

DRAFT REPORT ON FELON DISENFRANCHISEMENT IN MINNESOTA

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SUMMARY

Minnesota currently disenfranchises 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 some former felons as well as those currently under correctional supervision) (see Appendix 1 and Manza and Uggen 2006 for details). Most disenfranchised Minnesotans are *non-incarcerated* probationers and persons on supervised release. This memo updates the Minnesota numbers reported in Manza and Uggen (2006) and considers the impact of a proposed change in the state's disenfranchisement law. Approximately 64,000 convicted felons were unable to vote in Minnesota in 2011, the most recent year for which reliable data are available. Though this number is small relative to the state's voting-age population of 4.07 million citizens, a sizable proportion of Minnesota's African American population is disenfranchised. Nearly 8 percent of the total otherwise eligible African American voting-age population (and almost 13 percent of otherwise eligible voting-age African American males) in Minnesota were disenfranchised in 2011.

DATA SOURCES

We obtained data from the Minnesota Department of Corrections, Bureau of Justice Statistics (primarily *Sourcebook* and *Correctional Populations*), and the 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.

HISTORICAL TRENDS

Over the past thirty-seven years, the number of disenfranchised Minnesotans has increased from about 8,800 in 1974 to affect over 67,000 Minnesotans in 2007 and over 63,000 Minnesotans in 2011 (see Figure 1).

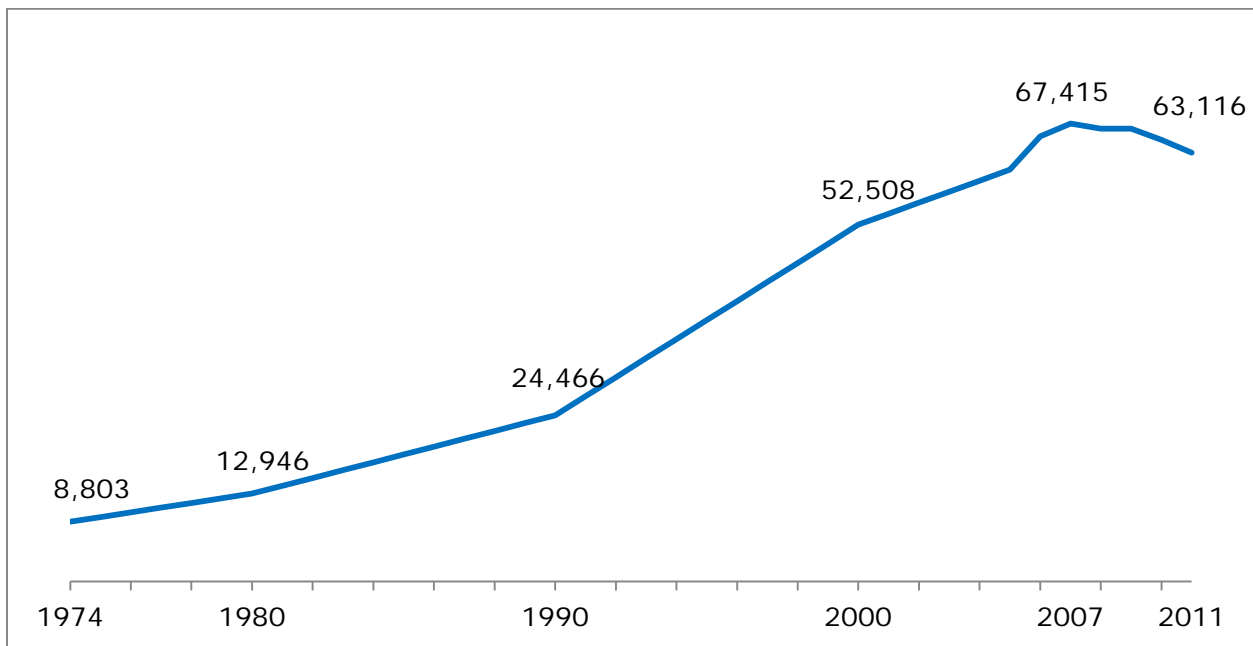


Figure 1. Disenfranchised Minnesotans between 1974 and 2011.

