vote from prison.</p> <p><b>Impact:</b> The ability to vote is the ability to partake in democratic processes, choose representatives, and weigh in on ballot measures. Over six million Americans were excluded from the 2016 election because of felon voting rights laws. The United States is the only Western democracy that restricts voting rights as a punishment for a crime, and this is considered an extreme policy by the United Nations. Restoring voting rights to people in prison restores an aspect of their citizenship.</p> <p><b>Action:</b> Add your voice to the growing list of American voters who support the voting rights of all citizens. Voting is a <i>right</i>, not a privilege.</p>
Rational x Racial Justice	<p><b>Sign Our Petition: Grant Voting Rights for People in Prison</b></p> <p><b>Problem:</b> Currently, 48 states ban people in prison from voting in elections. By taking voting rights away, we develop a class of citizens most affected by the law but with no say in how it is shaped. Thus, we are asking for you to support a petition that would reinstate the voting rights of adult citizens so that they may vote from prison.</p> <p><b>Impact:</b> Felon voting laws are directly linked to the disproportionate targeting of people of color as criminals. Over half of the disenfranchised population is made up of people of color. One of every 13 African American adults is ineligible to vote because of a felony conviction, compared to one of every 56 white Americans. It has been well-established that felon voting laws are historically rooted in Jim Crow segregationist laws, intentionally barring freed slaves from voting. Changing these laws to allow people in prison to vote begins addressing these racial inequities.</p> <p><b>Action:</b> Add your voice to the growing list of American voters who support racial justice for all citizens. Voting is a <i>right</i>, not a privilege.</p>
Rational x Criminal Justice	<p><b>Sign Our Petition: Grant Voting Rights for People in Prison</b></p> <p><b>Problem:</b> Currently, 48 states ban people in prison from voting in elections. By taking voting rights away, we develop a class of citizens most affected by the law but with no say in how it is shaped. Thus, we are</p>



	<p>asking for you to support a petition that would reinstate the voting rights of adult citizens so that they may vote from prison.</p> <p><b>Impact:</b> Studies have shown that voting promotes activity in the community and significantly reduces the likelihood that a person would return to prison. Individuals who are permanently disenfranchised are almost 20% more likely to be re-arrested than those with voting rights. Law enforcement action groups have also provided support for the claims that disenfranchisement has no basis in public safety and that it harms trust in the criminal justice system. Restoring voting rights can help rectify some of these criminal justice issues.</p> <p><b>Action:</b> Add your voice to the growing list of American voters who support criminal justice reform. Voting is a <i>right</i>, not a privilege.</p>
Emotional x Voting Rights	<p><b>Sign Our Petition: Grant Voting Rights for People in Prison</b></p> <p><b>Problem:</b> Currently, 48 states ban people in prison from voting in elections. By taking voting rights away, we develop a class of citizens most affected by the law but with no say in how it is shaped. Thus, we are asking for you to support a petition that would reinstate the voting rights of adult citizens so that they may vote from prison.</p> <p><b>Impact:</b> The right to vote is cornerstone to our democracy, and no citizens should ever be stripped of their right to vote as a punishment. People in prison do not lose their citizenship or their rights to things like free speech or religion, so why is the right to vote different? No one should have their voice taken because of a mistake they made. When people are told their voice doesn't matter, they believe it and lose confidence in democracy. Granting voting rights to people in prison makes us a stronger democracy and a more inclusive community.</p> <p><b>Action:</b> Add your voice to the growing list of American voters who support the voting rights of all citizens. Voting is a <i>right</i>, not a privilege.</p>
Emotional x Racial Justice	<p><b>Sign Our Petition: Grant Voting Rights for People in Prison</b></p> <p><b>Problem:</b> Currently, 48 states ban people in prison from voting in elections. By taking voting rights away, we develop a class of citizens most affected by the law but with no say in how it is shaped. Thus, we are asking for you to support a petition that would reinstate the voting rights of adult citizens so that they may vote from prison.</p> <p><b>Impact:</b> We cannot overlook our past when it comes to the treatment of people of color. Current voting laws are vestiges of segregation and Jim Crow; they are racist doctrines that target minorities. Who is viewed as a criminal determines who loses their voting rights, and people of color are disproportionately targeted by police and politicians as criminals. This also has generational impacts on the children of disenfranchised people,</p>

