

RE: Support Minnesota's Senate File 26 to Guarantee the Right to Vote for All

Dear Minnesota Lawmakers:

The undersigned national criminal justice reform, faith and civil rights organizations are committed to expanding voting rights to all citizens including people with felony convictions completing their sentences both inside and outside of incarceration.

We applaud Minnesota's Senate File 26, which, amongst other things, would end Minnesota's practice of disenfranchising people on probation and parole. We urge passage of this measure. We also encourage the Minnesota legislature to go further and guarantee the right to all citizens regardless of their incarceration status.

Minnesota currently denies the right to vote to over 55,000 citizens, representing 1.3% of the state's voting eligible population, because they are supervised in the community on probation or parole, or incarcerated in prison or jail for a felony conviction.¹ An estimated 84% of Minnesota's disenfranchised adults live in the community. While Minnesota has one of the lowest imprisonment rates in the country, the state's community supervision rate ranks sixth in the nation.²

Felony Disenfranchisement Disproportionately Harms Communities of Color

Felony disenfranchisement laws in the United States have troubling race and class dimensions that cannot be reconciled with our shared present-day values of equal citizenship and equal dignity.

Scholar Ward Elliott has observed that the spread of disenfranchisement laws may have been a response to the abolition of property-holding requirements, which "had served a number of indispensable functions, such as holding down the voting strength of free [B]lacks, women, infants, criminals, mental incompetents, unpropertied immigrants, and transients."³ After Reconstruction, states in the South began to tailor their disenfranchisement laws to cover crimes for which Black citizens were most frequently prosecuted, "as part of a larger effort to disenfranchise African American voters and to restore the Democratic Party to political dominance."⁴ Over time, states stopped distinguishing between kinds of crimes, instead imposing blanket disenfranchisement for all felony convictions.

Minnesota's felony disenfranchisement law disproportionately harms people of color. Black Minnesotans make up about 7% of Minnesota's population, but comprise 36% of the state's prison population.⁵ While no official felony disenfranchisement estimates are available for Native Americans, their representation in Minnesota's population and criminal legal system indicates that they too are heavily impacted by felony disenfranchisement laws and policies.

¹ Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022). [Locked out 2022: Estimates of people denied voting rights due to a felony conviction](#). The Sentencing Project.

² Kaeble, D. (2021, December). *Probation and Parole in the United States, 2020*. Bureau of Justice Statistics. <https://bjs.ojp.gov/content/pub/pdf/ppus20.pdf>

³ WARD E.Y. ELLIOTT, *THE RISE OF GUARDIAN DEMOCRACY* 43 (1974).

⁴ Pippa Holloway, "A Chicken-Stealer Shall Lose His Vote": *Disenfranchisement for Larceny in the South, 1874-1890*, 75 J. S. HIST. 931, 931 (2009); see also Hamilton-Smith & Vogel, *supra* note 19, at 409 ("Disenfranchisement became an important aspect of the Jim Crow laws used in reconstruction-era America to continue to subjugate the newly-freed slaves.").

⁵ U.S. Census Bureau. (2020). Quick Facts: Minnesota. <https://www.census.gov/quickfacts/MN>; Minnesota Department of Corrections. (2022, Jan 1). Adult Prison Population Summary. https://mn.gov/doc/assets/Adult%20Prison%20Population%20Summary%201-1-2022_tcm1089-515214.pdf

Racial disparities among people in Minnesota’s large community supervision programs are also significant.

- Black Minnesotans make up 19% of citizens on probation and 26% of citizens on supervised release.⁶
- Native Americans make up 6% of people on probation and 10% of people on supervised release⁷ while comprising 1.4% of the total population.⁸

High felony disenfranchisement rates among communities of color dilutes representation in the state’s political system. Minnesota should safeguard democratic rights and not allow a racially disparate criminal legal system to restrict voting rights.

Ending Felony Disenfranchisement Increases Public Safety

Research shows that an opportunity to participate in democracy has the potential to reduce one’s perceived status as an “outsider.”⁹ The act of voting can have a meaningful and sustaining positive influence on justice-impacted citizens by making them feel they belong to a community.¹⁰

Re-enfranchisement can facilitate successful re-entry and reduce recidivism. The University of Minnesota’s Christopher Uggen and New York University’s Jeff Manza find that among people with a prior arrest, there are “consistent differences between voters and non-voters in rates of subsequent arrest, incarceration, and self-reported criminal behavior.”¹¹

Research also suggests having the right to vote immediately after incarceration matters for public safety. Individuals in states which continued to restrict the right to vote after incarceration were found to have a higher likelihood of experiencing a subsequent arrest compared to individuals in states who had their voting rights restored post-incarceration.¹² Given re-enfranchisement misinformation and obstacles facing justice-impacted citizens upon re-entry into our communities, one path to bolster public safety and promote prosocial identities is to preserve voting rights during incarceration.