Table 1a shows the number of disenfranchised individuals as a percentage of the otherwise-eligible voting-age population (VAP) in Minnesota for 1974, the first year for which there is available information, the following three decennial census years, as well as 2007 and 2011, which represent a peak year in total disenfranchised Minnesotans and the most recent year for which data is available, respectively.

Table 1a. Disenfranchised Population in Minnesota.

Category	1974	1980	1990	2000	2007	2011
Total Disenfranchised	8,803	12,946	24,466	52,508	67,415	63,116
Total Disenfr'd including 10% Jail	7,644	11,640	21,408	46,698	60,810	56,907
Voting-Age Population (VAP)	2,546,000	2,933,000	3,222,000	3,632,585	3,937,339	4,067,335
As % of VAP	0.35%	0.44%	0.76%	1.45%	1.71%	1.55%
As % of VAP, 10% Jail	0.30%	0.40%	0.66%	1.29%	1.54%	1.40%
Prison	1,372	2,001	3,178	6,276	9,270	9,345
Parole ¹	1,539	1,534	1,873	3,072	5,173	5,799
Felony Probation	4,604	7,959	16,017	36,704	45,633	41,073
Jail (10%)	129	145	340	646	734	690
Total Jail	1,288	1,452	3,398	6,456	7,339	6,899

Table 1b shows the number of African American and non-African American disenfranchised individuals as a percentage of the otherwise-eligible voting-age population (VAP) in Minnesota for the same years.

Table 1b. African American and non-African American Disenfranchised Population in Minnesota.

Category	1974	1980	1990	2000	2007	2011
Afr.-Am. Disenfranchised	895	1,157	3,585	14,121	16,281	15,874
Afr.-Am. Disenfr'd incl. 10% Jail	783	1,038	3,042	12,025	14,092	13,667
Afr.-Am. VAP	22,415	32,263	41,886	118,522	161,837	206,970
As % of Afr.-Am. VAP	3.99%	3.58%	8.56%	11.91%	10.06%	7.67%
As % of Afr.-Am. VAP, 10% Jail	3.49%	3.22%	7.26%	10.15%	8.71%	6.60%
Male Afr.-Am. Disenfr'd ²	808	1,046	3,175	11,572	13,639	13,430
Male Afr.-Am. VAP	10,782	15,519	27,972	61,274	84,662	104,779
As % of Afr.-Am. Male VAP	7.49%	6.74%	11.35%	18.89%	16.11%	12.82%
Female Afr.-Am. Disenfr'd	87	110	410	2,549	2,642	2,444
Female Afr.-Am. VAP	11,634	16,744	29,212	57,248	77,175	102,191
As % of Afr.-Am. Female VAP	0.75%	0.66%	1.40%	4.45%	3.42%	2.39%
Afr.-Am. Prison	218	298	886	2,264	3,072	3,322
Afr.-Am. Parole ³	245	228	522	1,108	1,190	1,468
Afr.-Am. Felony Probation ⁴	310	502	1,582	8,420	9,587	8,632

¹ The adult parole population includes all individuals in the Challenge Incarceration Program, Conditional Medical Release, Intensive Supervised Release, and Supervised Release at year end. The total includes individuals supervised in-state, out of state, and who were in-transit at the time of the count.

² Estimates by sex are derived by applying the ratio of males and females for each correctional population to the number of African Americans in each correctional population.

³ The African American proportion of the parole population for 1974 to 2000 is derived by computing the proportion of African Americans for each year's prison population and applying it to the total parole population. For 2007 and 2011, the Minnesota Department of Corrections reported counts of the parole population by race.

⁴ 2007 and 2011 estimates of the African American felony probation population include a proportion of the approximately 1,000 persons who were categorized as "other" race in these years, relative to the African American percentage of the total felony probation population.

