**A20-1264**

**State of Minnesota**

# In Supreme Court

SCHROEDER, ET AL.,

*Appellants*,

VS.

MINNESOTA SECRETARY OF STATE SIMON,
IN HIS OFFICIAL CAPACITY,

*Appellee*.

## BRIEF OF AMICUS WORLD WITHOUT GENOCIDE

**WORLD WITHOUT GENOCIDE**

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## IDENTITY AND INTEREST OF *AMICUS CURIAE*[1]

World Without Genocide ("World") is a nonprofit human rights organization at Mitchell Hamline School of Law with a mission to protect vulnerable people from discrimination and hate; to prevent violence against those who are targeted based on their identity; to support the prosecution of perpetrators of discrimination and hate; and to remember those whose lives have been affected by violence.

World is led by founder and executive director Ellen J. Kennedy, Ph.D. Dr. Kennedy holds doctorate degrees in sociology and in marketing from the University of Minnesota. Dr. Kennedy has lectured at universities around the world and has received local, national, and international awards for her work at World. She is a six-year member of the Edina Human Rights and Relations Commission and a member of the Minnesota State Bar Association's previous Human Rights Committee. World is guided by a Board of Directors comprised of lawyers and law school professors, genocide survivors, and human rights leaders.

World has worked to advance understanding of human rights since its founding in 2006. Human rights are defined by the United Nations Universal Declaration of Human Rights as those rights inherent to all human beings without distinction of any kind, such as race, color, sex, national or social origin, property, language, religion, political or other opinion, birth, or any other status. *Universal Declaration of Human Rights*, G.A. Res. 217A

[1] World certifies that this brief was not authored in whole or in part by counsel for either party to this appeal and that no other person or entity contributed monetarily towards its preparation or submission.

(III), UNGAOR, 3rd Sess., Supp. No 13, UN Doc A/810 (1948). Genocide occurs under oppressive regimes where human rights, including the right to self-determination, are not respected. Democracy provides an environment for human rights and fundamental freedoms to flourish. The right to vote and to stand for election is at the core of democratic governments that are based on enacting the will of the people. Genuine elections are a necessary and fundamental component of an environment that protects and promotes human rights.

World has advanced issues of civic engagement, voting rights, and criminal justice reform, as well as many other issues. Recently, Dr. Kennedy team-taught a course at Mitchell Hamline School of Law with Minnesota Senator Sandy Pappas. The course, "Human Rights, Civic Engagement, and the Legislative Process," addressed the rights of under-represented and marginalized groups. The course taught law students the skills, strategies, and actions to carry out a public policy agenda. This same emphasis on civic engagement is the cornerstone of World's Summer Institute for High School and College Students and on the Benjamin B. Ferencz Fellowships in Human Rights and Law, both of which emphasize active participation in the political process to advance social justice and support the basic tenets of democracy.

Before the pandemic, World offered voter registration at every one of its in-person programs. When World transitioned to online events due to the pandemic, World continued to offer information relating to voter registration for the 2020 presidential election at every webinar and online program. World highlights voter rights issues into almost all of its

programs.

World has been a supporting partner of the Restore the Vote Coalition and its corresponding initiatives in Minnesota for many years. In addition, Dr. Kennedy serves on a committee at the League of Women Voters to heighten local awareness of the disenfranchisement of felons and the disproportionate numbers of Black and Indigenous people who cannot vote.

This appeal raises important legal issues regarding the exclusion of human rights and democracy because of Minnesota's system of felony disenfranchisement. As the law currently stands, more than 53,000 people are disenfranchised across the state, removing their ability to participate in the democratic process. Well-documented racial disparities in the criminal justice system subsequently become converted into racial political inequality as well. This creates a large negative impact on the full engagement in Minnesota's communities where disenfranchised people live, work, and pay taxes. World supports Appellants' position that voting rights must be restored for people with felony convictions who are barred from voting while they are on supervision or probation.

## ARGUMENT

This case presents an important opportunity to address the human rights implications of the current statutory framework for felony disenfranchisement and to provide a global context for consistent interpretation of human rights law.

