Improving Reentry: Restore The Vote
The Issue

Unlike many other states, Minnesota does not allow people convicted of a felony to vote while on probation or parole. Currently, there are approximately 57,000 Minnesotans unable to vote due to a felony conviction, about 1.5 percent of the voting age population. About 47,000 live in communities across Minnesota while on probation or supervised release. Of these, more than half (64 percent) live in communities outside of Hennepin and Ramsey Counties.

Voting disenfranchisement has a strong racial bias, disproportionately affecting 7.7 percent of African American and 5.9 percent of American Indian Minnesotans, compared to 1.1 percent of White Minnesotans.

The position of the Joint Religious Legislative Coalition is that Minnesota should change its rule to allow felony offenders to vote once they are released from incarceration. As outlined in detail below, we believe this policy change could foster civic participation, combat racial disparities in our criminal justice system, and promote public safety.

Faith Perspective

Although individuals with felony convictions have made serious mistakes, nearly all return to the community and we all have a stake in the success of their return. Scriptures tell us that God is willing to forgive, teaching “If a wicked man turns from all his sins which he has committed, keeps all My statutes, and does what is lawful and right he shall surely live; he shall not die. None of the transgressions which he has committed shall be remembered against him.” God also encourages us to actively pursue reconciliation: “The recompense for an evil is an evil like thereof, but whoever forgives and makes reconciliation, his reward is due from Allah.”

In Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice (2000), the U.S. Catholic Bishops wrote: “Just as God never abandons us, so too we must be in covenant with one another. We are all sinners, and our response to sin and failure should not be abandonment and despair, but rather justice, contrition, reparation, and return or re-integration of all into the community.”

Our faith teachings urge us to keep an open mind, to encourage reconciliation, and to give people an opportunity to rejoin the community. Disenfranchisement for those on parole and probation denies them an important opportunity to help govern, belong, and fully participate in community life.
History of the Practice

The principle of disenfranchisement laws has a long historical pedigree, dating back to classical Greece and Rome. In those days, when one violated the community trust and the rights of others, one surrendered his or her own rights and, for serious crimes, was ostracized from society and became civilly dead. Though modern societies have modified the practice, the principle has remained the same: when someone commits a crime, the infraction is not just against the victim, but against our entire society and that losing personal liberty and some civil rights through judicial proceedings is appropriate and necessary to uphold and reward pro-social behavior.

Just before the American Civil War, 19 of the 34 existing states, including Minnesota, had carried forth felony disenfranchisement from European and colonial law. After the Civil War and passage of the 15th Amendment, felon disenfranchisement took on a new significance as several states passed laws to discourage African Americans who had recently won the right to vote. Although other voter suppression practices like poll taxes, literacy tests, etc. have since been outlawed, felony disenfranchisement remains in many states, including Minnesota.

Minnesota’s law regarding felony disenfranchisement has remained essentially unchanged since statehood, but the criminal justice field has undergone massive changes. One major change has been a great increase in the number of crimes carrying serious criminal penalties. In the 1860s, there were approximately seventy-five felony level crimes in Minnesota statutes. Now there are over 375. Another major change is Minnesota’s enlightened reliance on supervised release, probation, and parole as community alternatives to prison time. When Minnesota first became a state and felony disenfranchisement was adopted, a felony sentence was served entirely in prison, meaning felony disenfranchisement only excluded prisoners from voting.

Policy Goal

The policy question at stake is not whether felony offenders should be punished with just sentences. They have violated the community trust and appropriate sanctions are necessary. But unlike in previous eras, or in other places, our criminal justice system is meant to serve more goals than just punishment and community protection. It also aims to reconcile and restore. Therefore, the real policy question in front of our community is whether the particular penalty of losing voting rights beyond the time of actual incarceration serves any criminal justice purpose other than as a pedagogical tool of punishment. Put another way, does delaying the restoration of voting rights until after a felony offender has completed a time of probation and parole promote the well-being of the offender, public safety, and the common good?

Opponents of extending voting rights for convicted felons on probation or parole argue that these provisions should be maintained given that felons have committed the most serious crimes in society, have shown contempt for the law, and therefore should not be given the right to participate in voting. They advance the argument that stripping voting rights from felons is reasonable until it is demonstrated that their rehabilitation is successful evidenced by completion of their probation or parole. Further, since some felons are never sent to jail, restrictions on their rights including voting may be their only punishment. Finally, some believe that a change in voting eligibility for felons may actually require an amendment to the Minnesota constitution.
Despite these arguments, as the following sections describe, we believe that maintaining the current rule as a mechanism of punishment is counterproductive because it undermines other criminal justice and public safety goals. Society should instead prioritize re-entry strategies such as voter restoration that point toward community integration and that lower recidivism.

