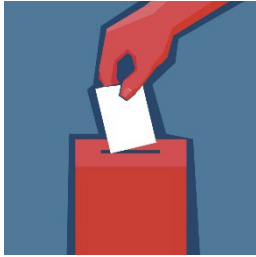


Restore the Vote: Ending Parole, Probationary, and Supervised Release Disenfranchisement



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Restore Civil Rights to All Minnesotans Living and Working in Every Corner of Our State.

Issue Statement

In Minnesota, felony disenfranchisement is the suspension of voting rights when a person is serving a felony conviction through incarceration, probation, parole, or supervised release. Felony disenfranchisement deprives tens of thousands of Minnesotans of their most basic civil rights long after any period of incarceration has ended. This is especially true for Minnesotans of color. Restoring the right to vote immediately upon release from incarceration will promote equality in voter representation and protect civil rights for all Minnesotans.

The Problem

“52,000 Minnesotans who are living and working in their communities, raising families and paying taxes, yet aren’t allowed to decide who will represent them” ([ACLU](#)).

“Studies show that communities that vote at higher rates get more resources and attention from elected officials.”¹ Yet, thousands of Minnesotans are denied the right to have meaningful influence on publicly elected official because they are denied the right to vote long after they have paid their debt to society. Furthermore, [“Minnesota](#) has never voiced any justification for disenfranchising citizens who live in our communities following a felony conviction, and none exists”. Jennifer Schroeder is one of those 52,000 Minnesotans disenfranchised by a public policy that is indefensible.

A Story of Disenfranchisement: [Jennifer Schroeder](#), a Minnesota community member, personally feels the effects of having her voice silenced by felony disenfranchisement. Ms. Schroeder has not been able to vote since 2013 due to a drug possession felony conviction. At the time, Ms. Schroeder was sentenced to one year in county jail. She has been out of jail for more than five years, but Ms. Schroeder’s sentence includes forty years of probation, leaving her unable to vote until 2053. Since her release, Ms. Schroeder continues to maintain her recovery and works as an alcohol and drug counselor to assist adults struggling with chemical dependency. Despite actively participating in the community by working, paying taxes, and helping others around her, Minnesota laws prevent her from voting until she is 71 years old. This is the reality that thousands of Minnesotans know too well.

Voter Disenfranchisement is Harmful Public Policy

The right to vote is at the core of promoting a democracy that connects community voices to government decision-making. Voting is not only needed for state and national representation, but also for [local issues](#) that are known to Minnesotans on an individual level and reflect voters' values. Voting outcomes guide the decisions that affect people personally:

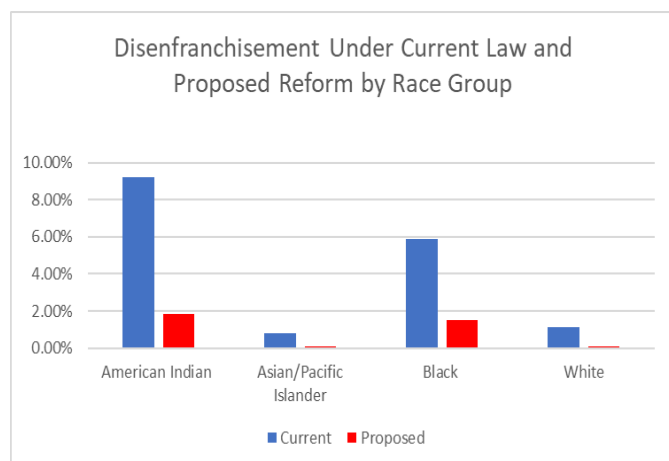
- Elected board members inform what students will learn in school.
- Mayors advocate for how money will be spent to improve infrastructure.
- Elected county attorneys prosecute [local legal matters](#), including felony cases.

Yet for decades felony disenfranchisement laws have continued to reduce participation in democracy. [The Minnesota Constitution](#), enacted in 1857, highlights the reinstatement of voting rights for residents convicted of a felony when they are “restored to civil rights,” but there is no clear definition of civil right restoration. The result is an unclear interpretation that delays voting right restoration beyond release from felony incarceration. As recent as 2018, this left [63,283](#) citizens serving a felony conviction through incarceration, probation, parole, or supervised release without the right to vote.

Most people serving a felony conviction in Minnesota are completing their sentence through probation, parole, or supervised release. Despite living in the community, paying their taxes, contributing to the common good, and complying with the guidelines of their sentence, they are unable to vote.

