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STATE OF MINNESOTA DISTRICT COURT

COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT

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| Jennifer Schroeder, Elizer Eugene Darris, Christopher James Jecevicus-Varner, Tierre Davon Caldwell,<br><br>Plaintiffs,<br><br>vs.<br><br>Minnesota Secretary of State Steve Simon, in his official capacity,<br><br>Defendant. | Court File No.: 62-CV-19-7440<br><br>Case Type: Civil Other/Misc. |

**ORDER DENYING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

This matter did not come for a hearing before the undersigned and was decided based on party submissions.[1] Based upon the files, records, and proceedings herein, and the arguments of counsel, **IT IS HEREBY ORDERED**:

1. Plaintiffs' motion for summary judgment is **DENIED.**
2. Defendant's motion for summary judgment is **GRANTED.**
3. Plaintiffs' complaint is **DISMISSED WITH PREJUDICE**.
4. The attached Memorandum shall be incorporated into this Order.

LET JUDGMENT BE ENTERED ACCORDINGLY.

**BY THE COURT**:

Dated: August 11, 2020

Nelson, Laura (Judge)
Aug 11 2020 2:33 PM

LAURA NELSON
JUDGE OF DISTRICT COURT

[1] Pursuant to the Ramsey County Chief Judge's Administrative Order of March 27, 2020—a copy of which has been filed in this matter—and in light of the current health pandemic, this motion was considered on the parties' written submissions without oral argument.

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## MEMORANDUM

### Procedural History

On October 21, 2019 Plaintiffs Jennifer Schroeder, Elizer Eugene Darris, Christopher James Jecevicus-Varner, and Tierre Davon Caldwell ("Plaintiffs") filed this lawsuit against Minnesota Secretary of State Steve Simon in his official capacity ("Defendant") challenging the constitutionality of Minnesota Statute 609.165, subdivisions 1 and 2, which establish the process by which voting rights are restored to individuals convicted of felonies. Defendant filed his Answer on November 12, 2019. On February 25, 2020 Plaintiffs and Defendant filed the instant cross-motions for summary judgment. On April 3, 2020 Plaintiffs and Defendant each filed replies to the opposing party's motion for summary judgment. On May 14, 2020 this Court issued an order taking the parties' motions for summary judgment under advisement.

### Felony Disenfranchisement in Minnesota

This case arises from Plaintiffs' claim that Minnesota's system of disenfranchising persons convicted of felonies until they have completed their sentences — or more specifically the statutory framework under which Minnesota restores voting rights to persons convicted of felonies ("felony disenfranchisement") — is unconstitutional. Felony disenfranchisement has its roots in ancient Greek and Roman society, where individuals convicted of certain crimes received a consequence of "civil death" whereby they were stripped of many of their rights as citizens, including the right to vote. This practice similarly has a long history in the United States, with two dozen states practicing felony disenfranchisement at the eve of the Civil War.[2] Today felony disenfranchisement is widespread in the United States, with forty-eight states and the District of Columbia disenfranchising persons convicted of felonies for at least part of their sentence.[3] Twenty-nine

[2] Christopher Uggen & Jeff Manza, *Democratic Contraction? Political Consequences of Felon Disenfranchisement in the United States*, 67 AM. SOC. REV. 777, 781 (2002).

[3] THE SENTENCING PROJECT, FELONY DISENFRANCHISEMENT: A PRIMER (2019), *available* at https://www.sentencingproject.org/publications/felony-disenfranchisement-a-primer/. Only Maine and Vermont allow individuals currently incarcerated for felony convictions to vote. *Id.*

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states, including Minnesota, disenfranchise persons convicted of felonies while they are on probation, parole, or supervised release.[4]

