



FELON DISENFRANCHISEMENT IN MINNESOTA

February 21, 2019

The Minnesota Constitution prohibits individuals convicted of felony-level offenses from voting “unless restored to civil rights...” (Art. VII, Sec. 1). Under current Minnesota law, the right to vote is restored once the sentence is fully completed, including any periods of incarceration, probation, or post-prison supervision (Minn. Stat. 609.165, subd. 1; 201.014, subd. 2). Proposed legislation (HF 40/SF 856) would restore the right to vote for people convicted of felony offenses following the completion of any period of incarceration imposed and executed as part of the sentence.

**Table 1. Disenfranchisement in Minnesota by Correctional Status
(as of 1/1/2018)ⁱ**

	Prison/Jail	Probation	Post-Prison Release	Total
Total	9,963	45,652	7,668	63,283
Federal	N/A	103	991	1,094
State	9,963	45,549	6,677	62,189
<i>State only</i>				
Male	9,275	34,727	6,030	50,032
Female	688	10,822	647	12,157
American Indian	966	2,968	563	4,497
Asian/Pacific Islander	256	1,207	155	1,618
Black	3,469	8,997	1,731	14,197
White	5,233	30,478	4,210	39,921
Other/Unknown	39	1,899	18	1,956
Hispanic	564	2,572	479	3,615
Non-Hispanic	9,399	42,977	6,198	58,574

At the beginning of 2018, an estimated **63,283** Minnesotans incarcerated in prison or jail (not including people in federal prison), on probation, or on post-prison supervision for felony-level offenses were disenfranchised (see **Table 1**).ⁱ Though demographic information was unavailable for federal probationers and post-prison releasees, the majority of the 62,189 disenfranchised for felony offenses convicted in Minnesota state court were White, Non-Hispanic, and male.ⁱⁱ

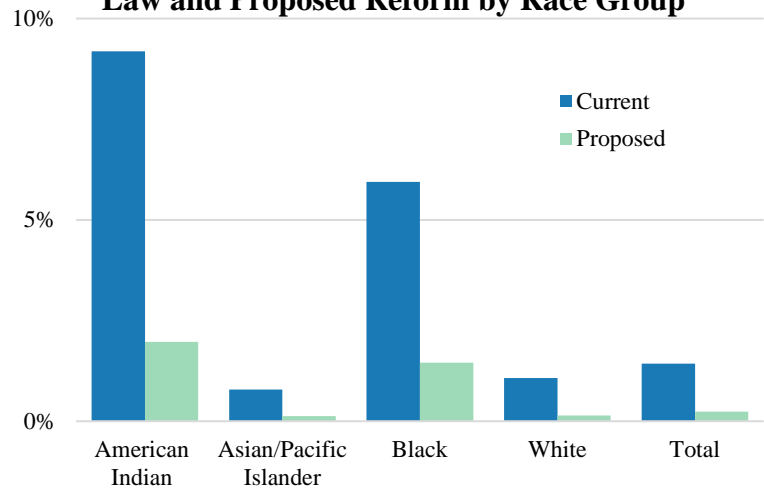
Racial Distribution of Disenfranchisement

The rate of disenfranchisement (that is, the number disenfranchised divided by the voting age populationⁱⁱⁱ for each group) is not evenly distributed across race groups. As shown in **Figure 1**, the disenfranchisement rate under current law for Minnesotans who identify as **American Indian (9.2%)** and **Black (5.9%)** is considerably higher than for **White (1.1%)** and **Asian/Pacific Islander (0.8%)**.



But under the proposed legislation that would restore the right to vote upon release from incarceration, disenfranchisement rates would shrink to fractions of what they are under current law. The American Indian rate would drop to almost a fifth of the current rate, or 2%; the Black rate would fall to 1.5%, and both the White and Asian/Pacific Islander rates would fall to 0.1%. While disparities would persist, the proposed legislation would reduce disenfranchisement rates markedly.