Afr.-Am. Jail (10%)	13	13	60	233	243	245
Afr.-Am. Total Jail ⁵	130	130	160	2,329	2,432	2,452
<i>non-Afr. Am. Disenfranchised</i>	7,908	11,790	20,881	38,387	51,134	47,242
non-Afr. Am. Total w/10% Jail	6,862	10,602	18,366	34,673	46,718	43,240
non-Afr. Am. VAP	2,523,585	2,900,737	3,180,114	3,514,063	3,775,502	3,860,365
non-Afr. Am. As % of VAP	0.31%	0.41%	0.66%	1.09%	1.35%	1.22%
non-Afr. Am. As % of VAP, 10% Jail	0.27%	0.37%	0.58%	0.99%	1.24%	1.12%
non-Afr. Am. Prison	1,154	1,703	2,292	4,012	6,198	6,023
non-Afr. Am. Parole	1,298	1,309	1,359	1,964	3,983	4,331
non-Afr. Am. Felony Probation	4,294	7,457	14,435	28,284	36,046	32,441
non-Afr. Am. Jail (10%)	116	132	279	413	491	445
non-Afr. Am. Total Jail	1,160	1,320	2,790	4,127	4,907	4,447

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 1974 and 1980, and just under 10 percent of the VAP in 2007. The non-African American disenfranchised population, meanwhile, has grown slightly, accounting for less than 1 percent of the VAP from 1974 to 1990 and about 1.2 percent of the VAP in 2007. As of 2011, the disenfranchised proportion of the African American VAP fell to just under 8 percent, still well above the relative non-African American disenfranchised population, which held at approximately 1.2 percent of the VAP. As trends in immigration to Minnesota have shifted over this period, a rising proportion of the African American and Asian populations consist of individuals who are not legally eligible to vote. Because the voting age populations reported here do not exclude these groups, the disenfranchised population as a percentage of the total VAP represents a conservative estimate of the proportion of each group disenfranchised by a felony conviction.

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). The 63,116 felons disenfranchised in Minnesota in 2011 represent 1.6 percent of the state's total

⁵ Jail estimates by race are derived by applying the proportion of each race in the prison population to the total and 10% jail populations.

voting-age population, but just under 7.7 percent of African Americans of voting age and 5.9 percent of the American Indian voting-age population, relative to 0.9 percent of Asian Americans of voting age and 1.1 percent of Whites of voting age. 2.4 percent of Minnesota's Hispanic voting age population is currently disenfranchised, relative to 1.5 percent of the otherwise voting eligible non-Hispanic population (see Figure 2).

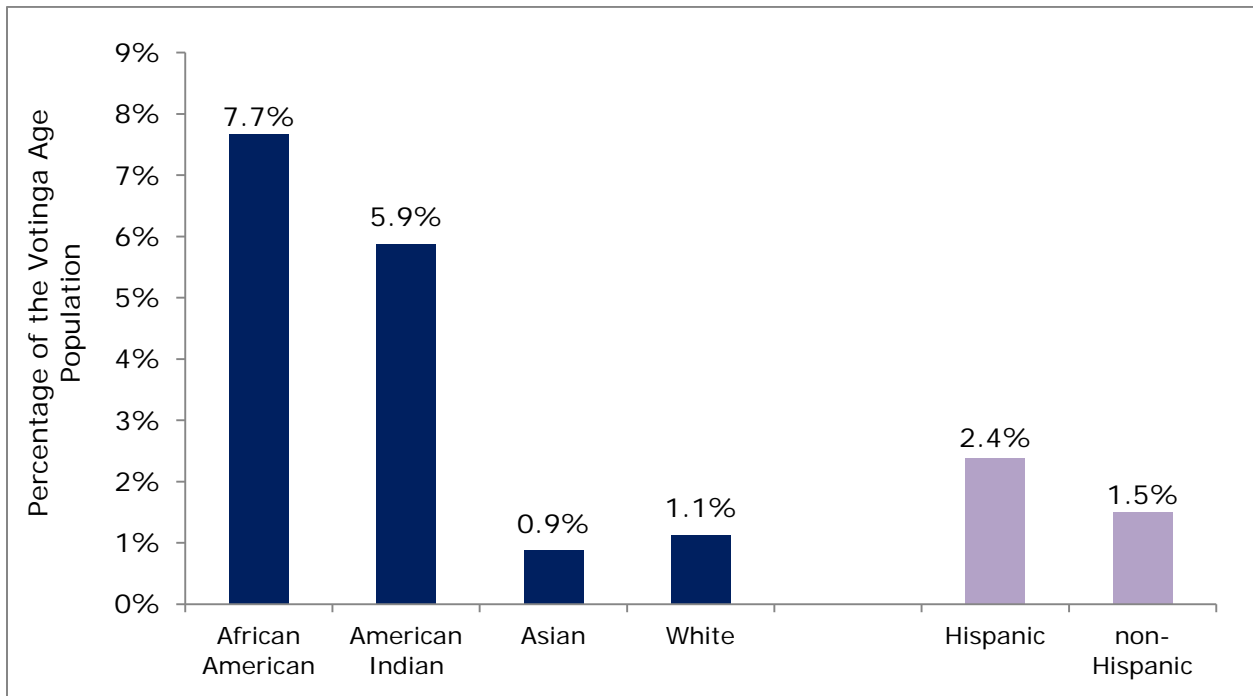


Figure 2. Disenfranchised Minnesotans as a Percentage of the VAP by Race and Ethnicity, 2011.