Minnesota's history of felony disenfranchisement predates its statehood. In 1851 the Territory of Minnesota limited voting for those convicted of a felony or certain other crimes "unless restored to civil rights." Minn. Terr. Stat. ch. 5, § 2 (1851). Upon statehood in 1858 the Minnesota Constitution incorporated similar language, stating that "a person who has been convicted of treason or felony" could not vote "unless restored to civil rights." Minn. Const. art. VII, § 2 (1858). From 1858 to 1867 the only way for a person convicted of a felony to be restored to civil rights was a pardon from the governor. Minn. Gen. Stat. ch. 117, § 233 (1858). In 1867 the Minnesota legislature enacted a law restoring civil rights automatically to those who finished a prison sentence without having any disciplinary violations while incarcerated. 1867 Minn. Laws ch. 14; Minn. Stat. § 243.18 (1961). A 1907 statute allowed a person convicted of a felony to apply to the courts for reinstatement of civil rights at least a year after their release from incarceration if they had three witnesses to testify to their good moral character. 1907 Minn. Laws ch. 34, §§ 1-2. In 1963 the legislature enacted Minn. Stat. § 609.165, which automatically restores civil rights to person convicted of felonies at the end of the sentence. An advisory committee recommending enactment of Minn. Stat. § 609.165 stated that the statute would be "desirable to promote the rehabilitation of the defendant and his return to his community as an effective participating citizen."[5] The committee also noted that the automatic restoration of civil rights would be better than the individualized restoration of rights that preceded Minn. Stat. § 609.165 because it would better promote rehabilitation for persons convicted of a felonies "by removing the stigma and disqualification to active community participation resulting from the denial of his civil rights."[6]

Minn. Stat. § 609.165 still controls in Minnesota. "Every person 18 years of age or more who has been a citizen of the United States for three months and who has resided in the precinct for 30

[4] *Id.* At least three states in 2019 — Arizona, Delaware, and Mississippi — disenfranchise some persons convicted of felonies for life based on number or type of felony conviction. *Id.*
[5] Advisory Comm. on Revision of the Criminal Law, Proposed Minnesota Criminal Code 42 (1962), https://www.leg.state.mn.us/docs/nonmnpub/oclc15743657.pdf.
[6] *Id.* at 60.

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days next preceding an election shall be entitled to vote in that precinct." Minn. Const., art. VII, § 1. Persons who have been convicted of felonies, however, are still "not entitled or permitted to vote at any election in this state" until "restored to civil rights." *Id.* "When a person has been deprived of civil rights by reason of conviction of a crime and is thereafter discharged, such discharge shall restore the person to all civil rights and to full citizenship, with full right to vote and hold office, the same as if such conviction had not taken place, and the order of discharge shall so provide." Minn. Stat. § 609.165 subd. 1. "The discharge may be: (1) by order of the court following stay of sentence or stay of execution of sentence; or (2) upon expiration of sentence." Minn. Stat. § 609.165 subd. 2.

The last four regular Minnesota legislative sessions have included bills that proposed changes to Minn. Stat. § 609.165. *See* H.F. 40, 91st Leg. (Minn. 2019); S.F. 856, 91st Leg. (Minn. 2019); S.F. 3736, 90th Leg. (Minn. 2018); H.F. 951, 90th Leg. (Minn. 2017); H.F. 342, 89th Leg. (Minn. 2015); S.F. 355, 89th Leg. (Minn. 2015); H.F. 491, 88th Leg. (Minn. 2013); S.F. 107, 88th Leg. (Minn. 2013). None of these efforts—to date—have succeeded in changing Minn. Stat. § 609.165.

**Statement of Facts**

Plaintiffs are Minnesota citizens, convicted of felonies, who were on probation, parole, or supervised release at the time of the filing of their complaint, and thus were ineligible to vote in Minnesota. Plaintiffs in their complaint contend that Plaintiffs are productive, active, and contributing members of their community who have been unconstitutionally denied the right to vote through Minnesota's system of felony disenfranchisement. Plaintiffs' complaint brings three causes of action, alleging that Minnesota Statute 609.165, subdivisions 1 and 2 (1) violates the equal protection guarantee of the Minnesota Constitution, (2) violates the Due Process clause of the Minnesota Constitution, and (3) violates the Minnesota Constitution's right to vote.