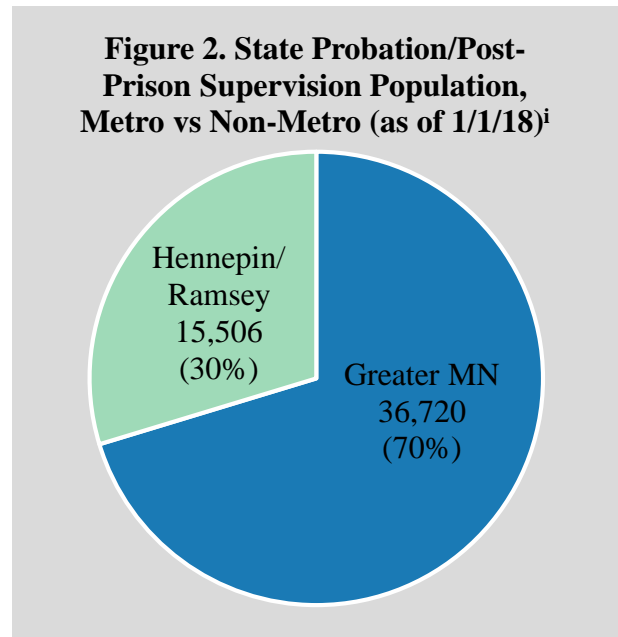
Figure 1. Disenfranchisement under Current Law and Proposed Reform by Race Group



Geographic Distribution of Disenfranchisement

The proposed legislation would restore the right to vote for the estimated 53,320 Minnesotans serving on state or federal felony probation or post-prison supervision (as of 01/01/2018).ⁱ Minnesota’s non-incarcerated disenfranchised population is spread throughout the state, but of those on felony supervision for state felony offenses, approximately 70% live outside of Hennepin or Ramsey counties (see **Figure 2**). There are an additional 1,094 disenfranchised Minnesotans under supervision by the federal criminal court system (mostly post-prison supervision), but location data for those individuals were not available.

Figure 2. State Probation/Post-Prison Supervision Population, Metro vs Non-Metro (as of 1/1/18)ⁱ



This unequal distribution is due, at least in part, to both longer average probation sentences and the sheer volume of felony convictions in Greater Minnesota compared to Hennepin/Ramsey, as shown in **Table 2**. According to sentencing data from the Minnesota Sentencing Guidelines Commission, only one-third (31,511) of felony cases sentenced from 2012-2017 were in Hennepin or Ramsey county, while two-thirds (66,138) were in counties in Greater Minnesota.ⁱⁱ



Table 2. Felony Sentences by Type of Sentence, Metro vs Non-Metro (2012-2017)ⁱⁱ

	Total Felony Cases Sentenced	Cases Sentenced to Prison	Cases Sentenced to Probation	Average Probation Sentence (Months)
Total	97,649	25,821	71,828	64.0
Greater Minnesota	66,138	16,468	49,670	70.9
Hennepin/Ramsey	31,511	9,353	22,158	48.5

Note: This table reports counts of felony cases, not individuals.

The average probation length in Greater Minnesota is 46% longer than in Hennepin/Ramsey (71 months in Greater MN vs. 49 months in Hennepin/Ramsey). Additional detail is provided in **Figure 3**, which shows how average probation lengths vary by judicial district across the state. Overall, cases sentenced to probation in the 7th and 3rd Judicial Districts are on average longer than other parts of the state, while cases in the 2nd and 6th Districts are on average shorter.

The Legislature passed the Drug Sentencing Reform Act (DSRA) which took effect on August 1, 2016. The DSRA made several changes to Minnesota’s drug sentencing statutes, including reducing prison sentences for most drug offenses. However, while it is still too early to tell what long-term impact the DSRA will have on felony sentencing overall, it does not appear from data currently publicly available that the DSRA has had a significant impact on average probation sentence lengths overall. **Figure 4** shows that average probation sentences by district have been relatively stable from 2012-2017 in districts across the state.ⁱⁱ

Impact on Eligible Voter Population

Overall, 1.3% of Minnesota’s voting age population are disenfranchised.ⁱⁱⁱ The impact on the eligible voting population, however, is not evenly distributed throughout the state. **Figure 5** shows the distribution of the disenfranchised population as a percentage of the voting age population. The disenfranchisement rate ranges from a low of 0.5% in Grant County to a high of 6.8% in Mahnomon County.