	<p>affecting whole communities, especially poor communities and communities of color. Changing these laws to allow people in prison to vote begins addressing these racial inequities.</p> <p><b>Action:</b> Add your voice to the growing list of American voters who support racial justice for all citizens. Voting is a <i>right</i>, not a privilege.</p>
Emotional x Criminal Justice	<p><b>Sign Our Petition: Grant Voting Rights for People in Prison</b></p> <p><b>Problem:</b> Currently, 48 states ban people in prison from voting in elections. By taking voting rights away, we develop a class of citizens most affected by the law but with no say in how it is shaped. Thus, we are asking for you to support a petition that would reinstate the voting rights of adult citizens so that they may vote from prison.</p> <p><b>Impact:</b> When people feel connected to their community, they're less likely to engage in harmful behaviors. The stripping of voting rights from people in prison makes them feel disconnected, powerless, and a loss of dignity. Our criminal justice system is flawed and one flaw is our failure to support community care and wellbeing. Continuing to deny people in prison their basic rights does nothing to keep our community safer – in fact, it does the opposite. True rehabilitation for people in prison would begin with engaging in community concerns and democratic activities.</p> <p><b>Action:</b> Add your voice to the growing list of American voters who support criminal justice reform. Voting is a <i>right</i>, not a privilege.</p>

*Participants can move to the next page after 45 seconds on this page have elapsed.*

*Next page:* Would you support this petition to grant people in prison the right to vote? [Yes/No]

*Next page:* Why did you choose [yes/no]? There are no wrong answers, please provide as much detail as you feel comfortable providing.

On a scale from 1 (very rational/not at all emotional) to 7 (very emotional/not at all rational), where would you place the language in the paragraph you read?

(1) Very rational, not at all emotional, (2), (3), (4) Neither rational nor emotional, (5), (6), (7) Very emotional, not at all rational, (X) I did not read the paragraph.

Of the following options, which would you say is the main argument the petition made?

- The petition argued this is a voting rights issue.
- The petition argued this is a racial justice issue.
- The petition argued this is a criminal justice issue.

*Next page:* Please answer the following questions about yourself. You may choose not to answer any of these questions if you would prefer not to.

What is your gender?

- Man
- Woman
- Non-binary

- Other with option to self-describe

What is your age in years (e.g., 33)? [Open-field]

What is the highest level of education you have completed?

- Primary school
- Secondary/high school
- 2-year college or vocational school
- 4-year university degree (Bachelor's)
- Post-Bachelor's degree

What is your race/ethnicity? [Participants can select multiple options]

- American Indian and Alaska Native
- Asian
- Black or African American
- Hispanic or Latinx ethnicity
- Native Hawaiian or other Pacific Islander
- White

People often talk about politics in terms of the “Left” and the “Right.” On a scale from Extreme Left to Extreme Right, where would you place yourself politically?

- Extreme Left
- Left
- Slightly Left of Center
- Center
- Slightly Right of Center
- Right
- Extreme Right

What US state do you currently reside in? [Dropdown list of states]

## Questionnaire 2

(No experimental manipulations.)

*Question and battery ordering to be randomized for all participants.*

### Attitudes Towards Prisoners

The statements listed below describe different attitudes toward people in jail and prisons in the United States. There are no right or wrong answers, only opinions. Indicate your opinion by clicking on the corresponding option that best describes your personal attitude.

(1) Strongly Disagree, (2) Disagree, (3) Slightly Disagree, (4) Neither Disagree nor Agree, (5) Slightly Agree, (6) Agree, (7) Strongly Agree.

- Prisoners are just plain mean at heart. \*
- I would never want one of my children dating an ex-prisoner. \*
- Prisoners are just plain immoral. \*

- Prisoners should be under strict, harsh discipline. \*
- Most prisoners can be rehabilitated.
- Only a few prisoners are really dangerous.
- Prisoners have feelings like the rest of us.
- I wouldn't mind living next door to an ex-prisoner.
- Bad prison conditions just make a prisoner more bitter.
- Most prisoners are victims of circumstance.

*\*Reverse scored items.*

### **Fear of Crime**

How much are you afraid of the following things? Indicate your feelings by clicking on the corresponding option that best describes your personal belief.

(1) Very Afraid, (2) Afraid, (3) Somewhat Afraid, (4) Neutral, (5) Slightly Unafraid, (6) Unafraid, (7) Not at all Afraid.

- Being cheated, conned, or swindled out of your money.
- Having someone break into your home while you are away.
- Having someone break into your home while you are there.
- Being raped or sexually assaulted.
- Being murdered.
- Being attacked by someone with a weapon.
- Having your car stolen.
- Being robbed or mugged on the street.
- Having your property damaged by vandals.
- Being kidnapped.

### **Proximal Risk**

Thinking about yourself, your neighborhood, and your community, how much would you say you agree with the following statements? Indicate your opinion by clicking on the corresponding option that best describes your personal attitude.

(1) Strongly Disagree, (2) Disagree, (3) Slightly Disagree, (4) Neither Disagree nor Agree, (5) Slightly Agree, (6) Agree, (7) Strongly Agree.