Plaintiffs' motion for summary judgment argues, *inter alia*, that (1) under Minnesota law persons convicted of a felony have a fundamental right to vote; that (2) because Minnesota's statutory scheme of how and when to end felony disenfranchisement implicates a fundamental right, the Court need apply strict scrutiny to its review of the statutory scheme; that (3) Minnesota's statutory scheme of how and when to end felony disenfranchisement is not narrowly tailored and

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reasonably necessary to further a compelling governmental interest and therefore does not survive strict scrutiny; and (4) that even under a heightened rational-basis review Minnesota's statutory scheme of how and when to end felony disenfranchisement fails to survive for lack of an actual legislative purpose genuinely and substantially connected to a legitimate government interest.

Defendant's motion for summary judgment argues, *inter alia*, that (1) the Minnesota Constitution expressly authorizes disenfranchisement, (2) persons convicted of felonies do not have a fundamental right to vote in Minnesota, (3) because Minnesota's statutory scheme of how and when to end felony disenfranchisement does not involve a fundamental right or make a distinction based on a suspect class, Minn. Stat. § 609.165 is subject only to rational-basis review, and (4) Minn. Stat. § 609.165 is a race-neutral statute that survives rational-basis review.

**Summary Judgment Standard**

Summary judgment is appropriate where the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and either party is entitled to judgment as a matter of law. *W.J.L. v. Bugge*, 573 N.W.2d 677, 680 (Minn. 1998); Minn. R. Civ. P. 56.03. In considering a motion for summary judgment "the district court must view the evidence in the light most favorable to the nonmoving party." *Christensen Law Office, PLLC v. Olean*, 916 N.W.2d 876, 885 (Minn. App. 2018). "A fact is material if its resolution will affect the outcome of the case." *O'Malley v. Ulland Bros.*, 549 N.W.2d 889, 892 (Minn. 1996). A genuine issue of material fact exists when a fact may be reasonably resolved in favor of either party, but "the nonmoving party must do more than simply show that there is some metaphysical doubt as to the material facts." *DLH, Inc. v. Russ*, 566 N.W.2d 60, 69–70 (Minn. 1997) (citation omitted).

"The moving party has the burden to show the absence of an issue of material fact." *Stringer v. Minnesota Vikings Football Club, LLC*, 705 N.W.2d 746, 754 (Minn. 2005) (citation omitted). "Once the moving party has made a prima facie case that entitles it to summary judgment, the burden shifts to the nonmoving party to produce specific facts that raise a genuine issue for trial." *Bebo v. Delander*, 632 N.W.2d 732, 737 (Minn. Ct. App. 2001) (citing Minn. R. Civ. P. 56.05; *Thiele v. Stich*, 425 N.W.2d

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580, 583 (Minn.1988)). A party opposing summary judgment may not rely merely on the unverified or conclusory allegations in the pleadings but must present specific facts demonstrating there is a genuine issue of material fact for trial. Minn. R. Civ. P. 56.05; *W.J.L. v. Bugge*, 573 N.W.2d 677, 680 (Minn. 1998). "Where the record taken as a whole could not lead a rational trier of fact to find for the nonmoving party, there is no genuine issue for trial." *DLH*, 566 N.W.2d at 69 (citing *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986)).

The Court, however, "must view the evidence in the light most favorable to the nonmoving party." *Bugge*, 573 N.W.2d at 680 (citation omitted). "[I]f any doubt exists as to the existence of a genuine issue of material fact, the doubt must be resolved in favor of finding that the fact issue exists. Facts, inferences, or conclusions that may be drawn by a jury are fact issues." *Rathbun v. W. T. Grant Co.*, 300 Minn. 223, 230, 219 N.W.2d 641, 646 (1974) (citation omitted). Summary judgment is improper when reasonable minds could differ and draw different conclusions from the evidence presented. *DLH*, 566 N.W.2d at 69; *Illinois Farmers Ins. Co. v. Tapemark Co.*, 273 N.W.2d 630, 634 (Minn. 1978); *Strauss v. Thorne*, 490 N.W.2d 908, 911 (Minn. Ct. App. 1992).

Since both parties here have moved for summary judgment, they both are of the view that the matter can be resolved on the basis of undisputed facts in the existing record.