Most disenfranchised Minnesotans, about 63 percent, are serving a felony probation sentence (see Figure 3). In 2011, prisoners and jail inmates each accounted for 14 percent of the disenfranchised felons, with parolees (9 percent) completing the disenfranchised population (when 90 percent of the jail inmates are excluded, of course, the proportion of probationers, parolees, and prisoners rises).

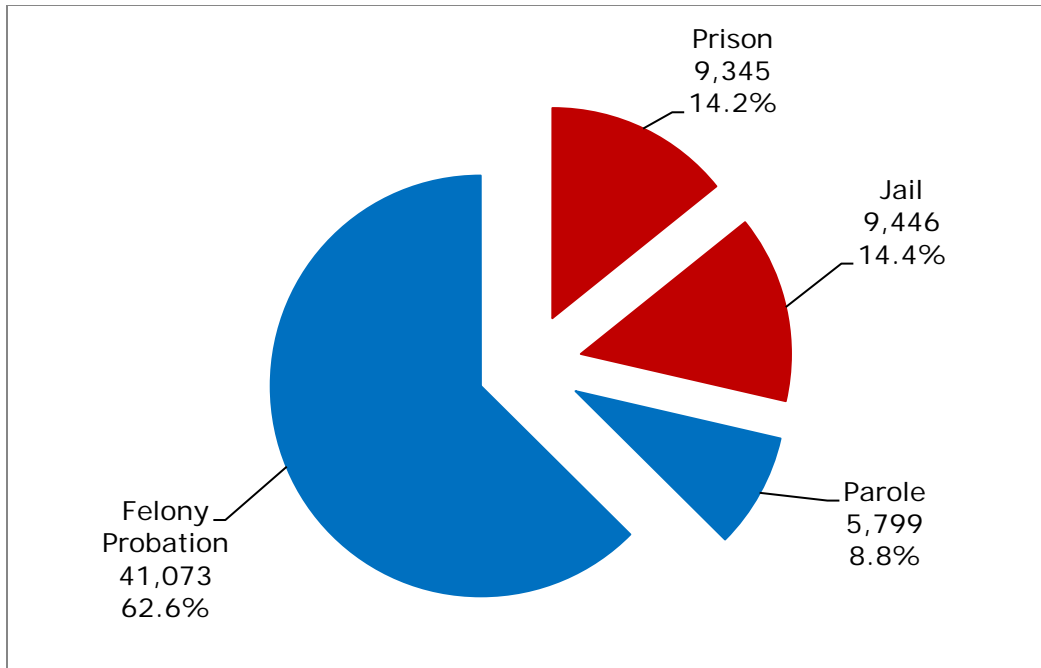


Figure 3. Disenfranchised Minnesotans by Type of Supervision, 2011.

IMPACT OF REINSTATING VOTING RIGHTS TO PROBATIONERS AND PAROLEES

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) (see Figure 4). A 2009 bill sponsored by Senator Mee Moua in the Minnesota Senate would have allowed non-incarcerated felons on probation and parole to vote. Relative to other states, Minnesota makes extensive use of probation and parole rather than prison, ranking 4th among the states in the community supervision rate but 49th in the jail and prison incarceration rate. Because Minnesota makes such heavy use of probation, such a measure would restore voting rights to a clear majority of those currently disenfranchised by felony convictions (Pew 2009).