The Minnesota Constitution states that "a person who has been convicted of treason or felony" could not vote "unless restored to civil rights." Minn. Const. art. VII,

§ 2. Minn. Stat. § 609.165, subd. 1 provides that "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*. According to the statute, 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 Minnesota Court of Appeals held that the Minnesota Constitution Article VII prevents a broader interpretation that would restore voting rights to felons who have returned to the community. Both parties in this case appear to agree that disenfranchisement results in deep harm to historically underrepresented populations as a result of exclusion from the political process. Appellants' Brief at 5.

Democracies require constant vigilance to ensure that basic tenets of democracy, especially those addressing voting rights, are upheld. Democracies around the world have interpreted disenfranchisement consistent with international treaty obligations, recognizing that felons deserve redemption in the form of self-determination. World Without Genocide supports Appellants and respectfully requests that the Court issue an order restoring their right to vote and declaring the practice of disenfranchising persons living in the community on probation, parole, or supervised release to be unconstitutional.

## I. Voting is a fundamental right at the core of democracy.

Voting is a fundamental right and a basic tenet of democracy. Minnesota has enshrined the right to vote in the Minnesota Constitution and has protected it as central to a free and democratic society. Minn. Const., art. VII, § 1; *Reynolds v. Sims*, 377 U.S. 533, 561-62 (1962).

The United Nations Human Rights Committee, a body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights (ICCPR) by its State parties, has commented that the right to vote "lies at the core of democratic government, based on the consent of the people," recognizing the peoples' right to self-determination. Human Rights Committee, General Comment No. 25 (57) on the Right to Take Part in the Conduct of Public Affairs, Voting Rights and the Right of Equal Access to Public Service, adopted at the 57th Sess. (Aug. 27, 1996) at paras. 1-2.

Contrary to other democratic nations' interpretations of voting rights as an entitlement, Minnesota's system of disenfranchisement essentially treats the right to vote as a privilege that can be granted or withheld on the implied assumption that felons remain convicts while being supervised in the community, rather than returning to their communities as full citizens with guaranteed Constitutional rights. The "residual liberty" approach recognized in non-American jurisprudence presumes that felons retain the right to vote, and therefore efforts to disenfranchise felons are viewed with suspicion.

In an analysis of disenfranchisement across forty- nine democracies, twenty- one countries permit felons to vote while in prison, fourteen countries have selective

restrictions that allow some felons to vote while in prison, ten countries have a ban on voting in prison but restore full voting rights upon release, and only four countries, including the US, have post-release restrictions. Britannica Pro Con, *International Comparison of Felon Voting Laws,* updated 7/20/2021. The United States is in the minority of fewer than ten percent of democratic countries that continue to enforce restrictions past the term of imprisonment.

The United Nations Standard Minimum Rules for the Treatment of Prisoners supports the proposition that felons returned to the community should retain rights. Rule 58 states that this should occur "so far as possible, that upon his return to society, the offender is not only willing but able to lead a law-abiding and self-supporting life." United Nations, Econ. & Soc. Council, Standard Minimum Rules for the Treatment of Prisoners U.N. Doc. A/CONF/611, annex I (Aug. 30, 1955).

## II. Global jurisprudence has grown increasingly suspicious of disenfranchisement schemes that fail to treat convicts as politically equal community members.

In *Hirst v. United Kingdom* (No 2) (2005) ECHR 681, the European Court of Human Rights, known by international law scholars as the most effective international human rights court in the world, ruled that a blanket ban on British prisoners' exercising the right to vote was contrary to the European Convention on Human Rights. *Hirst v. United Kingdom* (No 2) (2005) ECHR 681. While the court did not explicitly state that all prisoners should be given voting rights, it held that if voting rights were to be removed, the onus is upon the United Kingdom to justify any departure from the principle of universal

suffrage. *Id.*

In *Frodl v. Austria* (2010) ECHR 8, the European Court of Human Rights ruled that a prisoner who was serving a life sentence for murder in Austria had been disenfranchised from voting in violation of provisions of the European Convention on Human Rights. *Frodl v. Austria* (2010) ECHR 8. The Court held that disenfranchisement must be proportionate to the offense committed and must be related to issues pertaining to elections and democratic institutions, and used sparingly. *Id.*