Figure 3. Average Probation Length in Months by Judicial District (2012-2017)

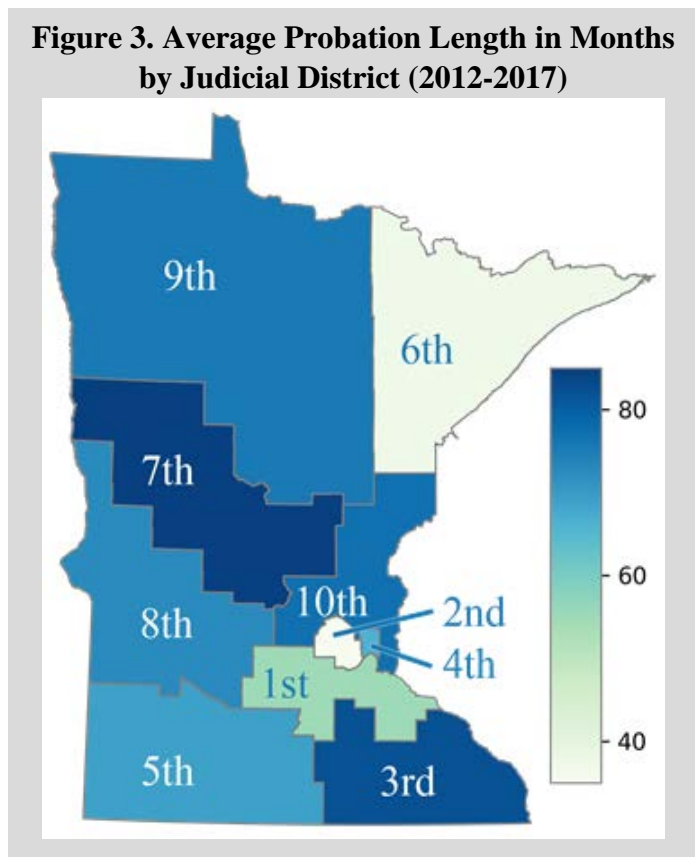
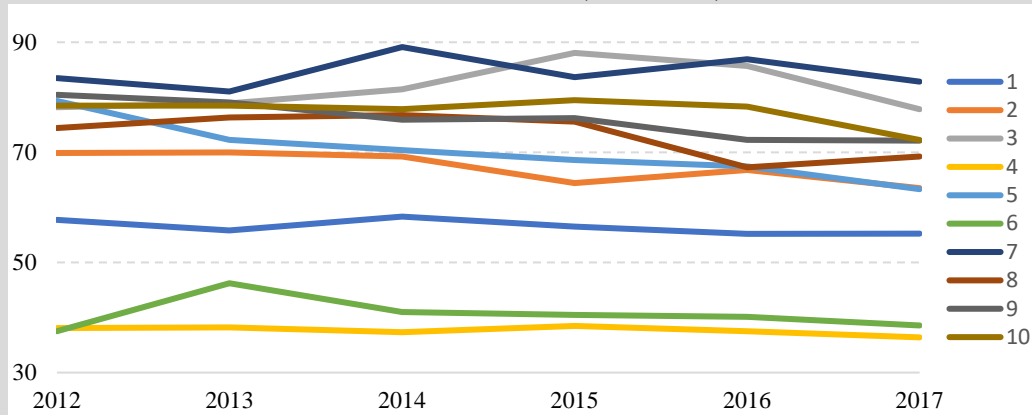


Figure 4. Average Pronounced Probation Sentence by Year and Judicial District (2012-2017)ⁱⁱ



More detailed county-level data on the disenfranchised population, including type of community supervision, can be found in **Table 3**. Federal probationer/post-prison supervisee data are also included where applicable.