- People convicted of a crime who served their entire sentence and are now living in my community should have the right to vote.
- District lines should be changed so that people in prison are represented where they are from rather than where they are incarcerated.
- Felons who serve their time should return to my community as full citizens, with full rights and privileges.

### **Ideological Risk**

Thinking about yourself and your politics, how much would you say you agree with the following statements? Indicate your opinion by clicking on the corresponding option that best describes your personal attitude.

(1) Strongly Disagree, (2) Disagree, (3) Slightly Disagree, (4) Neither Disagree nor Agree, (5) Slightly Agree, (6) Agree, (7) Strongly Agree.

1. I am interested in what other people think about my political party.
2. When people criticize my political party, it feels like a personal insult.
3. I have a lot in common with other supporters of my political party.
4. If my political party does badly in opinion polls, my day is ruined.
5. When I meet someone who does not support my party, I feel threatened.
6. Voting is the only way that people like me can have any say about how the government runs things.
7. People like me don't have any say about what the government does.
8. When I speak about the political party I affiliate with, I refer to them as "my party."
9. When people speak bad about my political party, I feel worried or stressed.

### **Consumption of Media – Crime/Criminals**

Sometimes in the media, they depict crime or prisons. We might see a report on the local news about a recent crime, watch a television show like *Law & Order*, listen to a true crime podcast, or even hear a song that mentions it. Thinking about your media consumption over the last week, how frequently would you say you consumed media that included some depiction of crime?

(1) Never, (2) Almost never, (3) Rarely, (4) Neither frequently nor infrequently, (5) Sometimes, (6) Often, (7) All the time.

### **Self-Label**

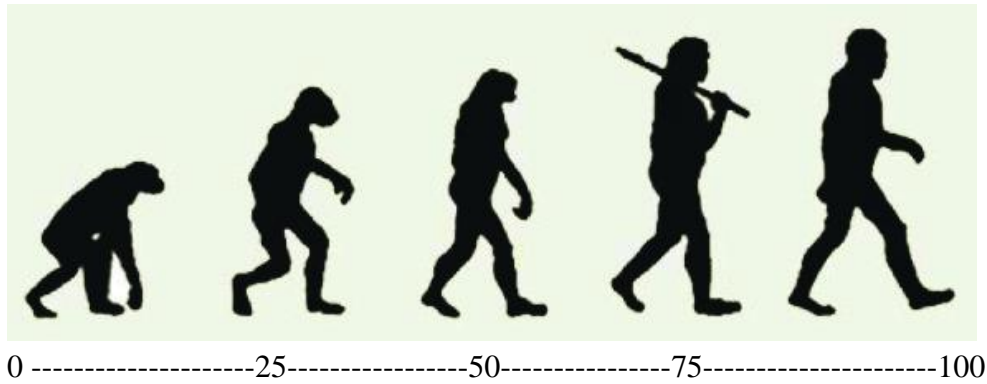
About one in three Americans have some type of criminal record. Have you ever:

- Been arrested [Yes/No]
- Been to court [Yes/No]
- Been to jail/prison [Yes/No]

### **Other-Label**

In our lives, we are part of many different groups. These may be related to our identity, our interests, or some other defining characteristic; for example, by taking this survey you belong to the group "participants." The next question will ask you to think about the groups you belong to and how you view those groups as well as groups you may not belong to. You may belong to all or none of these groups, and that is ok. Remember, there are no right or wrong answers, only feelings and opinions.

Using the Ascent of Human image as a guide, where do you think each group belongs on a scale from ape-like human (0) to advanced, modern humans (100)?



- Americans
- Drug users
- Criminals
- Citizens
- Veterans
- Homeless people

### **Debriefing for Questionnaire 1**

Thank you for participating in this study. Your participation is integral to this research.

#### **Purpose**

This study looks at how the language and framing used in petition language can motivate support for total enfranchisement of incarcerated voters. There were six versions of this experiment differing based on appeal (rational v emotional) and main argument (voting rights v racial justice v criminal justice). This study will aim to answer how those frames influenced willingness to support the cause.

The United States has some of the harshest criminal justice systems and policies and one of the greatest rates of incarceration in the world. Analyzing how people respond to different frames could help elucidate ways of supporting incarcerated people regain their voting rights.

#### **Deception**

The petition you were asked to support was fabricated for this study. If you are interested in supporting voting rights for people in prison, please check out organizations such as the Sentencing Project and the Brennan Center for Justice.

#### **Next Steps**

In approximately one week, you will receive a second survey. That survey asks follow up questions on your political opinions. You do not need to remember anything you read or answered in this survey. Upon completion of the second survey, you will receive compensation.