In *Söyler v. Turkey* (2013) ECHR, *Application No. 29411/07*, a businessman convicted for unpaid checks filed a complaint alleging that he was not allowed to vote in the 2007 Turkish general elections while he was being detained in prison or in the 2011 general elections after his conditional release. The European Court of Human Rights held that the ban on convicted prisoners' voting rights in Turkey was automatic and indiscriminate and did not take into account the nature or gravity of the offense, the length of the prison sentence, or the prisoner's individual conduct or circumstances, all of which indicate that his disenfranchisement for the unpaid check conviction was inappropriate. *Söyler v. Turkey* (2013) ECHR, *Application No. 29411/07*. Indeed, the ban was harsher and more far-reaching than any the Court had to consider in previous cases against the United Kingdom, Austria, and Italy (*Hirst* (no. 2), and *Frodl*) as it was applicable to convicts even after their conditional release and to those who are given suspended sentences and therefore do not even serve a prison term. *Id.*

The European Court of Human Rights upheld the proposition that voting is a

fundamental human right, ultimately finding that even currently incarcerated individuals maintain their right to vote—it cannot be automatically exhausted by a criminal conviction, and it certainly cannot be denied upon release from prison while under probation or a supervisory period.

## III. Disenfranchisement is incompatible with treaty obligations.

Voting is recognized as a protected human right. The Universal Declaration of Human Rights ("UDHR"), adopted by the General Assembly of the United Nations in 1948 following World War II, sets forth aspirational fundamental human rights to be universally protected for all people, everywhere. *Universal Declaration of Human Rights,* G.A. Res. 217A (III), UNGAOR, 3rd Sess, Supp No 13, UN Doc A/810 (1948). Article 21 of the UDHR specifies and affirms that "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives." *Id.* at Art. 21.

In the same vein, the International Covenant on Civil and Political Rights (ICCPR), which the United States ratified in 1992, provides for an international guarantee of voting rights. International Covenant on Civil and Political Rights, Dec. 9, 1966, 999 U.N.T.S. 171(ratified June 8, 21992) (hereinafter "ICCPR"). Article 25 of the ICCPR, affirms: "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and *without unreasonable restrictions*:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by

universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country."

*Id. at* Art. 25.

ICCPR, Article 2, paragraph 1 enumerates the conditions under which citizens' rights to vote shall not be restricted. "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status." *Id. at* Art. 2.

Because the ICCPR has been ratified by the United States, the ICCPR has the same force and effect as a federal statute under the Supremacy Clause of the United States Constitution. U.S. Const. art. VI, cl. 2. ("all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land."), *see also Whitney v. Robertson*, 124 U.S. 190, 194, 8 S. Ct. 456, 31 L. Ed. 386 (1888). Treaties are expected to be executed in good faith, in keeping with the principle of *pacta sunt servanda*. Vienna Convention on the Law of Treaties art. 26, May 23, 1969, 1155 U.N.T.S. 331 (hereinafter "Vienna Convention"). Internal law is not an acceptable justification for failure of a state to perform a treaty obligation. *Id.* at Art. 27. Human rights treaties should be interpreted liberally *in dubio pro libertate. See* Manfred Nowak, *U.N. Covenant on Civil and Political Rights: CCPR Commentary 640 (1st ed., Engel 1993).* The United States, in

ratifying the ICCPR, did not enter any Reservations, Understandings, and Declarations ("RUDs") with respect to Article 25, nor did the United States provide specific RUDs pertaining to disenfranchisement. U.S. Reservations, Declarations, and Understandings, International Covenant on Civil and Political Rights, 138 Cong. Rec. S4781-01 *(daily ed., April 2, 1992).*

The United States Supreme Court recognized that the ICCPR does not create judicially-enforceable rights and has declared that Articles 1 through 27 are not self-executing. *U.S. v. Duarte-Acero*, 296 F.3d 1277, 1283, cert. denied (11th Cir. 2002). However, the United States reported to the HRC that the fundamental rights in the ICCPR are "already guaranteed as a matter of U.S. law, either by virtue of constitutional protections or enacted statutes, and can be effectively asserted and enforced by individuals in the judicial system on those bases." Human Rights Committee, *Consideration of Reports Submitted by State Parties*, U.N. DOC. CCPR/C/81/Add.4 (Aug. 24, 1994), para. 8.

