

DRAFT REPORT ON FELON DISENFRANCHISEMENT IN MINNESOTA

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SUMMARY

Minnesota currently disenfranchises all people convicted of a felony until the completion of their sentences. The disenfranchised population is therefore comprised of the active prison, parole, felony probation and convicted felony jail populations. This practice is more restrictive than states such as Maine (which does not disenfranchise felons) and Illinois (which disenfranchises only prisoners), but less restrictive than states such as Florida (which disenfranchises former felons as well as those currently under correctional supervision) (see Manza and Uggen 2004; Uggen and Manza 2002). Most disenfranchised Minnesotans are *non-incarcerated* probationers and parolees. Approximately 55,000 convicted felons were disenfranchised in Minnesota in 2003, the most recent year for which reliable data are available. Though this number is small relative to the state's voting-age population of over 3.6 million, a sizable proportion of Minnesota's African-American population are disenfranchised. Over 12 percent of the total African-American voting-age population and almost 20 percent of voting-age African-American males were disenfranchised in 2003.

DATA SOURCES

We obtained data from the Minnesota Department of Corrections, Bureau of Justice Statistics (primarily *Sourcebook* and *Correctional Populations*), and U.S. Bureau of the Census sources. Table 1 reports estimates that include the total jail population (including misdemeanants and those not yet convicted) and estimates that include only 10 percent of the total jail population. Ten percent of the total jail population is our conservative estimate of the number of convicted felony jail inmates. Although only a portion of the total jail population is legally disenfranchised, few jail inmates awaiting trial and misdemeanants

serving jail time vote by absentee ballot in Minnesota. We therefore calculate figures that include *all* jail inmates, as well as separate estimates that exclude 90 percent of this group.

Table 1. Disenfranchised Population in Minnesota.

Category	1974	1980	1990	2000	2003
<i>Total Disenfranchised</i>	8,803	12,946	24,466	51,241	55,551
Total Disenfr'd including 10% Jail	7,644	11,640	21,408	46,537	50,124
Voting-Age Population (VAP)	2,546,000	2,933,000	3,222,000	3,547,000	3,677,177
As % of VAP	0.35%	0.44%	0.76%	1.44%	1.51%
As % of VAP, 10% Jail	0.30%	0.40%	0.66%	1.31%	1.36%
Prison	1,372	2,001	3,178	6,238	7,795
Parole	1,539	1,534	1,873	3,072	3,596
Felony Probation	4,604	7,959	16,017	36,704	38,130
Jail (10%) (estimated for 2003)	129	145	340	523	603
Total Jail (estimated for 2003)	1,288	1,452	3,398	5,227	6,030
<i>Af.-Am. Total Disenfranchised</i>	895	1,157	3,585	13,850	13,531
Afr.-Am. Disenfr'd incl. 10% Jail	783	1,038	3,042	12,698	12,334
Afr.-Am. Voting-Age Pop.	22,415	32,263	41,886	106,000	111,214
As % of Afr.-Am. VAP	3.99%	3.58%	8.56%	13.07%	12.17%
As % of Afr.-Am. VAP, 10% Jail	3.49%	3.22%	7.26%	11.98%	11.09%
Male Afr.-Am. Total	808	1,046	3,175	11,482	11,144
Male Afr.-Am. VAP	10,782	15,519	27,972	55,000	57,705
As % of Afr.-Am. Male VAP	7.49%	6.74%	11.35%	20.88%	19.31%
Female Afr.-Am. Total	87	110	410	2,368	2,387
Female Afr.-Am. VAP	11,634	16,744	29,212	51,000	53,509
As % of Afr.-Am. Female VAP	0.75%	0.66%	1.40%	4.64%	4.46%
Prison	218	298	886	2,309	2,598
Parole	241	225	514	1,841	1,327
Probation	310	502	1,582	8,420	8,276
Jail (10%)	13	13	60	128	133
<i>Non-Afr. Am. Total Disenfranchised</i>	7,908	11,790	20,881	37,391	42,020
Non-Afr. Am. Total w/10% Jail	6,862	10,602	18,366	33,839	37,790
Non-Afr. Am. VAP	2,523,585	2,900,737	3,180,114	3,441,000	3,565,963
Non-Afr. Am. as % of VAP	0.31%	0.41%	0.66%	1.09%	1.18%
Non-Afr. Am. as % VAP, 10% Jail	0.27%	0.37%	0.58%	0.98%	1.06%
Non-Afr. Am. Prison	1,154	1,703	2,292	3,929	5,197
Non-Afr. Am. Parole	1,298	1,309	1,359	1,231	2,269
Non-Afr. Am. Probation	4,294	7,457	14,435	28,284	29,854
Non-Afr. Am. Jail (10%)	116	132	279	395	470

THE CURRENT SITUATION

Since statehood in 1857, Minnesota has disenfranchised people convicted of a felony until completion of sentence (see Minn. Const. Art. VII, § 1; Minn. Stat. § 609.165). In

2003, we estimate that over 55,000 felons were disenfranchised in Minnesota due to felony convictions (see Table 1). This represents about 1.5 percent of the state's voting-age population, but over 12 percent of African Americans of voting age (relative to 1 percent of the *non*-African-American voting-age population).