**Contact**

For more information about the study, results, etc. please contact either:

Primary Investigator – Courtney D. Tabor | [ctabor2@uoregon.edu](mailto:ctabor2@uoregon.edu)

Faculty Advisor – Dr. Nicole Dahmen | [ndahmen@uoregon.edu](mailto:ndahmen@uoregon.edu)

For more information about the Institutional Review Board approval please contact:

Research Compliance Services – [ResearchCompliance@uoregon.edu](mailto:ResearchCompliance@uoregon.edu) | (541) 346-2510

**Debriefing for Questionnaire 2**

Thank you for participating in this study. Your participation is integral to this research.

**Purpose**

This study supplements the first study you participated in. Together, the findings will be used to develop a theory about how personality traits, fears, and framing work together to predict attitudes and behaviors towards people in prison. Your answers from this survey will be compared to your answers from the last survey to develop these results.

The United States has some of the harshest criminal justice systems and policies and one of the greatest rates of incarceration in the world. Analyzing how people respond to different frames could help elucidate ways of supporting incarcerated people regain their voting rights.

**Deception**

There was no deception in this study. The petition you were asked to support in the first questionnaire was fabricated for this research.

**Next Steps**

Upon completion of this survey, you will receive compensation.

If you are interested in supporting voting rights for people in prison, please check out organizations such as the Sentencing Project and the Brennan Center for Justice.

**Contact**

For more information about the study, results, etc. please contact either:

Primary Investigator – Courtney D. Tabor | [ctabor2@uoregon.edu](mailto:ctabor2@uoregon.edu)

Faculty Advisor – Dr. Nicole Dahmen | [ndahmen@uoregon.edu](mailto:ndahmen@uoregon.edu)

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## List of All Qualitative Responses Submitted by Participants in Experiment Wave 1

Statements are copied exactly as they were written in the survey, including spelling/grammatical errors or other mechanical issues.

### TESTIMONIES OPPOSED

1. It honestly depends on the crime the person is charged with. Something minor, maybe, but for someone convicted of murder or worse, I think they lose whatever privileges they had
2. They lost their ability to vote when they refuse to follow the law.
3. I feel like if you commit a crime you shouldn't have all the rights people not in prison have
4. I feel that's one of the punishments of being in prison. You broke the law bad enough to be put in jail, you should not get a say on the laws and government of the outside world, until you get to the outside. Once freed and your debt to society has been paid, you should be allowed to vote.
5. people in prison would vote for people that benefit themselves only
6. They broke the law and should lose their voting right on the grounds that they did not obey the law.
7. I support restoring voting rights for people who have completed their prison sentences, but not people currently incarcerated. By committing a crime serious enough to warrant a prison sentence, a person has shown that their morals and judgement are currently too poor to be allowed to influence other people's lives.
8. because i think they should get it back when released, not while doing time
9. Criminals are in jail for a reason. They dont have public citizen rights and should not be able to vote. There is no proof that inmates being able to vote would cut down on illegal behavior.
10. I think many of them don't even deserve to live, so of course I don't think they should have a say in society. They will not vote in my interests, and are too stupid to know whats in their best interest either. They have proven themselves to be selfish and not trustworthy.
11. You lose your rights to the free world when you are incarcerated which in my opinion, also includes your right to vote.
12. A prisoner loses the right because they have committed a crime and this is a part of their punishment
13. I fully support restoring voting rights for felons but not if they are still in prison. I believe they need to work to get back those rights after doing their time and being free and clear of parole or probation.



14. They should not have rights if they break the law.
15. I do not sign petitions. Ever.
16. Because when someone is in prison, they give up their right to vote.
17. People in prison aren't functional members of society. Losing the privilege of voting is reasonable.
18. I think crime should have consequences. Not being able to vote is a consequence of doing crime. I don't see a strong reason to change that.
19. While voting may be a right, the act of committing a crime severe enough to result in a prison sentence is tantamount to a surrender of rights amongst which voting is one. However, once time has been served they should absolutely get their right to vote back.
20. clearly just a leftist scheme to get more black votes
21. I think prisoners should not have the right to vote. They should lose that "privilege" once they are convicted.
22. I AM NOT AGAINST THIS BUT NOT FOR IT ENOUGH TO SIGN A PETITION
23. If you do not value society enough to follow it's laws, then you should not be able to shape who leads our society.
24. I don't believe that those that have chosen to break the rules of society should have any word on how that society functions until they've done their time in prison.
25. If someone has done something bad enough to deserve a prison sentence, they have automatically given up their right to vote. Do we really want murderers and rapists helping vote on our laws? I know that I don't.
26. Because it is a privilege and you give up certain privileges when you go to jail
27. You give up your right to vote when you become a felon. People in prison don't have the right to keep and bear arms either. Nobody has a problem with that.
28. They would simply vote for any politician they feel would get them out early. They have shown they can't play nice with society in some way or another, so they don't get a say on how society continues on.
29. I feel that losing voting rights is part of committing a felony offense, although it should be one loss that can be reversed after people have spent a long enough time out and on the straight and narrow.