Under the ICCPR, every citizen has the right and the opportunity to vote *without unreasonable restrictions. Id. at* Art. 25. This begs the question of what constitutes "unreasonable restrictions." Though not dispositive, disenfranchisement was not included in Article 25 in the original debate regarding allowable exclusions considered by delegations, prior to settling on the term "unreasonable restrictions." See Marc J. Bossuyt, *Guide To The "Travaux Pre´ Paratoires" Of The International Covenant On Civil And Political Rights* 473 (1987).

Disenfranchisement has increasingly been interpreted to be an unreasonable

restriction on protected human rights. The Human Rights Committee (HRC) publishes General Comments which explain the HRC's opinions on treaty obligations. In 2006, the HRC published critical, negative observations on disenfranchisement in America, noting that "general deprivation of the right [to] vote for persons who have received a felony conviction, and in particular those who are no longer deprived of liberty, do not [sic] meet the requirements of Articles 25." Human Rights Committee, Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant, 87th Sess., U.N. DOC. CCPR/C/USA/CO/3/Rev 1 (July 10-28, 2006), at para. 35. The HRC calls for the restoration of voting rights to people released from prison, recognizing that disenfranchisement is counterproductive to efforts to reintegrate those re-entering society after prison. The Committee recommended that the U.S. adopt appropriate measures to ensure that states restore voting rights to citizens who have fully served their sentences and those who have been released on parole.

Foreign courts have occasionally looked to other jurisdictions in interpreting state obligations of the ICCPR under a premise that comparativism may lead to a "recognizably workable system of judicial interpretation and application of human rights," despite differences in the states. Christopher McCrudden, *Human Dignity and Judicial Interpretation of Human Rights*, 19 EUR. J. INT'L L. 655, 713 (2008). In 2007, the Australian High Court struck down Australia's system of disenfranchisement legislation, with both the majority opinion and the dissent citing external sources. *Roach v. Electoral Comm'r*, [2007] 233 CLR 162 (Austl). In *Hirst* (no. 2), the court cited relevant provisions

of the ICCPR. *Hirst* at paras. 24-27.

## IV. Political disenfranchisement threatens the stability of democracy.

Electoral democracies are premised on the fact that people are able to govern themselves, availing themselves of their own free will. According to the International Covenant on Civil and Political Rights (the ICCPR), '[a]ll peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." *ICCPR at Article 1*.

Democracies feel two net effects of the lack of self-determination when experienced *en masse*. At a global level, 12 million people are stateless and thus unable to vote, which renders them helpless to defend themselves against arbitrary laws that might imperil their futures. Statelessness is perhaps the single most precarious position that any person can have. Without belonging as a member of a state (i.e., in geopolitical terms, a nation), a person has no rights whatsoever and no political representation. Although felons remain citizens in this country, the essential element of their citizenship is the right to self-determination through the right to vote, and that right, for felons in Minnesota who have served their terms of incarceration, is denied.

The racial disparities in felon disenfranchisement lie at the heart of this issue, and these disparities are the legacy of centuries of slavery and disempowerment. Genocide is the most extreme form of the denial of the right to self-determination, and indeed, of the right to life itself. The extent of racial inequality and discrimination against Black Americans was raised in 1951 when an organization called the Civil Rights Congress

(CRC) accused the American government of complicity against African Americans. The CRC goal was to present its case to the United Nations and to create international awareness of U.S. culpability for slavery and discrimination.

The CRC wrote a document addressed to the United Nations titled "We Charge Genocide: The Historic Petition to the United Nations for Relief From a Crime of The United States Government Against the Negro People." The document stated, "It is our hope, and we fervently believe that it was the hope and aspiration of every black American whose voice was silenced forever through premature death at the hands of racist-minded hooligans or Klan terrorists, that the truth recorded here will be made known to the world; that it will speak with a tongue of fire, loosing an unquenchable moral crusade, the universal response to which will sound the death knell of all racist theories." Civil Rights Congress, *We Charge Genocide: The Historic Petition to the United Nations for Relief from a Crime of the United States Government Against the Negro People*, 2nd Ed., New York (1951).