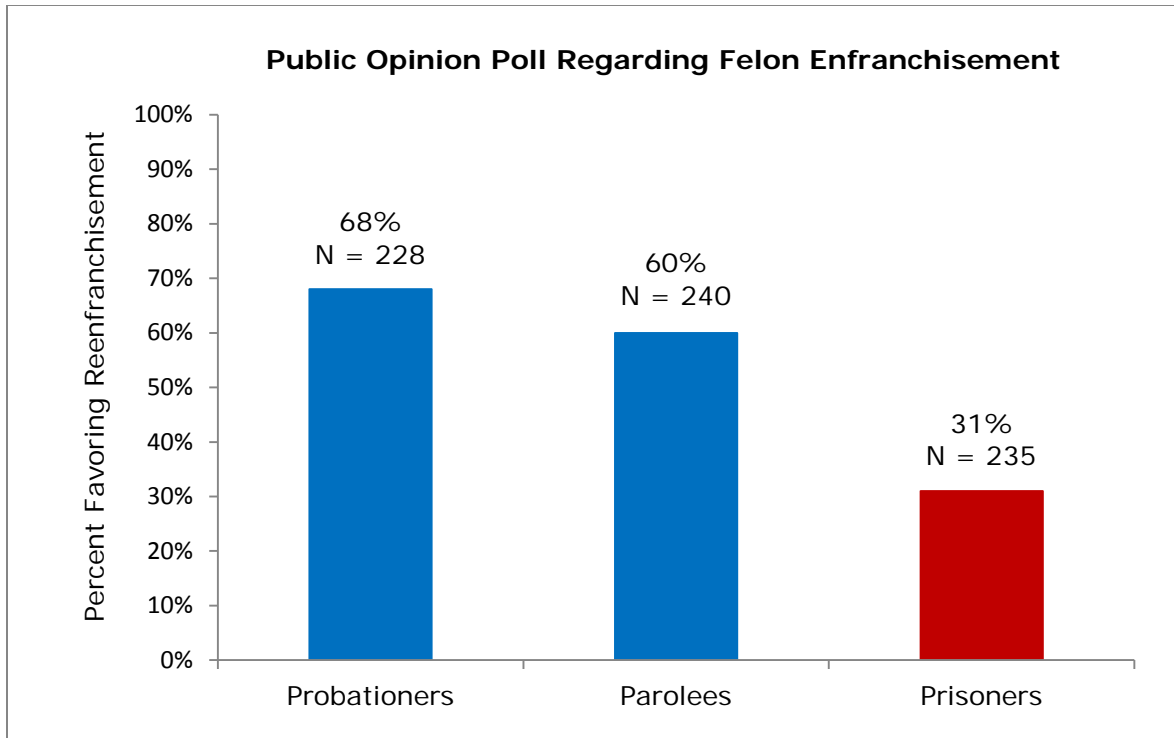


Figure 4. Public Opinion of Felon Reenfranchisement.

Table 2 shows that under the proposal the total disenfranchised would shrink from 63,116 to 16,244 or from about 1.55 percent to 0.40 percent of the voting-age population.

Table 2. Disenfranchised Population in Minnesota.

Category	2011	2011, Under Proposal
Total Disenfranchised	63,116	16,244
Total Disenfr'd incl. 10% Jail	56,907	10,035
Voting-Age Population (VAP)	4,067,335	4,067,335
As % of VAP	1.55%	0.40%
As % of VAP, 10% Jail	1.40%	0.25%
Prison	9,345	9,345
Parole	5,799	-
Felony Probation	41,073	-
Jail (10%)	690	690
Total Jail	6,899	6,899

Figure 5 graphs the effects of the proposed rule by race (Table 3a) and ethnicity (Table 3b). Felon disenfranchisement significantly dilutes the voting strength of African American and American Indian communities, affecting 7.7% and 5.9% of the adult voting age population in these groups. Under the new proposal, these racial disparities would diminish, reducing the disenfranchisement rates to 2.8% and 2.1%, respectively.