30. I don't feel that people who may have committed some very serious crimes and have yet even paid their debt should be voting.
31. The idea behind the privations accompanying imprisonment is to deter crime. This seems to be an important part of our justice system, and I would need better arguments than those you provided in order to cast off or dramatically modify the system's current effort at deterring crime as it stands now.
32. I feel like the argument that it's a right isn't convincing. For example, the right to bear arms is a right, but I'm not going to give felons in prison guns. It's not a convincing argument, because criminals do lose at least some of their rights after being convicted of a crime.
33. A person forfeits his right to vote when not following the law. I seriously doubt the veracity of the study on voting rights reducing recidivism.
34. This is not a race thing and I wish people would stop the division. They are criminals and lost the right to vote. There are more black people in jail because they commit more crimes in proportion to other races
35. They have proven that they are unable to make wise decisions, they shouldn't be allowed to vote. I feel that they gave up several rights when they broke the law and that no one took these rights from them. Being incarcerated is a punishment and should be treated as such.
36. It depends for what crime they are in prison, I would never generalize it for all prisoners
37. People in prison forfeit the right to vote when they committed the crime so I see no reason why they should be able to vote. Also they would vote in a way that was uninformed anyway because they wouldn't have access to the information needed to make a good decision while in prison.
38. While in prison I think it's fair that you lose your voting rights. After you get out you get them back. Nothing is stopping these people from voting after they get out.
39. I don't think people who are bad enough to be in prison should be able to help control the country in any way.
40. I do not believe people who won't obey the law deserve to vote.
41. I do not know enough
42. I chose no because I feel that once you violate laws that send you to prison, you lose the right to vote. I would be willing to vote to reinstate voting rights for certain prisoners, but not all. This would be reserved for prisoners that have completed or are attending rehabilitation programs that help them re-enter society. I would not want murderers & rapists with a life sentence having the right to vote.

43. This is absurd. When you break the law and are given a prison term you are giving up certain rights. Voting is one of them.
44. People in prison for crimes typically committed serious offenses, which are expected to result in a loss of rights, which aren't restored until they paid their debt to society for their crime. Losing the right to vote is one of those things.
45. They can vote if/when they get out of prison. While they are in prison, part of their punishment should be not voting.
46. It's not a secret that felons lose their ability to vote. If you want to vote, follow the law and don't become a felon. It's a completely avoidable consequence.
47. I think that it is reasonable to restrict certain rights based on a conviction. A convict has shown disregard for society's rules.
48. they don't have good morals
49. People in prison are supposed to be punished for some wrongdoing. Part of that punishment will be not being able to vote. They also will not have much information on the candidates and their positions, so their votes will be wholly uninformed. Once they get out they should regain their right to vote, but while in prison they shouldn't have a voice.
50. I think that we need to keep our current laws that state if someone has committed a felony they lose their voting rights.
51. People in prison chose to do something that causes them to lose their freedoms - including voting. Losing your ability to vote is another motivator not to break the law.
52. because they chose to commit crimes against others therefore they should loose their right to vote
53. Criminals must face consequences. To me, voting is a privilege, not a right. If they do the crime, they need to do the full punishment.
54. Actions should have consequences. If they want to vote, stop ruining society and stop being a criminal.
55. I don't think people in prison should have right to vote
56. I think since they broke the law for whatever reason, they shouldn't be allowed.
57. Prisoners are at their location because they are now able to be a part of society and broke a rule which made the jail time necessary. As long as they are in jail, they should not be able

to make decisions that effect the rest of society. I am for them being able to vote immediately, once they have served their time, but not while in prison.

