FELON DISENFRANCHISEMENT

What is felon disenfranchisement?
Felon disenfranchisement is the removal of voting rights from those who have been convicted of a felony. Each state has its own laws regarding exactly when and if someone is disenfranchised and when and if their rights are restored.

How does felon disenfranchisement work in Minnesota?
Adopted on August 29, 1857, Minnesota’s constitution bars from voting those "convicted of treason or felony until restored to civil rights."¹ Minnesota Statute 609.165 restores the right to vote upon discharge from sentence. In other words, once a resident of Minnesota has completed their entire sentence for a felony conviction, including any term of probation or parole, their right to vote is automatically restored. This applies to people living in Minnesota who may have been convicted in another state.

What do other states do?
Minnesota’s policy of disenfranchising those on probation and parole as well as those in prison puts it in company with eighteen other states: Alaska, Arkansas, Georgia, Idaho, Iowa, Kansas, Louisiana, Maryland, Missouri, New Jersey, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, Washington, West Virginia, and Wisconsin.

Twenty states restore felons’ voting rights in less time than Minnesota: Two, Maine and Vermont, never disenfranchise felons, even when they are incarcerated. Thirteen states disenfranchise only those who are incarcerated - Hawaii, Illinois, Indiana, Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, and Utah. Five states only disenfranchise those in prison or on parole but allow those on probation to vote - California, Colorado, Connecticut, New York, and South Dakota.

The remaining eleven states have more restrictive disenfranchisement laws than Minnesota, requiring waiting periods after discharge from sentence or completion of some type of restoration process – Alabama, Arizona, Delaware, Florida, Kentucky, Mississippi, Nebraska, Nevada, Tennessee, Virginia, and Wyoming.

How many people does this affect?
According to a 2012 study², 5.85 million citizens nationally can no longer vote due to a felony conviction, with the number rising. In 2011 63,000 Minnesotans were unable to

¹ Minnesota’s constitution also limited the right to vote to white males over 21 and “Persons of Indian blood...who have adopted the language customs and habits of civilization.”
vote due to a felony conviction. Three out of every four of those disenfranchised in Minnesota were not behind bars: nearly 5,800 felons were on parole and over 41,000 were on probation. Consequently, an overwhelming majority of those who have been denied the right to vote under Minnesota law are those who live in the community and are working to earn a wage, support themselves and their families, and pay taxes.

Many other individuals are disenfranchised due to confusion and misinformation about the law. The Council on Crime and Justice often hears from individuals who can legally vote but are under the misperception that they cannot vote. This is due to the various state laws and to misinformation that sometimes is even provided by government officials. For example, in the 2012 election, the Council worked with a young woman who was told by a probation officer that her 5 year felony marijuana possession stay of adjudication prevented her from voting. It was not until the case was taken to the Minnesota Supreme Court that clarification was provided that she and the thousands of other Minnesotans in her situation (had received a felony stay of adjudication) in fact can legally vote.

Isn’t felon disenfranchisement just an appropriate part of the punishment?
The number of felons disenfranchised in Minnesota has greatly increased in recent years because felony convictions have increased and sentences lengthened as our criminal laws, especially drug laws, have become more severe. Since 1974, the percentage of voting age Minnesotans disenfranchised as a result of a felony conviction has increased over 400%. (Minnesota now has the fourth highest rate of individuals in the U.S. who are under community supervision.) Additionally, disenfranchisement is not shown to provide any benefits for rehabilitation, deterrence, or increasing public safety. If pure punishment is one of the goals of disenfranchisement, then today only disenfranchising those currently in jail or prison would be a more fair and appropriate way to do it.

Does felon disenfranchisement affect all communities equally?
As a result of disproportionate conviction rates, felon disenfranchisement overwhelmingly affects African-Americans, especially males. In 2011, nearly 16,000 African-American Minnesotans were disenfranchised; though African-Americans make up roughly five percent of the Minnesota population, they represent over a quarter of the total number of disenfranchised felons. In 2011, felon disenfranchisement policies took voting power away from roughly eight percent of African-Americans who were old enough to vote. In comparison, only one percent of voting-age whites lost voting power. The effect on the African-American community is especially evident with African-American males, as over twelve percent (about 1 in 8) of African-American men in Minnesota cannot vote because of felon disenfranchisement practices.

---

How do Minnesota's levels of African-American disenfranchisement compare?

Levels of felon disenfranchisement for African-Americans varies widely from state to state, but a 2012 report conducted by The Sentencing Project shows that Minnesota’s level of African-American disenfranchisement was between five and ten percent in 2010. This figure shows that, at best, Minnesota's rate of African-American disenfranchisement was worse than 26 states, including West Virginia, South Carolina, and Utah. This report also showed that thirteen other states had similar rates of African-American disenfranchisement, putting Minnesota in the company of states such as Texas, Georgia, and Louisiana.

Does voting lower crime rates?

There may be a public safety benefit to allowing felons in the community to vote. Research has shown that ex-felons who vote are less likely to be arrested again. The fuller integration of people into their community and involvement in civic life logically results in stronger ties and feelings of empowerment that will help to lessen feelings of disconnection and frustration that can contribute to crime.

What are other impacts?

Research has shown that children are more likely to vote as adults if they are raised by parents who engage in the voting process. By disenfranchising felons who are not behind bars, we are losing future generations. This is particularly devastating for communities with large rates of incarceration who lose a disproportionate amount of the voting power of both those incarcerated as well as the generations that follow. By continuing felon disenfranchisement practices, the disparities in community voting power are amplified.

There are also the costs of enforcement to consider. In November of 2010, Citizens for Election Integrity published a report on voter fraud in Minnesota in the 2008 elections. According to their survey of county attorneys, there were a total of 1,179 voters investigated for voting while serving a felony sentence, resulting in 26 convictions (as they note, 0.0009% of all 2008 voters). Citizens for Election Integrity Report. The costs of these investigations are high and they take resources away from the prosecution of crimes that actually harm victims and the community.

---


What is the solution?
Allowing people convicted of a felony to vote while they are on probation or parole can be accomplished through legislation. This will have many benefits, including making it very clear when people can vote, reducing confusion and saving public safety resources. Additionally, voting can be a powerful concrete and symbolic way to contribute to the community and a means for ex-offenders to feel invested and empowered to take a positive role. Encouraging rather than penalizing them to take on this important responsibility makes sense. Restoring the right to vote for ex-offenders living in the community will make us safer, save resources already stretched thin, and make all Minnesota communities stronger.

This information can also be found at: www.crimeandjustice.org →Advocacy→ Felony Records and Voting.

For questions about voting and disenfranchisement contact the Council on Crime and Justice criminal records information service at 612-353-3024 or records@crimeandjustice.org.