Disproportionate Effects

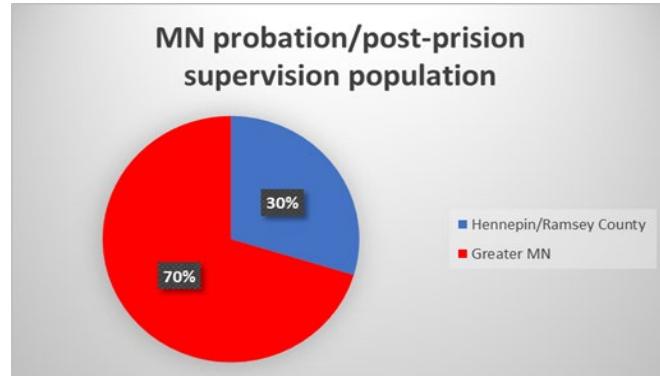
A [Minnesota Justice Research Center](#) February 2021 report, using 2019 data, documents felony disenfranchisement in Minnesota. People of color are disproportionately affected by felony disenfranchisement. While Minnesota’s population serving a felony conviction is predominantly comprised of white males, the **rate** of felony convictions is highest for people of color and people of marginalized ethnic backgrounds. As a result, the highest [rates of disenfranchisement](#) is among American Indian communities with a rate of 5.9%, followed by Black communities with a rate of 5.9%. But make no mistake, white male Minnesotans are harmed by our failure to restore voting rights upon release from a correctional facility (see figure to the right).



Rural and Urban Context

Denial of the right to vote is greater in Greater Minnesota than in the metro areas of Hennepin and Ramsey counties.

According to [The Sentencing Project](#), Minnesota has one of the lowest imprisonment rates across the country, yet it is ranked fifth in the nation for states that hold residents under controlled supervision. In 2018, there were an estimated 53,320 Minnesotans serving state or federal felony probation or post-prison supervision, with 70% living outside the metro areas of Hennepin or Ramsey counties (see figure to the right).



People in Greater Minnesota sentenced to probation as part of a felony conviction receive, on average, 46% longer sentences as compared to Hennepin and Ramsey counties. The [Minnesota Justice Research Center](#) found that the average probation period in Greater Minnesota is 70.9 months, compared to a 48.5-month average for the metro area.

Current Law in Minnesota

Under [Minnesota Statute section 201.014](#) regarding the eligibility to vote, in subdivision 2, a citizen may not vote in Minnesota if:

- (1) Convicted of a felony.
- (2) Currently serving their sentence in prison/jail.
- (3) Currently on probation and/or parole in the community.

Under [Article VII](#) of the Minnesota Constitution, a person convicted of a felony must be “restored to civil rights” to regain their right to vote.

Voting Rights for People with Felony Convictions Across the United States

This patchwork of complicated disenfranchisement laws and differing standards for the restoration of civil rights not only puts an undue burden on the citizen but also increases the risk that people who are legally eligible to vote may be mistakenly, or intentionally, disenfranchised.

In recent years numerous states have expanded voting rights for people with felony convictions, either through legislation or an executive order issued by the state’s governor. A 2021 [National Conference of State Legislatures](#) (NCSL) research report notes that “the general trend has been toward reinstating the right to vote at some point”.

Approaches to felony enfranchisement fall into 4 categories:

1. Never lost the right to vote (D.C., Maine, Vermont).

2. Lost Only While Incarcerated with Automatic Restoration After Release (21 states).
3. Lost Until Completion of Sentence (Parole and/or Probation) with Automatic Restoration After (Minnesota, plus 15 other states).
4. Lost Until Completion of Sentence | In Some States a Post-Sentencing Waiting Period | Additional Action Required for Restoration (11 states).

NCSL explains that "automatic restoration" does not mean that voter registration is "automatic." Rather, it typically means that "prison officials automatically inform election officials that an individual's rights have been restored. The person is then responsible for re-registering through normal processes".

Currently, there are efforts in Minnesota to remedy the State's indefensible voter disenfranchisement law through legislative means. [H.F. 876/S.F. 1010](#) would strike from the current law any felon disenfranchisement other than for those individuals who are currently serving a period of incarceration. This proposed legislation would restore civil rights to all citizens with a felony conviction immediately upon release from incarceration.

Policy Position Statement

VOTING RIGHTS ARE CIVIL RIGHTS.

Minnesota must restore the right to vote for people serving a felony conviction through probation, parole, or supervised release. Restoring the right to vote is a step forward in promoting the civil rights that citizens need for a democracy that includes the voices of ALL community members. Restoring the vote promotes voter representation for groups and geographic areas that have historically been disproportionately silent by current laws.

To promote restoration of the right to vote we recommend the following:

- Enact legislation that will grant Minnesotans that are serving a felony conviction through probation, parole, or supervised release the right to vote.
- For people incarcerated for a felony conviction, reinstate the right to vote immediately upon release from incarceration.
- Incorporate voter registration assistance into Minnesota's reentry process.
- Provide training in voter registration to reentry personnel including probation, parole, and correctional officers.

References

Full text online sources were used to create this policy advocacy brief and are [linked](#) throughout the document.

¹Hill, K., Lane, S., & Rhode Smith, T. (2020). *Felony disenfranchisement: Social work's call to action. Voting is social work.* <https://votingissocialwork.org/social-service-agencies-felony-disenfranchisement/>

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