Most disenfranchised Minnesotans, about 69 percent, are serving a felony probation sentence (see Figure 1). In 2003, prisoners accounted for 14 percent of the remaining disenfranchised felons, with all jail inmates (11 percent) and parolees (6 percent) completing the disenfranchised population (when the jail inmates are excluded, of course, the proportion of probationers, parolees, and prisoners rises).

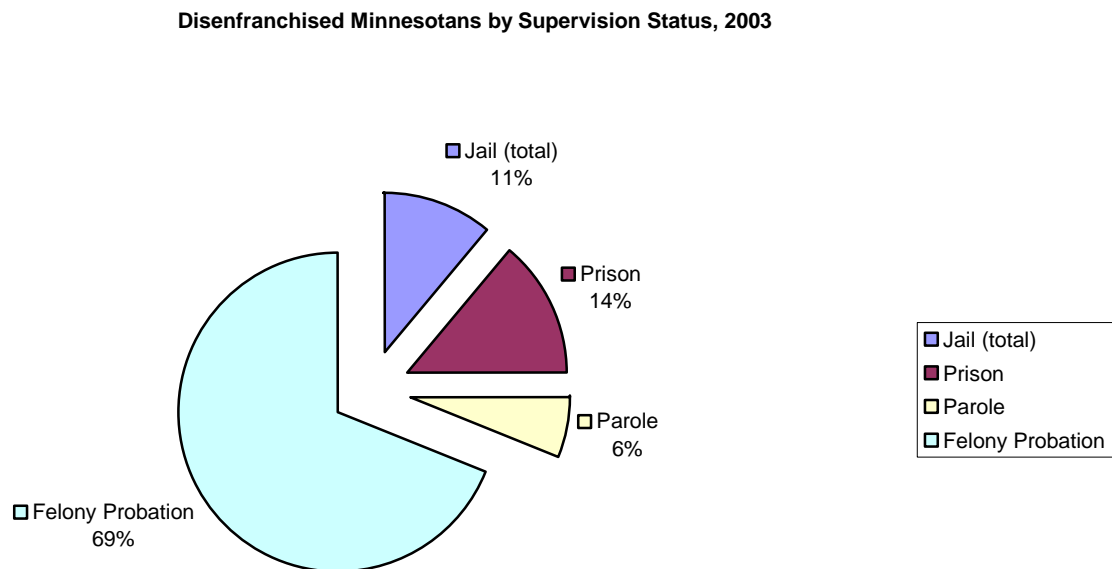


Figure 1. Disenfranchised Minnesotans by Type of Supervision, 2003.

HISTORICAL TRENDS

Since 1974, the number disenfranchised has steadily increased, reaching over 13,500 African Americans and over 42,000 Non-African Americans in 2003. Figure 2 shows the number of disenfranchised individuals as a percentage of the voting-age population

(VAP) in Minnesota for 2003 and the three decennial census years in which this information is available. As the African-American population increased over this period, the disenfranchised population increased at an even greater rate, accounting for less than 4 percent of the VAP in 1980, and over 13 percent of the VAP in 2000. The non-African-American disenfranchised population, meanwhile, has grown slightly, from less than 1 percent in 1980, to about 1.1 percent of the VAP in 2000.