## I. Plaintiffs' Equal Protection Claims

"We presume statutes to be constitutional and exercise the power to declare a statute unconstitutional with extreme caution and only when absolutely necessary." *ILHC of Eagan, LLC v. County of Dakota*, 693 N.W.2d 412, 421 (Minn. 2005) (internal quotation marks omitted). The party challenging a statute's constitutionality bears the burden of establishing that the statute is unconstitutional beyond a reasonable doubt. *Gluba ex rel. Gluba v. Bitzan & Ohren Masonry*, 735 N.W.2d 713, 719 (Minn. 2007).

The Fourteenth Amendment to the United States Constitution guarantees that no state will "deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV, § 1. The Minnesota Constitution also guarantees that "[n]o member of this state shall be disenfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless

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by the law of the land or the judgment of his peers." Minn. Const. art. I, § 2. The Minnesota Supreme Court has observed that "[b]oth clauses have been analyzed under the same principles and begin with the mandate that all similarly situated individuals shall be treated alike, but only invidious discrimination is deemed constitutionally offensive." *Kolton v. County of Anoka*, 645 N.W.2d 403, 411 (Minn. 2002) (internal quotation marks omitted).

The Court must determine whether to apply strict scrutiny or rational basis review to Plaintiffs' equal protection claim. *See Erlandson v. Kiffmeyer*, 659 N.W.2d 724, 733 (Minn. 2003). The Court applies strict scrutiny to a legislatively-created classification that involves (1) a suspect classification or (2) a fundamental right. *Bituminous Cas. Corp. v. Swanson*, 341 N.W.2d 285, 289 (Minn.1983). If strict scrutiny applies, the classification must be "narrowly tailored and reasonably necessary to further a compelling governmental interest." *Hennepin County v. Perry*, 561 N.W.2d 889, 897 n. 7 (Minn.1997). If a constitutional challenge does not involve either a suspect classification or a fundamental right, the Court reviews the challenge using a rational basis standard. *Gluba*, 735 N.W.2d at 719. *See also Greene v. Comm'r of Minnesota Dep't of Human Servs.*, 755 N.W.2d 713, 725 (Minn. 2008).

## II. Persons with Felony Convictions do not have a Fundamental Right to Vote in Minnesota

In Minnesota voting is a fundamental right. See *Kahn v. Griffin*, 701 N.W.2d 815, 830 (Minn. 2005) ("the right to vote is considered fundamental under both the U.S. Constitution and the Minnesota Constitution"); *see also Ulland v. Growe*, 262 N.W.2d 412, 415 (Minn. 1978) ("[i]t is well established that the exercise of the political franchise is a fundamental right") (internal quotation marks omitted). However, that right is explicitly limited by the text of the Minnesota Constitution that restricts voting based on age, citizenship, residence, competency, and felony conviction. Minn. Const., art. VII, § 1. Plaintiffs assert that voting is still a fundamental right for persons convicted of felonies, pointing to *Ulland*, *Kahn*, and *Erlandson v. Kiffmeyer*, 659 N.W.2d 724, 733 (Minn. 2003). However, none of the cases cited state that persons convicted of felonies, who have not had their civil rights restored, still have a fundamental right to vote. In fact, the Minnesota Supreme Court in

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Erlandson holds that a "restriction that . . . denies the franchise to citizens who are otherwise qualified" to vote must be subject to close scrutiny. In *Erlandson* the Minnesota Supreme Court explicitly recognized that strict scrutiny would apply to disenfranchisement of citizens who are "otherwise qualified" not persons explicitly disenfranchised in the Minnesota Constitution.

Defendant argues that a person convicted of a felony does not have a fundamental right to vote in Minnesota based on the clear language of the Minnesota Constitution. Defendant also points to the Supreme Court's holding in *Richardson v. Ramirez* that a person convicted of a crime does not have a fundamental right to vote under the federal constitution. 418 U.S. 24, 53-56. Whether a right is fundamental under the Minnesota Constitution, however, is not controlled by whether that right is fundamental under the federal constitution.