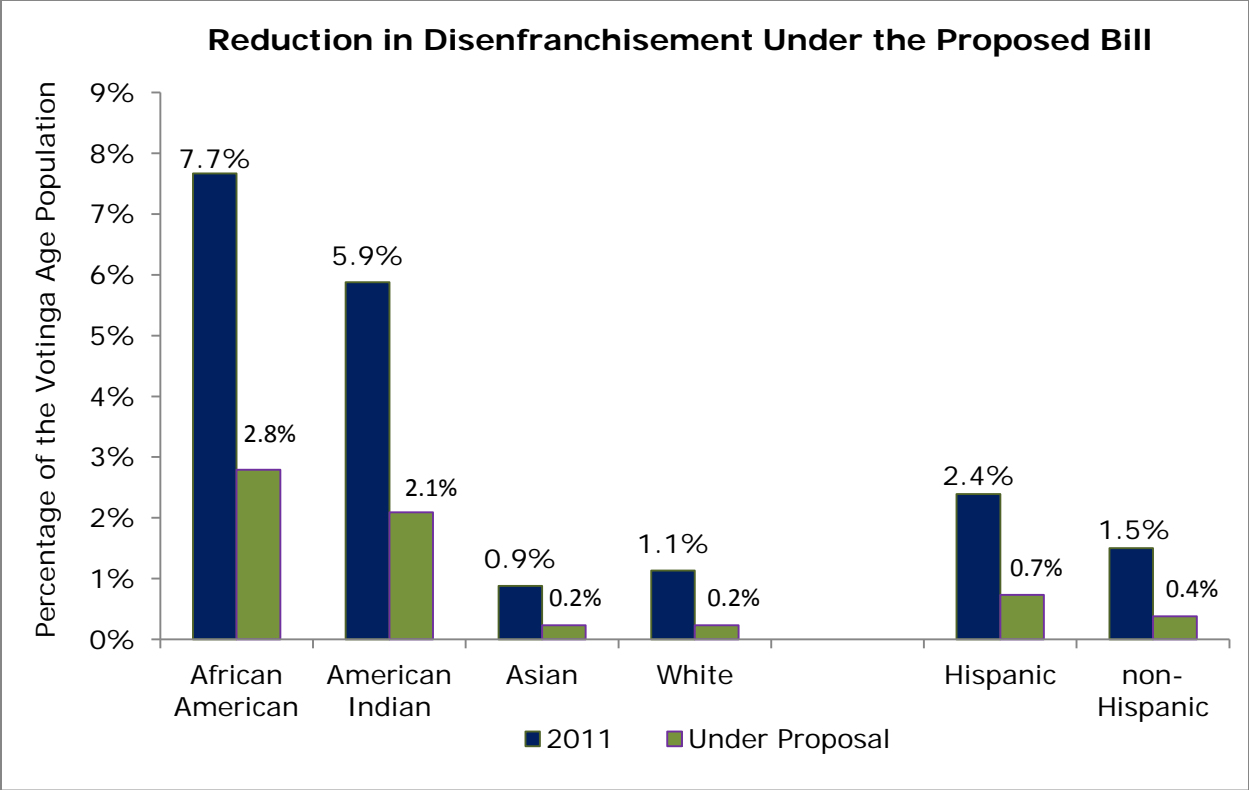


Figure 5. Disenfranchisement of Minnesotans Under Proposed Bill.

Table 3a. Disenfranchised Population in Minnesota by Race, 2011.⁶

Category	Current	Under Proposal
<i>Afr.-Am. Disenfranchised</i>	15,874	5,774
Afr.-Am. Disenfr'd incl. 10% Jail	13,667	3,567
Afr.-Am. VAP	206,970	206,970
As % of Afr.-Am. VAP	7.67%	2.79%
As % of Afr.-Am. VAP, 10% Jail	6.60%	1.72%
Afr.-Am. Prison	3,322	3,322
Afr.-Am. Parole	1,468	-
Afr.-Am. Felony Probation	8,632	-
Afr.-Am. Jail (10%)	245	245
Afr.-Am. Total Jail	2,452	2,452
<i>Am. Indian Disenfranchised</i>	4,127	1,467
Am. Indian Disenfr'd incl. 10% Jail	3,566	906
Am. Indian VAP	70,213	70,213
Am. Indian as % of VAP	5.88%	2.09%
Am Indian as % of VAP, 10% Jail	5.08%	1.29%
Am. Indian Prison	844	844
Am. Indian Parole	409	-
Am. Indian Felony Probation	2,251	-
Am. Indian Jail (10%)	62	62
Am. Indian Total Jail	623	623
<i>Asian Am. Disenfranchised</i>	1,528	393
Asian AM. Disenfr'd incl. 10% Jail	1,378	243
Asian Am. VAP	173,345	173,345
Asian Am. as % of VAP	0.88%	0.23%
Asian Am. as % of VAP, 10% Jail	0.79%	0.14%
Asian Am. Prison	226	226
Asian Am. Parole	111	-
Asian Am. Felony Probation	1,024	-
Asian Am. Jail (10%)	17	17
Asian Am. Total Jail	167	167
<i>White Disenfranchised</i>	41,554	8,603
White Disenfr'd incl. 10% Jail	38,265	5,314
White VAP	3,671,590	3,671,590
White as % of VAP	1.13%	0.23%
White as % of VAP, 10% Jail	1.04%	0.14%
White Prison	4,949	4,949
White Parole	3,812	-
White Felony Probation	29,139	-
White Jail (10%)	365	365
White Total Jail	3,654	3,654