58. I think you give up some of your rights when you commit a crime that lands you in prison. Once you have served your time, I think you should get your rights back. But not while you're in prison.
59. I believe voting is a privilege and not a right. I believe felons should lose their right while in prison. Upon release, they may earn that right once again after paying their debt to society.
60. I FEEL THAT ONCE YOU ARE IN PRISON YOU LOSE RIGHTS AND VOTING IS ONE THAT I FEEL YOU SHOULD LOSE WHEN YOU ARE IN PRISON. VOTING IS A PRIVILIGE AND YOU LOSE THANT PRIVLIGE WHEN YOU BREAK THE LAW AND GO TO PRISON IN MY MIND.
61. They lost the right. It should be regained the day the exit the prison.
62. I don't think a person who is currently being punished for a crime against society should have a say in how that society is run at least while still serving their punishment.
63. When they broke the law their rights were terminated. They made the choice so they lose their voice. Once released I am all for them getting their rights reinstated but while incarcerated, no.
64. Because I feel even though voting is a right and not a privilege, breaking the law should not have the right to vote.
65. People in prison surrendered all rights when convicted. They shouldn't have say when their own actions are considered against the norm. Would do more harm than good.
66. Most people are in prison for serious crimes, often for willfully hurting people. I think part of the nature of prison should be that it deprives people of their "rights", considering that it is, after all, supposed to be a punishment for wrongdoings. It's also the case that the sort of people who commit violent crimes aren't the people I want to be voting anyway, even after they're out of prison.
67. I think while in prison people lose their rights temporarily. I think that once released ALL of their rights need to be restored. if we are saying that they are able to participate in society and they are safe to be with others then ALL rights need to be restored and they should be treated the same as everyone else. I dont think many people will agree with me though because I am including getting their gun rights and driving rights back as well as anything else.
68. People in prison are not presently part of society. In addition, laws are not meant to be changed.
69. They had voting rights before they went to prison and it didn't stop them from committing a crime. If voting rights stopped people from committing crimes we would never need a prison.

70. People in prison should not have the right to vote until they are released from prison.
71. I just don't think people who are incarcerated should have the right to vote. They had their chance at living a normal rule abiding life and they chose to break the law. Although they have the right to have their basic human needs met, they don't have the right to make decisions about our government. They chose to break the law and therefore she not be allowed to vote.
72. They have suspended their right to vote because of criminal activity.
73. I want less people voting especially the undesirables like people in prison for committing crimes.
74. I think that there has to be some consequence for crime and this is just one of the things you lose if you go to jail. However I do support rights being restored after release.
75. people in prison don't deserve the right to vote
76. I am sick and tired of this ridiculous obsession of valuing and pandering to everybody except those who deserve it i.e. going out of the way to coddle and spoil criminals while letting common people fear for their safety and well-being. Thus, this foolish proposal is just another example of the very thing that I hate about the regime nowadays. Hence, the reason for vociferously opposing such a nonsensical proposal.
77. People are in prison for a reason, and are being punished. They lose many other rights and privileges, and voting should be one of them. ,
78. I don't think having the right to vote will stop them from returning to prison
79. These people lost their privilege to vote when they committed their respective crimes. I would say they would have to earn their right to vote back.
80. Committing a crime has consequences. If you're in jail, you should lose rights.
81. Just because that petition says that voting is a right, not a privilege, does not make it so. We are only able to vote because we are in a constitutional republic that is defended by our armed forces. To live here means you abide by our laws. If you break a law in a felonious matter, then you should have privileges taken away. That is the societal contract. Do we really want felons, who made poor choices, to make choices that affect the rest of us? No.
82. I don't sign petitions and I don't care. Voting doesn't count for anything anyway.
83. I think if you violate the rules of society, you don't get to participate in society

84. would they even care about voting in prison? And why did they ban criminals from voting, that is my question?
85. I think that people who have served their sentence should get their rights returned to them. But while in prison, they should not have these rights, as well as the other rights they must give up.
86. I guess I have issues with people voting while in prison. But once they've served their time and are contributing to society in a more positive and productive way then they should have the right to vote.

### **TESTIMONIES IN SUPPORT**

1. I agree that voting is a right and not a privilege. I think all who are locked up should be allowed to vote.
2. Voting is not only a right but a privilege, and while I don't think that felons should necessarily be given voting privileges, I think that others in prison for lesser offenses haven't done anything to lost that right and privilege. I think that them being in prison is a fair enough punishment for their crimes.
3. They should still be able to have their voices heard.
4. I think having a hand in the society that the prisoners hope to rejoin gives them incentive to work harder to rejoin that society.
5. I think it's ridiculous to take people's voting rights away in 2023.
6. Voting doesn't really make a difference anyway due to the likely possibilities that the voting system is rigged anyway. Wouldn't then prison voting make it another abstract source to manipulate elections with? Don't know. But it could be a potential experiment to determine what role it would play in the over all election. Let's try it. What is there to lose? Integrity of a voting system or an enhancement of a voting system. What's the worst that can happen? A fraudulent President or an actual President. And how many Presidential election cycles has experienced such an event? At least three, so I don't think anyone would mind a thing. Let's try it, yeah.
7. they should have the right to vote, just because they are in prison doesnt mean they should be stripped of all rights
8. because people in prison should not have their right to vote taken
9. Those who are in prison would benefit from voting a lot. All people have should have the right to express their views.