> In deciding whether a right alleged to be fundamental is indeed fundamental, under our Constitution, we are not limited by United States Supreme Court decisions. Certainly, the protection we afford cannot be less than that afforded by the Federal Constitution, but it is equally certain that we can afford more protection under our constitution than is afforded under the Federal Constitution.

*State v. Gray*, 413 N.W.2d 107, 111 (Minn. 1987).

To determine if a person with a felony conviction has a fundamental right to vote in Minnesota one must look to the definition of a fundamental right. "Fundamental rights are those which have their origin in the express terms of the Constitution or which are necessarily to be implied from those terms." *Id.* (internal citations omitted); *see also Kahn v. Griffin*, 701 N.W.2d 815, 828 (Minn. 2005) (stating that the Minnesota Supreme Court is "most inclined to look to the Minnesota Constitution when we determine . . . . that state constitutional language guarantees a fundamental right that is not enumerated in the U.S. Constitution"). Accordingly the language of the Minnesota Constitution determines what is and is not a fundamental right in Minnesota. Regarding felony disenfranchisement the Minnesota Constitution is clear: "[t]he following persons shall not be entitled or permitted to vote at any election in this state . . . . "a person who has been convicted of treason or felony, unless restored to civil rights." Minn. Const., art. VII, § 1. Therefore a person who has been convicted of a felony does not have a fundamental right to vote in Minnesota until restored

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to civil rights. Because a fundamental right is not implicated and Plaintiffs do not allege they are part of a suspect class, the Court's analysis of Plaintiffs' equal protection allegations will utilize rational basis review.

## III. Traditional Rational Basis Review Applies to Plaintiffs' Equal Protection Claims

The Minnesota Supreme Court has summarized the traditional deferential rational basis standard of review ("traditional rational basis review") as follows:

> "[A] law subject to rational basis review does not violate the equal protection principle of the Minnesota Constitution when it is a rational means of achieving a legislative body's legitimate policy goal. Because we are deferential to the judgment of the lawmaking body, in the absence of overwhelming evidence to the contrary, we will not second-guess the accuracy of a legislative determination of facts. Thus, the principle we apply in analyzing laws subject to rational basis review under the Minnesota Constitution is the same principle applied to such laws under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

*Fletcher Properties, Inc. v. City of Minneapolis*, No. A18-1271, 2020 WL 4342651, at *12 (Minn. July 29, 2020). Plaintiffs argue that even if the Court applies rational basis review rather than strict scrutiny to Minnesota's system of felony disenfranchisement, the appropriate level of rational basis review is the heightened rational basis review standard outlined in *State v. Russell*, 477 N.W.2d 886, 890 (Minn. 1991) rather than traditional rational basis review. The heightened standard in *Russell* is "a heightened standard of proof as to the fit between the means chosen by the Legislature and the government interest to be achieved when a statutory classification demonstrably and adversely affects one race differently than other races, even if the lawmakers' purpose in enacting the law was not to affect any race differently." *Fletcher Properties* at *16. The Minnesota Supreme Court has not used the *Russell* heightened rational basis standard to strike down a law since the *Russell* decision was made in 1991. *Id.* at *17.

The Plaintiffs argue that the deep and troubling racial disparities that exist in Minnesota's criminal justice system compel applying the heightened *Russell* standard. Specifically, Plaintiffs highlight that statewide while 0.9% of white adults are disenfranchised, about 4.5% of Black and nearly 9% of American Indian adults are disenfranchised due to felony convictions for which they

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are being supervised in the community. Plaintiffs further highlight that while African Americans comprise about 4% of Minnesota's voting-age population, they account for more than 20% of disenfranchised voters. Similarly stark, American Indians comprise less than 1% of Minnesota's voting-age population, but they account for 7% of disenfranchised voters. It cannot be denied that the criminal justice system has a disproportionate impact on communities of color in Minnesota. Stemming from that, any right or restriction that is triggered by a criminal conviction will similarly disproportionately impact these same communities. This alone is a strong public policy basis for Minnesota to reconsider its restrictions on voting.