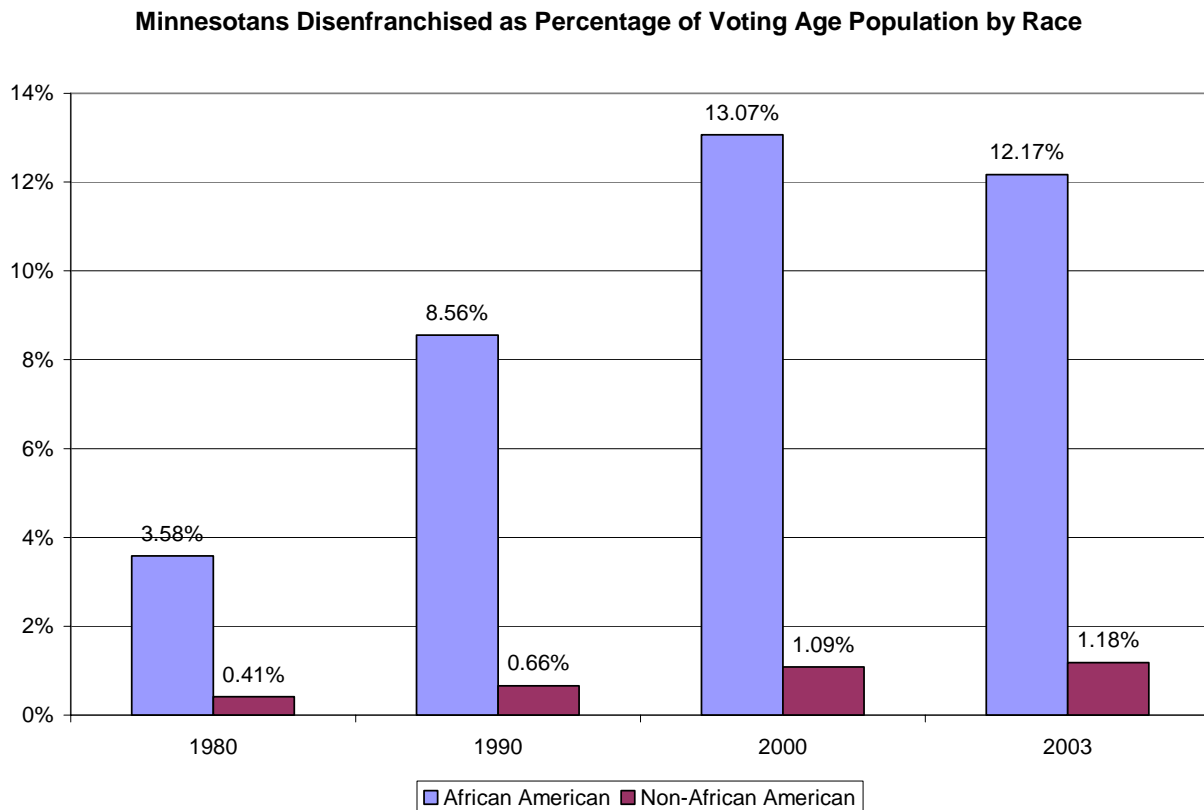


Figure 2. Minnesotans Disenfranchised as Percentage of Voting-Age Population

IMPACT OF REINSTATING VOTING RIGHTS TO PROBATIONERS AND PAROLEES

A bill sponsored by Representative Keith Ellison in the Minnesota House of Representatives would allow non-incarcerated felons, those serving probation or parole sentences, to vote (Defiebre 2005). Because Minnesota makes heavy use of probation and parole, such a measure would restore voting rights to a clear majority of those currently disenfranchised by felony convictions. Table 2 shows that under the proposal the total

disenfranchised would shrink from 55,551 to 13,825, or from 1.5 percent to about 0.4 percent of the voting-age population. A recent national opinion poll showed that 60 percent of Americans surveyed supported restoring voting rights to parolees and probationers, but only 31 percent supported reenfranchisement of prisoners (Manza, Brooks, and Uggen, 2004).

Table 2. Disenfranchised Population in Minnesota.

CATEGORY	CURRENT	PROPOSAL
Total Disenfranchised	55,551	13,825
Total Disenfr'd including 10% Jail	50,124	8,398
Voting-Age Population (VAP)	3,677,177	3,677,177
As % of VAP	1.51%	0.38%
As % of VAP, 10% Jail	1.36%	0.23%
Prison	7,795	7,795
Parole	3,596	-
Felony Probation	38,130	-
Jail (10%) (estimated for 2003)	603	603
Total Jail (estimated for 2003)	6,030	6,030
Af.-Am. Total Disenfranchised	13,531	3,928
Afr.-Am. Disenfr'd incl. 10% Jail	12,334	2,731
Afr.-Am. Voting-Age Pop.	111,214	111,214
As % of Afr.-Am. VAP	12.16%	3.53%
As % of Afr.-Am. VAP, 10% Jail	11.09%	2.46%
Prison	2,598	2,598
Parole	1,327	-
Probation	8,276	-
Jail (10%)	133	133
Non-African American Total Disenfranchised	42,020	9,897
Non-Afr. Am. Total w/10% Jail	37,790	5,667
Non-Afr. Am. VAP	3,565,963	3,565,963
Non-Afr. Am. as % of VAP	1.17%	0.28%
Non-Afr. Am. as % VAP, 10% Jail	1.05%	0.16%
Non-Afr. Am. Prison	5,197	5,197
Non-Afr. Am. Parole	2,269	-
Non-Afr. Am. Probation	29,854	-
Non-Afr. Am. Jail (10%)	470	470

Figure 3 disaggregates the effects of the proposed rule by race, showing that felon disenfranchisement would affect a smaller percentage of the state's non-African-American VAP (a drop from 1.2 percent to less than 0.3 percent) and its African -American VAP (a

drop from about 12.2 percent to 3.5 percent).

