**Voting Rights Restoration for Felons Living in the Community**

**CONCURRENCE WITH**

**LWV MICHIGAN’S RESTORATION POSITION**

**LWV Michigan Policy (updated 2010):** The LWVMI supports. . . [p]reservation of an incarcerated person’s right to . . . [a]ccess . . . the vote following incarceration.

**Current Minnesota Law:** Individuals who are convicted of a felony in Minnesota are not able to vote when they are incarcerated, on supervised release (parole) or probation. Current law “creates significant confusion among the public, election judges, election administrators and the individual convicted of a felony.“[[1]](#endnote-1)

**Recommendation:** That LWV Minnesota concur with the LWV Michigan policy, hereinafter called the “Incarcerated/Nonincarcerated Model.”

**THE INCARCERATED/NONINCARCERATED MODEL WILL:**

* Clarify Minnesota law by allowing a convicted, nonincarcerated felon the right to vote when under community supervision (probation or supervised release).
* Simplify the process of determining whether a person who has been convicted of a felony is eligible to vote, creating fewer challenges for election administrators in making the determination.
* Save money for local units of government by
  + streamlining eligibility determinations for election administrators
  + avoiding expenses in proposed 2013 legislation which would require mailed notification to felons in the community of their restricted voting rights
  + avoiding the expense of prosecuting those who mistakenly register or vote.

**IMPACT OF THE CURRENT LAW IN NUMBERS:**

87% of the 70,000 Minnesotans who cannot vote because of a felony conviction live in the community, hold jobs and pay taxes. The number of individuals disenfranchised because of a felony conviction has increased 500% since 1974. Minnesota ranks fourth highest in the nation in the number of individuals per capita who are under community supervision (probation or supervised release). The majority of these individuals have never spent time in prison.[[2]](#endnote-2)

**RATIONALE:**

**Administrative Complexity and Cost:** In Minnesota, “*no data base exists that can accurately identify when a felon regains the eligibility to vote*, and . . . the question of disenfranchisement creates significant confusion among the public, election judges, election administrators and the individual convicted of a felony.”[[3]](#endnote-3)

* Local governments are required to prosecute all felons who vote before they have completed probation or parole, even those who did so in ignorance. This is costly in terms of county attorney and investigative staff time and leaves other criminal cases waiting for attention.
* To lessen confusion, several local governments have sent letters to felons on parole or probation prior to Election Day cautioning them not to vote. Ramsey County spent $3,000 on this effort in 2012.
* Upon conviction of a felony, an individual receives many pages of information regarding his or her sentence. Some individuals do not understand that they are disenfranchised and proceed to register or vote in the next election. The county attorney is required to prosecute.

**Racial Impact:** Felon disenfranchisement affects all communities in Minnesota. In 2007, 1.7% of the total voting-age population in Minnesota was unable to vote due to a felony conviction. In the same year, however, 10% of African Americans of voting age in Minnesota were disenfranchised and 6.5% of American Indians. Almost 17% of African American males were disenfranchised, reflecting their disproportionate rate of incarceration.[[4]](#endnote-4)

**Public Safety and Reintegration into the community:** Restoring civil rights for parolees and probationers builds community ties and reduces recidivism, thereby protecting public safety.[[5]](#endnote-5)

**SUPPORTING ORGANIZATIONS AND OTHER STATES**

**Organizations supporting the Incarcerated/Nonincarcerated Model include:** Minnesota County Attorneys Association, Minnesota Corrections Association, American Probation and Parole Association, Council on Crime and Justice, Minnesota Second Chance Coalition, Brennan Center for Justice.

**Election administrators:** In the final report of the Minnesota Task Force on Election Integrity,[[6]](#endnote-6) all Task Force members who play a role in administering the elections process fully supported the Incarcerated/Nonincarcerated Model.

**Other states:** Thirteen states and the District of Columbia allow individuals on probation and parole to vote. The states are Illinois, Indiana, Maine, Massachusetts, Michigan, Montana, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, and Vermont.

1. First Interim Report and Initial Recommendation of Task Force on Election Integrity, Jan. 30, 2012, accessible on the MN Secretary of State’s website at [www.sos.state.mn.us/](http://www.sos.state.mn.us/) [↑](#endnote-ref-1)
2. The numbers in this section are from the Minnesota Second Chance Coalition [www.mnsecondchancecoalition.org](http://www.mnsecondchancecoalition.org) [↑](#endnote-ref-2)
3. First Interim Report and Initial Recommendation of Task Force on Election Integrity, see footnote i. Emphasis added. [↑](#endnote-ref-3)
4. The numbers in this section are from the MN Second Chance Coalition [www.mnsecondchancecoalition.org](http://www.mnsecondchancecoalition.org) [↑](#endnote-ref-4)
5. University of Minnesota Prof. Christopher Uggen reported on his research to the Task Force on Election Integrity. [↑](#endnote-ref-5)
6. Second Report and Further Recommendations of the Task Force on Election Integrity, Jan. 15, 2013, accessible on the Secretary of State’s website at [www.sos.state.mn.us/](http://www.sos.state.mn.us/) [↑](#endnote-ref-6)