However, the statute that is challenged in this case is not the source of the disenfranchisement — that is found in the Minnesota Constitution — but rather the method of restoring the right to vote. The enactment of Minn. Stat. § 609.165 in 1963, converted the process of restoring the right to vote from a discretionary model to an automatic one, with an additional judicial option. In doing so, it expanded the re-enfranchisement of individuals convicted of felonies. As an automatic process, the re-enfranchisement under Minn. Stat. § 609.165 affects all persons convicted of felonies equally, restoring their civil rights at the end of their felony sentence. The heightened *Russell* rational basis test does not apply. Accordingly traditional rational basis review applies to Plaintiffs' equal protection claims.

## IV. A Rational Basis Exists to Justify Minn. Stat. § 609.165

Plaintiffs argue that they are most similarly situated to eligible voters they live in the same communities, work for or associate with the same campaigns, talk to the same candidates, and "exercise all of the other civil rights relevant to voting." Plaintiffs do not address the clear distinction between themselves and eligible voters Plaintiffs are (or were at the time they filed their complaint) still serving sentences related to their felony convictions. To survive rational basis review the challenged statute must be "a rational means of achieving a legislative body's legitimate policy goal." *Fletcher Properties* at *12. In enacting Minn. Stat. § 609.165 the legislature demonstrated a clearly legitimate policy goal "to promote the rehabilitation of the defendant and his return to his community as an effective participating citizen" by automatically restoring civil rights to persons

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convicted of felonies after their sentence has ended.[7] The Court, applying a deferential standard, finds that Minn. Stat. § 609.165, which automates a process that was previously decided case-by-case and restores civil rights at the end of a felony sentence, is clearly a "rational means" to achieve the legislature's policy goal of promoting rehabilitation of persons convicted of felonies.

Plaintiffs argue that because Minn. Const., art. VII, § 1 refers to the restoration of civil rights to persons convicted of felonies without specifying how civil rights shall be restored, those civil rights should rightfully be restored to persons convicted of felonies when they return to live in their communities (on parole, probation, or supervised release) rather than at the end of their felony sentence. Plaintiffs argue that the "[l]egislature tied voting rights to discharge of sentences without any record that it evaluated" whether persons convicted of felonies on parole, probation, or supervised release should be restored their right to vote. Plaintiffs argue "[d]isenfranchisement of those living in the community is borne of legislative inaction, inconsideration, and inertia, not any expressed legislative intent."

The framers of the Minnesota Constitution, however, while explicitly disenfranchising individuals convicted of a felony, left it to the legislature to decide whether, when, and how to restore voting rights. See Debates and Proceedings of the Constitutional Convention, at 540-41. In considering adoption Minn. Stat. § 609.165, the discussion of probationary sentences was specifically addressed by the advisory committee that was established by the legislature to consider the revisions:

> It is believed that where a sentence has either been served to completion or where the defendant has been discharged after parole **or probation** his rehabilitation will be promoted by removing the stigma and disqualification to active community participation resulting from the denial of his civil rights.

Advisory Comm. on Revision of the Criminal Law, *Proposed Minnesota Criminal Code* 42 (1962), https://www.leg.state.mn.us/docs/nonmnpub/oclc15743657.pdf at 60 (emphasis added). Although the Plaintiffs advocate that the line should have been drawn elsewhere, this Court does not have the ability to substitute its judgment for that of the legislature. "A state legislature, in the

[7] Advisory Comm. on Revision of the Criminal Law, Proposed Minnesota Criminal Code 42 (1962), https://www.leg.state.mn.us/docs/nonmnpub/oclc15743657.pdf.

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enactment of laws, has the widest possible latitude within the limits of the Constitution." *Carmichael v. S. Coal & Coke Co.*, 301 U.S. 495, 510, 57 S.Ct. 868, 81 L.Ed. 1245 (1937). Because Minn. Stat. § 609.165 constitutes a rational means of achieving the statute's stated goal promoting rehabilitation of persons convicted of felonies – the statute survives rational basis review.