A 2004 study controlling for factors like race and gender found that “among former arrestees, about 27% of the non-voters were re-arrested, relative to 12% of the voters.”¹³ It concluded that “there is at least some correlation between voting and recidivism . . . among people who have had some official contact with the criminal justice system.”¹⁴ Another study found that “individuals who are released in states that

⁶ Minnesota Department of Corrections. (2021). [Minnesota statewide probation & supervised release outcomes](#).

⁷ Minnesota Department of Corrections (2021), see note 6.

⁸ U.S. Census Bureau, Quick Facts, Minnesota population estimates, July 1, 2021 <https://www.census.gov/quickfacts/fact/table/MN/PST045221>

⁹ Uggen, C., & Manza, J. (2004). Voting and subsequent crime and arrest: Evidence from a community sample. *Columbia Human Rights Law Review*, 36(1), 193-216.; Aviram, H., Bragg, A., & Lewis, C. (2017). Felon Disenfranchisement. *Annual Review of Law and Social Science*, 13, 295-311. <https://doi.org/10.1146/annurev-lawsocsci-110316-113558>; Miller, B. L., & Agnich, L. E. (2016). Unpaid debt to society: Exploring how ex-felons view restrictions on voting rights after the completion of their sentence. *Contemporary Justice Review*, 19(1), 69-85. <https://doi.org/10.1080/10282580.2015.1101685>

¹⁰ Uggen et al. (2022), see note 1.

¹¹ Uggen & Manza, (2004). See note 8.

¹² Hamilton-Smith, G. P., & Vogel, M. (2012). The violence of voicelessness: The impact of felony disenfranchisement on recidivism. *Berkeley La Raza Law Journal*, 22, 407- 432. <https://doi.org/10.15779/738766F>

¹³ *Id.* at 205.

¹⁴ *Id.* at 206.

permanently disenfranchise are roughly nineteen percent *more likely* to be rearrested than those released in states that restore the franchise post-release. This finding provides initial evidence consistent with the thesis that disenfranchisement is directly related to recidivism.”¹⁵

Minnesota Can Right an Historic Wrong

The right to vote is the core and essence of modern democracy. Per capita, however, no country strips voting rights from more of its citizens than the United States. By contrast, most of Europe allows prisoners to vote.¹⁶

Maine, Vermont, Puerto Rico, and Washington DC do not disenfranchise citizens for felonies. Maine and Vermont typically boast voter turnout higher than the national average, with Maine often taking the top spot nationally. Now other states are beginning to recognize the importance of restoring the right to vote. Since 1997, 25 states and Washington DC have expanded voting rights to citizens with felony convictions.

Minnesota can strengthen democracy by passing Senate File 26. Furthermore, state lawmakers should introduce legislation that would expand the right to vote to all citizens, regardless of their incarceration status and provide resources to counties to guarantee ballot access through jail-based voting plans.¹⁷

If you have any questions or would like to discuss this further, please contact Nicole D. Porter, Senior Director of Advocacy at The Sentencing Project, at 202-628-0871 or nporter@sentencingproject.org.

Sincerely,

Center for Disability Rights
Center for Popular Democracy
Common Cause MN
FREE
Full Citizens Coalition
Human Rights Watch
Illinois Alliance for Reentry & Justice
Initiate Justice
National Association of Criminal Defense Lawyers
Prison Policy Initiative
Reentry Advocacy Project
State Voices
The Center for Victims of Torture
The Sentencing Project
Wisconsin Fair Maps Coalition

¹⁵ Hamilton-Smith & Vogel (2012), see note 11.

¹⁶ ACLU, *Out of Step with the World: An Analysis of Felony Disenfranchisement in the U.S. and Other Democracies* (2006), available at https://www.aclu.org/sites/default/files/pdfs/votingrights/outofstep_20060525.pdf.

¹⁷ Washington state officials adopted a policy to support ballot access for jail based voting. The state's 2022 [budget allocated](#) \$628,000 to the Office of the Secretary of State to distribute to county jails to help improve voter awareness, registration and voting in jails.