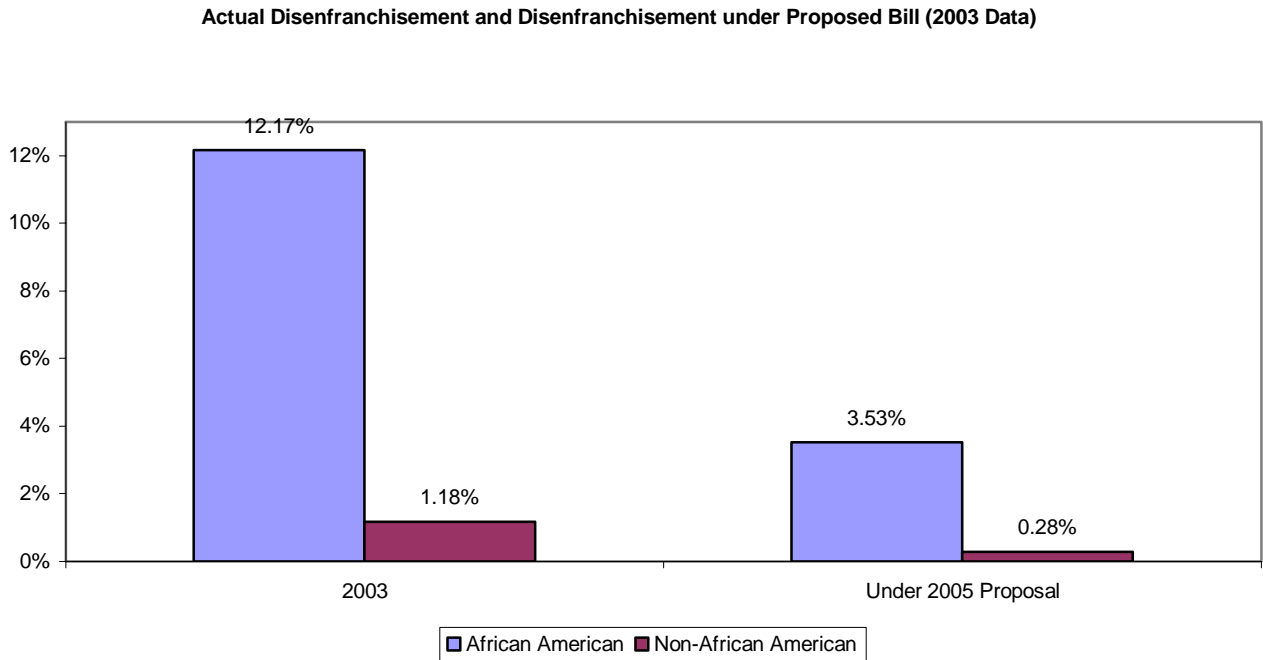


Figure 4. Reduction in Disenfranchisement under Proposed Bill

CONCLUSION

Felon disenfranchisement affects over 50,000 Minnesotans, the majority of whom are living in their communities while serving sentences on probation or parole. The large racial disparities in disenfranchisement clearly dilute the voting strength of African Americans, with approximately 12 percent of African Americans and almost 20 percent of African - American males unable to vote because of a felony conviction. Under a recent proposal to reenfranchise felony probationers and parolees, both the number and rate of Minnesotans disenfranchised would be dramatically reduced.

TECHNICAL DETAILS

In Minnesota, a felony is defined as any offense punishable by more than one year in prison. A gross misdemeanor is punishable by up to \$3,000 in fines and up to 1 year in jail, while a misdemeanor is punishable by up to \$1,000 in fines and up to 90 days in jail. According to Minnesota's Sentencing Guidelines Commission, approximately 1-2 percent of felony-level convictions result in a sentencing departure wherein the sentence is reduced to the equivalent of a misdemeanor or gross misdemeanor. The Commission's March 2000 report, *Felony Offenders Sentenced in 1998*, provides the number of offenders with these departures from 1981 through 1998. In 1998, for example, 10,887 felons were sentenced in Minnesota; approximately 23.5 percent of these were imprisoned (or 2,561) and 2 percent (or 216) received a sentencing departure so that their sentence was that of a non-felony.

According to the Minnesota Secretary of State's Elections Division (personal communication 7-6-2000), for convicted felons who receive a sentencing departure, the conviction status is all that matters, the sentence does not determine loss of voting rights. Therefore, a small number of individuals convicted of a felony, but serving a misdemeanor sentence have temporarily lost their voting rights. These were included in our current felon population to account for their disenfranchised status.

Similarly, if convicted felons receive stays of imposition of their sentence, they are nevertheless barred from voting (personal communication, MN Board of Pardons, 6-30-2000). Further, felons cannot seek to retain their voting rights through a pardon while serving their sentence since they cannot file for a pardon until at least five years after their sentence has been completed (MN Board of Pardons). As a result, our estimates should not require adjustment for clemency in the current felony population.

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