⁶ Estimates of the parole, felony probation, and jail populations by race are derived following the same procedures described for the respective African American correctional populations in footnotes 3, 4, and 5.

Table 3b. Disenfranchised Population in Minnesota by Ethnicity, 2011.

Category	Current	Under Proposal
<i>Hispanic Total Disenfranchised</i>	3,856	1,182
Hispanic Total w/10% Jail	3,404	730
Hispanic VAP	161,113	161,113
Hispanic as % of VAP	2.39%	0.73%
Hispanic as % VAP, 10% Jail	2.11%	0.45%
Hispanic Prison	680	680
Hispanic Parole	318	-
Hispanic Felony Probation	2,356	-
Hispanic Jail (10%)	50	50
Hispanic Total Jail	502	502
<i>non-Hispanic Total Disenfranchised</i>	59,260	15,062
non-Hispanic Total w/10% Jail	53,503	9,305
non-Hispanic VAP	3,961,005	3,961,005
non-Hispanic as % of VAP	1.50%	0.38%
non-Hispanic. as % VAP, 10% Jail	1.35%	0.23%
non-Hispanic Prison	8,665	8,665
non-Hispanic Parole	5,481	-
non-Hispanic Felony Probation	38,717	-
non-Hispanic Jail (10%)	640	640
non-Hispanic Total Jail	6,397	6,397

WHO WOULD BE AFFECTED?

Figure 6 illustrates the types of offenses committed by those on felony probation in Minnesota in 2011. Those committing property and drug/alcohol related crime make up over 60 percent of this group, while violent crime represents 16 percent of offenses. Other miscellaneous non-violent crimes comprise 23 percent of remaining offenses (see Appendix 2 for a more detailed breakdown of offenses).