10. I agree with the logic presented in the previous argument. They are most effected by the law but have no say in it. It also disconnects individuals from their community which leads to more crime.
11. I feel like just because they are in jail doesnt mean they don't have a say in how the country is run.
12. I think everyone should have the right to vote.
13. I think that prisoners still have certain rights. They are still citizens.
14. Just because people are in prison/jail, it doesn't mean that they should be striped their right to vote.
15. the prisoners are still people and should be allowed that basic right
16. If you did your time in jail then you should be able to get the right to vote back as its a right that has been given to you by the constitution.
17. prisoners are people too and they should be granted the right to vote as well. Plus many prisoners are jailed for things that are now legal.
18. No rational reason to deny inmates the vote - just another GOP strategy to marginalize groups that tend to vote Democratic.
19. I think it is important to maintain the dignity of those in prison. If it makes them less likely to reoffend, I think that's important.
20. I just don't think anyone should lose the right to vote just for committing a common crime.
21. Because voting is either a right or it should be out of the constitution. It's not something that should be taken away from people.
22. I feel like the prison sentence is enough without taking away their power to vote too. That sounds like it takes away their dignity.
23. Since voting is a constitutional right granted to citizens of our country, it should not be taken away unless the prison sentence also includes losing their citizenship.
24. We take away rights already - driving, being free, etc while in prison the least they can do is still influence the world they want to live in. There is 0 reason not to let people vote from prison. We let military and others vote from abroad so we should allow prisoners to do so as well.
25. i have mixed feelings. i didn't know that people in prison could not vote. i thought that only people who had committed felonies can not vote. to me it comes down to the seriousness of

the crime and i believe that most people in prison did NOT commit what i would consider serious crimes. therefore, i'd reluctantly give prisoners the right to vote.

26. I feel that people in prison should be allowed to vote because it would be part of their rehabilitation, making them hopeful that they can repay their debt to society and eventually get out of prison.
27. There are innocent people in prison. Taking away voting rights takes away their humanness.
28. I feel that the right to vote is fundamental, and using a conviction to remove that right creates an incentive for bad actors in government.
29. honestly, they still are people and they should have their voices heard too, its just a moral/ethical thing to me
30. People in prison are still citizens.
31. I think all citizens should be able to vote, regardless of whether they're broken laws or not. I agree with the author that barring criminals from voting would probably increase their disconnection to society and could increase their likelihood to commit crimes again.
32. They are people just like us. Sure, we can think, "if they want to vote, don't end up in prison" but whether they are good or bad people, it shouldn't matter. They have opinions just like any. There's no reason to stop them from voting.
33. Other groups have been banned from voting in the past also. Keeping them from voting is prejudice.
34. Voting is a right that should be given to every individual.
35. I feel that everyone should have a say when it comes to the laws that will govern them. Just because a person is in prison shouldn't exempt them from their right to vote.
36. I can't think of a good reason to not support it. Taking away rights from prisoners will make them less likely to be rehabilitated.
37. because I agree that voting is a right, and not a privilege to be taken away because someone broke the law
38. Prison populations are counted for the purposes of drawing state and federal district lines. If they count as part of the population, they should have the right to vote.
39. Because I do not believe there should be a blanket ban of all people who committed a felony. I think only people who interfere in elections should lose the right to vote.
40. If people in prison are US citizens then they have the right to vote.



41. Because it is a human right to vote!
42. everyone should be able to vote?
43. I believe that imprisonment should be reformatory, not punitive and allowing prisoners to vote allows them to feel part of a community.
44. They are the most affected by law, especially the minorities.
45. I choose to support allowing people in prison the right to vote because these laws disproportionately affect black and brown individuals the most.
46. Because it had things that I agree with
47. I believe people still deserve representation, even in prison, especially nonviolent offenders or people who have had good behavior while being incarcerated.
48. They have the right to voice their opinions in regards to law
49. I think that people in prison have a right to a voice in electing officials. They have made a mistake, but it should not take away all their rights. I agree that felon voting laws are rooted in racism.
50. There are all sorts of criminals who never go to prison and get to vote. I don't think it's fair to take away someone's rights just because they got caught.
51. I feel like voting should be available to everyone of age and people in prison should be able to still have that right when doing their time
52. I think people in prison should have the right to vote
53. A person can run for office while behind bars, I see no tenable reason for those locked up not to be able to vote; they're still citizens.
54. They are citizens, even if locked up. The laws our politicians pass definitely impact them even while in prison. also, eventually they typically get out of prison, if we want them to be productive citizens, well part of that is voting and again the laws impact them. Of course, the racial aspect also.
55. First, very practically, not many prisoners will vote, without a program to push the importance of it. For those who do vote, they feel more tied to the community, recidivism goes down, and other positive outcomes.
56. Prisoners are members of society