**Concerns**

A goal of the parole and probation system is to reintegrate ex-offenders back into society. Disenfranchisement inhibits this reentrance. Ex-felons, who already bear the brunt of exclusionary housing and employment practices, are further frustrated and stigmatized by being denied the right to vote. It is also concerning that too many children are growing up in households where parents are unable to vote and the civic habit of voting is not being handed-off to the next generation of citizens.

While we know disenfranchisement impacts felons of all backgrounds, it is particularly harmful to African-Americans and disproportionately targets people from low-income, minority communities. The Bureau of Justice Statistics has calculated that 28 percent of African American men will go to either jail or prison in their lifetime. Disenfranchisement greatly dilutes the voting strength of people from poor African American communities. Minnesota’s African American disenfranchisement rate is the fifteenth highest in the country, putting Minnesota in the highest 30 percent of African-American disenfranchisement rates, higher than former slave states such as Louisiana, Missouri, and Texas.

The communities most affected by felony disenfranchisement are also those communities that in general have the least say in the political process. Since over 7 percent of African Americans are not allowed to vote due to felony convictions, people running for office do not need to involve themselves as much with the concerns of this community. Politicians need not worry about campaigning in these low-income minority communities as much because they have diminished voting strength.

Without representation in the government that knows and cares about the issues that they care about, populations at the highest risk for felony charges will have a hard time improving their circumstances.

> The disenfranchised is severed from the body politic and condemned to the lowest form of citizenship, where voiceless at the ballot box...the disinherit need sit idly by while others elect his civil leaders and while others choose the fiscal and governmental policies which will govern him and his family.

> ~ Federal Judge Henry Wingate

There is some evidence that allowing people to vote while on community supervision may help to reduce recidivism. In a 2015 University of Minnesota Law Review article, author Mark Haase states, “Research links pro-social activities like voting to desistance in crime; individuals interviewed about losing the right to vote express a feeling of being an “outsider” because they cannot vote; and empirical studies show some correlation between voting and lower recidivism.” A 2011 report by the Florida Parole Commission found that ex-prisoners who had their voting
rights restored had recidivism rates of eleven percent compared to thirty-three percent for those who did not have their rights restored.\textsuperscript{18} The public safety benefit of prosocial activity is a primary reason allowing those on community supervision to vote is supported by the American Probation and Parole Association.\textsuperscript{19}

There are serious concerns about the way current disenfranchisement law is administered. Numerous glitches in communication between the Corrections Department and election officials have occurred so that ex-felons are sometimes red-flagged at the polls even when they are “off paper” and voting rights under current law have been restored. Many who could legally vote don’t do so out of fear or misinformation.

The purpose of probation and parole is to facilitate the successful reintegration of people who have committed felonies and other crimes into the community; the ability to be a full participant in society is key to increasing the chances of that success. Full and active participation in a community includes modeling positive citizenship behaviors and the right to vote is a fundamental piece of citizenship.

Currently 18 states have statutes allowing felons to vote upon release from prison or jail, with 2 states allowing voting from prison.\textsuperscript{20} Allowing felons to vote upon their release from prison would drop disenfranchisement from about 57,000 Minnesotans to about 10,000, and disenfranchisement among African Americans from 7.7 percent to 2.8 percent.\textsuperscript{21}

A 2004 study using a series of in-depth interviews with Minnesota offenders suggests that voting is part of a group of behaviors that is related to desistance from crime. The study concludes, “To the extent that felons begin to vote and participate as citizens in their communities, it seems likely that many will bring their behavior into line with the expectations of the citizen role, avoiding further contact with the criminal justice system.”\textsuperscript{22}

**Recommendation**

State law should give persons living in the community while on parole or on probation, if otherwise eligible, the right to vote.
**Endnotes**


5. Ash-Shura, Chapter 42, Verse 42, Mohsin Khan translation.


7. Restoring the Ex-Offender’s Right to Vote: Background and Developments, American Criminal L. Rev. 2 (Spring 1973), pp. 725.


(Approved by the Boards of Directors of Islamic Center of Minnesota, Minnesota Catholic Conference, Minnesota Council of Churches, and Jewish Community Relations Council of Minnesota and the Dakotas at their respective board meetings. Final approval in February, 2016.)