They placed the responsibility for a genocidal situation on the U.S. government. The CRC cited more than 3,500 recorded instances of lynching in the United States, pervasive and insidious legal discrimination, and systematic inequalities in health and quality of life, all with inarguable evidence.

The document quotes the UN's definition of genocide from the 1948 Convention on the Prevention and Punishment of the Crime of Genocide: "The deliberate intent to destroy, in whole or in part, a national, ethnic, racial, or religious group," and concludes that "the

oppressed Negro citizens of the United States, segregated, discriminated against, and long the target of violence, suffer from genocide as the result of the consistent, conscious, unified policies of every branch of government. If the General Assembly acts as the conscience of mankind and therefore acts favorably on our petition, it will have served the cause of peace." *Id.*

The document's signatories included African American lawyers, activists, politicians, and family members of African Americans who had been lynched or who had been executed after trial verdicts by white-only juries.

Ultimately, "We Charge Genocide" struggled to gain international recognition. It was presented to the UN in 1951 but was suppressed and discredited by every possible means. The CRC ultimately disbanded in 1956, the document never reaching the desired goals.

However, the document affirms, with irrefutable, carefully-documented statistics, the egregious harms inflicted upon and suffered by Black Americans. One of those harms was the intent, as with Alabama's Constitution, described below, to deny voting rights.

In a recent report by the Marshall Project, the historical context for felon disenfranchisement in the US is attributed clearly to Jim Crow laws designed to eliminate significant numbers of Black Americans from voting. The Marshall Project, *Jim Crow's Lasting Legacy at the Ballot Box* (2018). The report notes,

> "In 1901, delegates drafting a new constitution for Alabama knew their mission. "Within the limits imposed by the Federal Constitution," convention president John B. Knox explained,

> the delegates aimed "to establish white supremacy in this state. If we should have white supremacy, we must establish it by law — not by force or fraud." Because they could not explicitly ban Black voters without violating Federal law, the resulting state constitution declared that persons "convicted of a felony involving moral turpitude" could not vote without having their rights restored. Alabama's 1901 Constitution remains in force today, and felony disenfranchisement schemes with similar origins, asserts the Marshall Project report, "still shape electorates throughout the country."
>
> *Id.*

The ability to disenfranchise a particular portion of a population paves the way to that group's susceptibility to other forms of discrimination that can ultimately lead to the violence against Black Americans documented in "We Charge Genocide."

## V. Deprivation of rights should be understood in terms of the impact to the individual.

In *State v. Russell* the court decided upon a citizen-framed standard under which to examine disparate impact in equal protections arguments. *State v. Russell*, 477 N.W.2d 886 (Minn. 1991). *Russell* essentially guarantees that a right is fundamental to citizens and cannot be taken away by law unless the law *serves* citizens of the specified class in three ways. *Id.* at 888 (Minn. 1991). The law must 1) contain a non-arbitrary, genuine, and substantial distinction between classes of people, 2) relate to a legitimate problem facing the class of people it describes, and 3) have a purpose the state can legitimately achieve. *Wegan v. Village of Lexington*, 309 N.W.2d, 280 (Minn. 1981). Without these three elements, the law cannot be enforced.

In a concurring opinion, Judge Simonett outlines the judicial philosophy behind viewing fundamental rights not from the perspective of the state, but from the perspective of the citizen, recognizing "the critical importance of racial equity in our multicultural society." *Russell at 894.* See also Robert Stein, *Building a Strong Foundation: Justice John Simonett and Constitutional Law in Minnesota*, 39 Wm. Mitchell L. Rev. 768, 769 (2013).

The Minnesota Court of Appeals held that *Minn. Stat. § 609.165, subd. 1*. was not written explicitly to be discriminatory on its face. World agrees. However, there is sufficient factual support that demonstrates a substantial negative impact on historically underrepresented populations in Minnesota's system of disenfranchisement.