57. Seems the right thing to do, not all people in prison are bad people .
58. I think that every citizen should have the right to vote, even if they are convicted of a crime. It seems like it's not quite appropriate as a punishment as it removes a constitutional right. Prisoners should pay for their crimes, but I don't think taking their right to vote away should be part of that punishment.
59. Everyone should be allowed to vote. Prisoners still live in this country and should have a voice, as laws and voting affects them too. Everyone should have a voice in the democratic process, even if they have done wrong.
60. I think it disenfranchises the black community, and just because they made a mistake shouldn't mean their voice cannot be heard when they get out of prison.
61. Because I think that voting would get people to look at the issues where they are and would vote to rectify them by voting who they think they think would best fit that position.
62. I feel you have the right to vote if you are in prison, especially if you are an American citizen
63. Well I feel like if you served time you shouldn't be further punished and you should have all of your rights back especially since there's already enough discrimination against people who've been to prison.
64. it is the right thing to do for society
65. Because I believe that prisoners are people too and they do have rights
66. I agree with the argument that voting is a right and that stripping voting rights from people in prison does nothing to make communities better or safer.
67. I agree that voting will help with the disenfranchisement issue. I can't see a reason why this should not be the case.
68. I think voting should be a right and not a privilege. People who commit crimes are still citizens and deserve to have a voice about how things go in our country.
69. Every citizen should be allowed to vote in a true democracy.
70. all citizens should have the right to vote
71. Because I believe they should have a say in the laws and lawmakers that affect them, especially for the innocent who are incarcerated.
72. I don't think every prisoner is irredeemable.
73. Because even though people are in jail they are still Americans and have a right to vote

74. People should be able to practice their political rights even when imprisoned. Also, depriving people of their rights will alienate them and make them more likely to commit crimes against.
75. People in prison still deserve to have their voices heard on important issues
76. People in prison are still citizens of the US (at least those who were citizens when they entered prison) and deserve the right to participate in US democracy. Most will not be in prison forever and are/will be impacted by policies put in place by elected representatives.
77. I think every American of voting age should have a right to vote, even those in prison. They are affected by politics as much as anyone.
78. They are citizens too and have every right to vote.
79. People in prison still have a say in society and should be able to vote for politicians. They are still represented by politicians and should vote for the ones that they prefer.
80. I believe voting is a right and should not be subject to penalties, no matter what crime has been committed.
81. Most people in prison will eventually get out. Having the ability to vote, is one way for citizens to recognize they are part of society.
82. I think everyone deserves a chance to vote. I don't think a felony or imprisonment should keep anyone from voting.
83. Even though they are prisoners, they still live in America and should have a voice
84. I believe that every citizen has the right to vote in elections, even if they are in prison. Things could affect them even if they are in prison and when they end up getting released.
85. The points are valid, that people in prison are accountable to laws and they should have an influence on them, as well as the race gap of incarcerated persons.
86. The amount of people in prison is quite small compared to the general election however if they are able to vote it might empower them to become better citizens when they are free.
87. Everyone should be able to vote.
88. I think it's morally abhorrent that they lose this right due to being in prison. The racial argument is compelling, but more so the fact that they are still people and still should have their voice in government is even more so for me.
89. They should get a say just like everyone else.

90. I believe its true that people of color have been targeted for arrests so that they couldn't do things like vote.
91. I do not agree with every law so I do not think the right to vote should be taken from everyone who breaks the law.
92. The statistic that those who have the right to vote are less likely to return to jail resonated with me. That should be our ultimate aim here.
93. Because people in prison should not lose representation and still have the right to an opinion in how our country operates. They are still citizens!
94. I agree with the arguments made that rescinding voting rights is a continuation of racially motivated laws based on slavery, and is used as a method to politically silence certain groups
95. Everyone deserves a chance to express their political opinion by voting. They should not be judged for past mistakes.
96. I support peoples right to vote. It's taxation without representation if they start working.
97. I think they have the right to do so.
98. because they have rights still even though they are in prison
99. This is in line with my beliefs. Disenfranchising people, even those who committed crimes, leads to a worse society. Moreover, laws are often selectively enforced to strip rights away from particular groups of people.
100. I think people have a right to vote even if they are in prison. Voting is one of the few ways that a normal person can affect the laws that are forced to live by.
101. I completely agree with the argument that laws banning felons from voting is rooted in Jim Crow policies and it's definitely a feature of the class war waged against the poor by the wealthy. Black people have every reason to be left-wing and want liberation from capitalist society and that's why they are policed so heavily and disenfranchised as much as possible.
102. Voting is a right that should not be taken away because of being in prison.
103. It seems wrong to deny people the right to vote because they are in prison. It additional punishment beyond the scope of their original crime.

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