## V. Plaintiffs' Due Process Claims

The Due Process Clauses of the United States and Minnesota Constitutions prohibit arbitrary and wrongful government actions, "regardless of the fairness of the procedures used to implement them." *State v. Bernard*, 859 N.W.2d 762, 773 (Minn. 2015) (quotation omitted); *see* U.S. Const. amend. XIV, § 1; Minn. Const. art. I, § 7. If the challenged statute implicates a fundamental right, it is subject to strict-scrutiny review. *See In re Welfare of Child of R.D.L.*, 853 N.W.2d 127, 133 (Minn. 2014) (applying strict scrutiny because the statute implicated a fundamental right, the right to parent). But if the statute does not implicate a fundamental right, it is subject to rational-basis review. *Bernard*, 859 N.W.2d at 773.

The means chosen to achieve the purpose are reasonable if the legislative body could rationally believe that the mechanism it chose would help achieve the legislative goal or mitigate the harm the legislation seeks to address. *Fletcher Properties, Inc. v. City of Minneapolis*, No. A18-1271, 2020 WL 4342651, at *4 (Minn. July 29, 2020). The Court will not invalidate a law just because the chosen mechanism "does not assure complete amelioration of the evil it addresses." *Mack v. City of Minneapolis*, 333 N.W.2d 744, 751 (Minn. 1983). And the legislative body need not choose the best or most exact mechanism to achieve the purpose; it must merely choose a reasonable method. *See Red Owl Stores, Inc. v. Comm'r of Agric.*, 310 N.W.2d 99, 103 (Minn. 1981).

For the reasons stated in the equal protection section above the Minnesota legislature demonstrated a clearly legitimate policy goal of rehabilitating persons convicted of felonies into the community by enacting Minn. Stat. § 609.165 and thereby automatically restoring civil rights to persons convicted of felonies after their sentence has ended.

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## VI. Conclusion

As Plaintiffs point out, felony disenfranchisement is a serious issue that affects tens of thousands of Minnesotans. Felony disenfranchisement policies also have a disproportionate impact on communities of color across Minnesota and the United States.[8] Black Americans of voting age are more than four times as likely to lose their voting rights than the rest of the adult population, with one of every 13 Black adults disenfranchised nationally.[9] As of 2016, in four states – Florida (21 percent), Kentucky (26 percent), Tennessee (21 percent), and Virginia (22 percent) – more than one in five Black adults was disenfranchised.[10] In total, 2.2 million Black citizens are banned from voting.[11] Plaintiffs in their extensive briefing make many compelling policy arguments against felony disenfranchisement and the disproportionate impact of the criminal justice system on communities of color in Minnesota and across the country. The Court is aware of, and troubled by, the fact that the criminal justice system disproportionately impacts Black Americans and other communities of color in Minnesota, and the subsequent effect this impact has on those communities' ability to vote. Ultimately, however, this is an issue to be addressed by the legislature. As the Supreme Court said in *Richardson*:

> Pressed upon us by the respondents, and by amici curia, are contentions that these notions [of felony disenfranchisement] are outmoded, and that the more modern view is that it is essential to the process of rehabilitating the exfelon that he be returned to his role in society as a fully participating citizen . . . . We would by no means discount these arguments if addressed to the legislative forum which may properly weigh and balance them . . . . But it is not for us to choose one set of values over the other. If respondents are correct, and the view which they advocate is indeed the more enlightened and sensible one, presumably the people . . . . will ultimately come around to that view. And if they do not do so, their failure is some evidence, at least, of the fact that there are two sides to the argument.

[8] THE SENTENCING PROJECT, 6 MILLION LOST VOTERS: STATE-LEVEL ESTIMATES OF FELONY DISENFRANCHISEMENT (2016), *available* at https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/.
[9] *Id.*
[10] *Id.*
[11] *Id.*

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*Richardson v. Ramirez*, 418 U.S. 24, 55 (1974). Because the Court finds that persons convicted of felonies in Minnesota do not have a fundamental right to vote, and that Minn. Stat. § 609.165 survives traditional rational basis review and therefore does not violate the equal protection or due process guarantees of the Minnesota Constitution, Plaintiffs motion for summary judgment is **DENIED**, Defendant's motion for summary judgment is **GRANTED**, and Plaintiffs' complaint is **DISMISSED WITH PREJUDICE**.

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