

Council on Crime and Justice asks Supreme Court to clarify felon voting rights

Written by

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The Council on Crime and Justice has filed an action with the Minnesota Supreme Court asking to clarify the right to vote for individuals who have had their guilt withheld by the court on a felony level charge. At least one individual, who is also named as a petitioner, has been told by probation and election officials that she is not allowed to register to vote and vote despite the fact that she has not been convicted of a felony.

In Minnesota, an individual loses the right to vote when convicted of a felony, but the right to vote is automatically restored when they have completed their felony sentence. This may seem like a clear line between who can vote and who can't, but thousands of Minnesotans fall into legal gray areas created by laws that make it less than clear when someone is actually "convicted." These gray areas are primarily comprised of individuals who receive a stay of adjudication on a felony sentence or juveniles under the extended jurisdiction of the court past their 18th birthday. In 2011 alone, according to Minnesota court information, over 3,000 felony-level charges resulted in a stay of adjudication. These are typically drug charges, or first-time offenses where the legislature has found, by statute, or the judge and prosecutor find it appropriate that the person not end up with a felony conviction if they successfully complete the terms of probation, which often lasts several years.

In order to clarify this issue, the Council on Crime and Justice, a Minneapolis-based nonprofit criminal justice research and advocacy organization, created an "advisory opinion." However, the Council was concerned that even with their published opinion, people would be afraid to vote, fearing prosecution for voter fraud. When the Minnesota State Public Defender's Office referred a client to them who had been told by probation and elections officials that she couldn't vote, they decided the courts needed to answer the question definitively. The law firm of Robins, Kaplan, Miller, and Ciresi L.L.P volunteered to represent the Council and the individual Petitioner. The complaint was filed by Partner and Council Boardmember Christopher Madel and Associate Attorney Emily Cowing.

"We felt that in the absence of other clear legal guidance on this issue, we had to turn to the courts to ensure that the maximum number of Minnesota citizens who are able to vote under

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Minnesota law know their voting rights. We hear from people all the time who think they can't vote due to a discharged felony sentence when they actually can, and others who don't know because they are under a stay of adjudication. Currently even criminal law attorneys do not know how to answer these questions. We hope this action will allow and encourage many more people who are contributing members of their community to take the next step and become more actively involved by voting in the upcoming election," said Judge Pamela Alexander, President of the Council.

The opinion can be accessed [here](#) .