Figure 5. Disenfranchisement Rate by County (as of 01/01/2018)

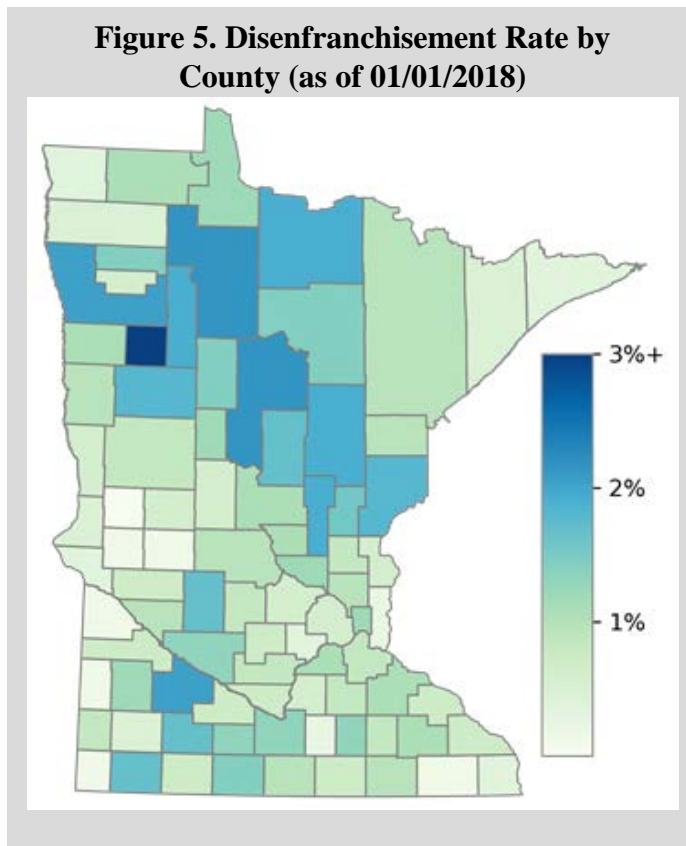




Table 3. Minnesota Disenfranchisement and Voting Age Populations by County (1/1/2018)

	Voting Age Pop. (VAP) ⁱⁱⁱ	Felony Probation ⁱ	Post-Prison Supervision ⁱ	Disenfranchised in Community (est.)	Disenfranchisement Rate (est.)
Total	4,168,775	45,652	7,668	53,320	1.3%
Federal	N/A	103	991	1,094	N/A
<i>Counties</i>					
Aitkin	13,015	239	28	267	2.1%
Anoka	257,665	3,022	259	3,281	1.3%
Becker	25,180	358	136	494	2.0%
Beltrami	34,115	620	159	779	2.3%
Benton	29,735	354	75	429	1.4%
Big Stone	4,040	31	2	33	0.8%
Blue Earth	52,665	719	103	822	1.6%
Brown	19,825	202	18	220	1.1%
Carlton	27,400	341	22	363	1.3%
Carver	69,995	473	59	532	0.8%
Cass	22,540	442	75	517	2.3%
Chippewa	9,340	98	22	120	1.3%
Chisago	41,310	405	28	433	1.0%
Clay	47,005	494	118	612	1.3%
Clearwater	6,595	127	14	141	2.1%
Cook	4,395	35	2	37	0.8%
Cottonwood	8,810	119	47	166	1.9%
Crow Wing	49,260	852	96	948	1.9%
Dakota	308,355	3,430	300	3,730	1.2%
Dodge	14,750	164	13	177	1.2%
Douglas	29,040	248	51	299	1.0%
Faribault	11,060	133	10	143	1.3%
Fillmore	15,870	88	11	99	0.6%
Freeborn	24,025	226	28	254	1.1%
Goodhue	35,870	473	37	510	1.4%
Grant	4,640	22	1	23	0.5%
Hennepin	939,920	7,960	1,612	9,572	1.0%
Houston	14,755	109	9	118	0.8%
Hubbard	16,165	245	32	277	1.7%
Isanti	29,015	287	72	359	1.2%
Itasca	35,715	511	101	612	1.7%
Jackson	7,895	79	9	88	1.1%
Kanabec	12,425	201	25	226	1.8%
Kandiyohi	32,350	558	55	613	1.9%



Table 3. (cont.)