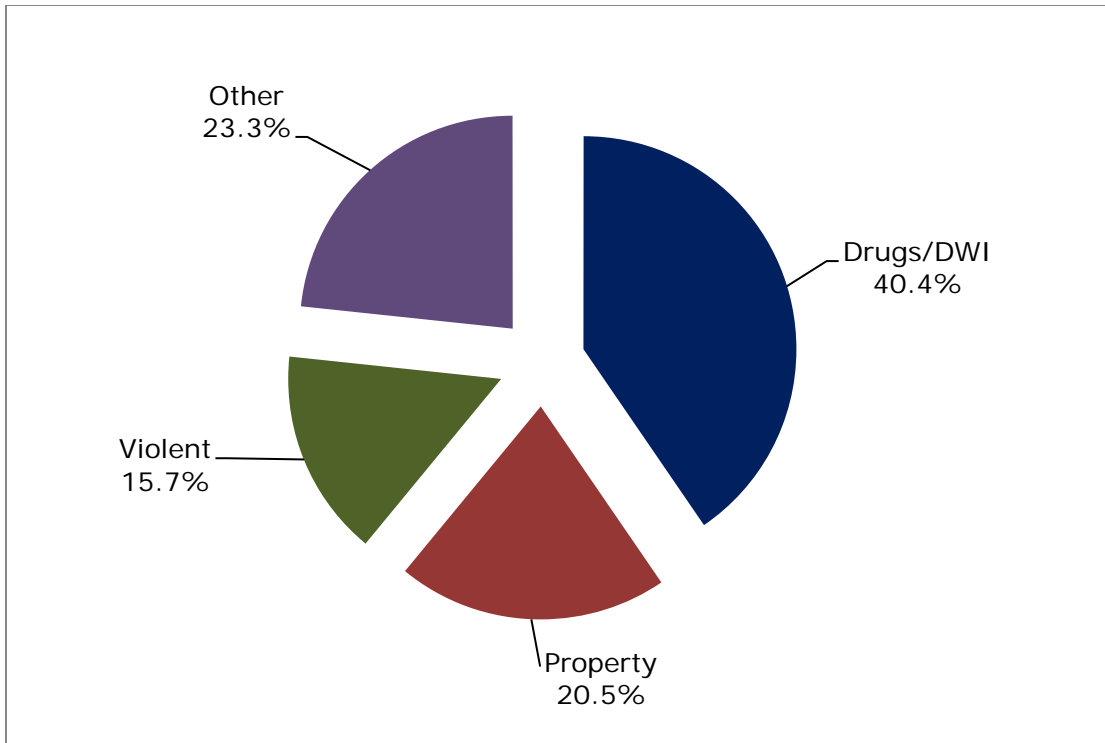


Figure 6. Categorization of Offenses of the Felony Probation Population, 2011.

CONCLUSION

Felon disenfranchisement affects over 63,000 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 8 percent of African Americans and almost 13 percent of African American males unable to vote because of a felony conviction. Under a recent proposal to reenfranchise felony probationers and persons on supervised release, both the number and rate of Minnesotans disenfranchised would be dramatically reduced.

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Appendix 1. U.S. State Disenfranchisement Law (2010) (Uggen, Shannon, and Manza 2012).

No restriction (2)	Inmates only (13)	Inmates & Parolees (5)	Inmates, Parolees, & Probationers (19)	Inmates, Parolees, Probationers, & Ex-felons (11)
Maine	Hawaii	California	Alaska	Alabama
Vermont	Illinois	Colorado	Arkansas	Arizona ²
	Indiana	Connecticut	Georgia	Delaware ³
	Massachusetts	New York	Idaho	Florida
	Michigan	South Dakota*	Iowa*. ¹	Kentucky
	Montana		Kansas	Mississippi
	New Hampshire		Louisiana	Nebraska*. ⁴
	North Dakota		Maryland*	Nevada ⁵
	Ohio		Minnesota	Tennessee ⁶
	Oregon		Missouri	Virginia
	Pennsylvania		New Jersey	Wyoming
	Rhode Island*		New Mexico	
	Utah		North Carolina	
			Oklahoma	
			South Carolina	
			Texas	
			Washington*	
			West Virginia	
			Wisconsin	

Notes: * indicates a recent change (since 2004)

1 Governor Tom Vilsack restored voting rights to ex-felons via executive order on July 4, 2005. Governor Terry Branstad reversed this executive order on January 14, 2011.

2 State disenfranchises recidivists.

3 State requires a five-year waiting period.

4 Nebraska reduced its indefinite ban on ex-felon voting to a two-year waiting period in 2005.

5 State disenfranchises recidivists and those convicted of violent felonies.

6 State disenfranchises those convicted of felonies since 1981, in addition to those convicted of select crimes prior to 1973.

Appendix 2. Offenses of the Felony Probation Population in Minnesota, 2011.

<i>Felony Probation Offense Breakdown</i>	<i>Percentage of Probation Population</i>	<i>Total # Cases</i>
Drugs	33.4%	12,862
Theft	12.9%	4,977
Assault	10.5%	4,034
Criminal Sexual Conduct	8.2%	3,145
DWI	7.0%	2,684
Forgery	5.2%	2,007
Assault - Domestic	4.8%	1,863
Crime Against Justice	2.7%	1,028
Escape/Flight	1.9%	732
Robbery	1.8%	709
Vehicle Theft	1.6%	623
Stolen Property	1.6%	607
Weapons	1.5%	567
Property Damage	1.3%	506
Burglary	0.72%	278
Sex Related	0.56%	217
Arson	0.53%	204
Crime Against Family	0.46%	178
Disturbing Peace	0.46%	176
Obscenity	0.44%	169
Homicide	0.42%	160
Harrassment/Stalking	0.41%	157
Traffic (exclude DWI)	0.38%	147
Crim Vehicle Oper Harm	0.36%	137
Kidnapping	0.29%	111
Crime Against Gov't	0.27%	105
Crim Vehicle Oper Death	0.21%	81
Gambling	0.05%	18
Other Person	0.01%	5
<i>Total</i>	<i>100.00%</i>	<i>38,487</i>