	Voting Age Pop. (VAP) ⁱⁱⁱ	Felony Probation ⁱ	Post-Prison Supervision ⁱ	Disenfranchised in Community (est.)	Disenfranchisement Rate (est.)
Kittson	3,480	28	1	29	0.8%
Koochiching	10,420	209	14	223	2.1%
Lac qui Parle	5,530	27	4	31	0.6%
Lake	8,760	74	8	82	0.9%
Lake of the Woods	3,180	43	4	47	1.5%
Le Sueur	20,915	170	32	202	1.0%
Lincoln	4,490	20	5	25	0.6%
Lyon	19,325	250	38	288	1.5%
Mahnomen	3,790	223	33	256	6.8%
Marshall	7,235	46	17	63	0.9%
Martin	15,800	218	44	262	1.7%
McLeod	27,370	285	24	309	1.1%
Meeker	17,415	172	29	201	1.2%
Mille Lacs	19,540	351	67	418	2.1%
Morrison	25,085	317	30	347	1.4%
Mower	29,465	312	80	392	1.3%
Murray	6,680	54	4	58	0.9%
Nicollet	25,840	211	67	278	1.1%
Nobles	15,950	288	19	307	1.9%
Norman	5,110	62	11	73	1.4%
Olmsted	112,885	1,306	241	1,547	1.4%
Otter Tail	45,290	496	59	555	1.2%
Pennington	10,880	161	27	188	1.7%
Pine	23,060	434	37	471	2.0%
Pipestone	7,000	75	8	83	1.2%
Polk	24,120	417	104	521	2.2%
Pope	8,650	47	3	50	0.6%
Ramsey	407,350	5,167	767	5,934	1.5%
Red Lake	3,050	31	0	31	1.0%
Redwood	11,770	230	26	256	2.2%
Renville	11,635	177	14	191	1.6%
Rice	50,660	551	35	586	1.2%
Rock	7,145	38	4	42	0.6%
Roseau	11,715	138	21	159	1.4%
Scott	99,380	1,330	68	1,398	1.4%
Sherburne	66,220	924	93	1,017	1.5%
Sibley	11,310	124	13	137	1.2%



Table 3. (cont.)

	Voting Age Pop. (VAP) ⁱⁱⁱ	Felony Probation ⁱ	Post-Prison Supervision ⁱ	Disenfranchised in Community (est.)	Disenfranchisement Rate (est.)
St. Louis	161,815	1,822	320	2,142	1.3%
Stearns	118,490	1,290	222	1,512	1.3%
Steele	27,240	347	95	442	1.6%
Stevens	7,710	32	11	43	0.6%
Swift	7,380	67	12	79	1.1%
Todd	18,485	165	16	181	1.0%
Traverse	2,700	21	2	23	0.9%
Wabasha	16,560	172	11	183	1.1%
Wadena	10,390	131	24	155	1.5%
Waseca	14,600	92	14	106	0.7%
Washington	185,950	1,259	102	1,361	0.7%
Watonwan	8,325	113	19	132	1.6%
Wilkin	4,985	43	6	49	1.0%
Winona	41,730	421	48	469	1.1%
Wright	92,465	835	82	917	1.0%
Yellow Medicine	7,710	68	13	81	1.1%

For Additional Information or Questions Contact: Robert Stewart, rob@mnjrc.org.

About the Minnesota Justice Research Center (JRC): The JRC is a non-profit organization established to improve the criminal justice system through high quality research, policy development, and education. The JRC works with partner agencies and organizations to conduct practical, high-impact research, analysis, and evaluation. As an organization, we strive to broadly share what we learn with the community and among justice system professionals and policymakers to effect transformational, lasting change to create a more effective, humane, and equitable justice system.

ⁱ Minnesota Department of Corrections (2018), 2017 Probation Survey; U.S. Federal Courts (2018), Federal Probation System – Persons Under Post-Conviction Supervision (December 31, 2017).

ⁱⁱ Minnesota Sentencing Guidelines Commission (2018), MSGC Publicly Available Sentencing Data (2012-2017).

ⁱⁱⁱ U.S. Census (2018), Citizen Voting Age Population (CVAP) Special Tabulation From the 2012-2016 5-Year American Community Survey (ACS).