International courts have also examined the impact of facially neutral disenfranchisement legislation. Article 3 of the First Protocol of the European Convention on Human Rights requires the government to support free political expression, which the European Convention on Human Rights has analyzed in a remarkably similar fashion to Minnesota's disparate impact jurisprudence. In deciding if a voting law is discriminatory, Great Britain's courts have codified a test for Article 3 that asks (1) if a law affects similarly situated persons differently, (2) if there is an "objective . . . justification" that supports the creation of a class, and (3) if the law negatively affects the members of that specific class in this specific instance. *See* Gregory H. Fox, The Right to Political Participation in International Law, 17 Yale J. of Int'l L. 539 at 564-65 (1992). Article 3 has not been codified only to prevent the state from removing voting rights should they create a disparate impact. *Liberal Pany v. United Kingdom*, App. No. 8765/79, 21 Eur. Comm'n H.R. Dec. &

Rep. 211, 221 (1980) (establishing an Article 3 interpretation which explicitly expands the court's jurisprudence to address not only facially discriminatory voting laws, but also laws which create a disparate impact). Rather, a standard remarkably similar in philosophy to Justice Simonett's citizen-driven model has been adopted that finds it objective and reasonable that the state cannot create laws that have a disparate impact on minority voting rights. *See Lindsay v. United Kingdom*, App. No. 8364/78, 15 Eur. Comm'n H.R. Dec. & Rep. 247 (1979).

## VI. In keeping with international jurisprudence, no rational, reasonable, or compelling governmental interest justifies disenfranchisement under Minn. Stat. 609.165.

Other nations employing similar tests to equal protection have examined and rejected the interests that the government has implied it is presenting as compelling. In *Suave* (no. 2), the Canadian government argued that disenfranchisement promoted civic responsibility and respect for the rule of law, and enhanced of general purposes of criminal sanctions. *Sauvé v. Canada* (Chief Electoral Officer), (2002) 3 S.C.R. 519, para. 21 (Can.). The Canadian Supreme Court rejected both objectives, finding that democratic values are more important than punitive measures designed to promote order. *Id*. at para. 40. In *Sauvé* (no. 2), the Court required an examination of disenfranchisement in light of the crime committed and the rational relationship to the goal of imposing legitimate punishment. *Id.* at para. 51. The Canadian Supreme Court analyzed disenfranchisement under the lens of Canada's version of equal protection, which provides that if the state could achieve the legitimate objective by several means,

the state must choose the least rights-infringing measure. *R v. Oakes*, (1986) 1 SCR 103.

The South African Constitutional Court has also analyzed the government's objectives used to justify the infringement of rights. *Minister of Home Affairs v. NICRO*, 2004 5 BCLR 445 (CC).The government provided two objectives. First, it argued that allowing felons to vote would project a message to the public that it was "soft on crime." *Id.* at 46. Second, the government argued that by restoring voting rights to felons, the government would be utilizing scarce resources.

Notably, two justices dissented on the basis that that disenfranchisement forms part of necessary societal efforts to fight crime and emphasize the duties and responsibilities of citizens. Ultimately, the majority ruled that "[i]t could hardly be suggested that the government is entitled to disenfranchise prisoners in order to enhance its image; nor could it reasonably be argued that the government is entitled to deprive convicted prisoners of valuable rights that they retain in order to correct a public misconception . . . ." *Id.* at 56.

The Minnesota Court of Appeals in the decision below concluded that the 1963 legislative commission tasked with recommending a comprehensive revision to the state's criminal code expressed the view that automatically restoring civil rights upon the expiration of a sentence would be "desirable to promote the rehabilitation of the defendant and his return to his community as an effective participating citizen" and to "remov[e] the stigma and disqualification to active community participation resulting

from the denial of his civil rights." Proposed Minnesota Criminal Code 5-10 (1962) at 42, 61. Implied in that statement is that felons must necessarily remain stigmatized while in the community awaiting restoration of voting rights. At least two other democracies have rejected this outdated view.

## CONCLUSION

This case provides an important opportunity for this Court to end the state's discriminatory application of felony disenfranchisement in keeping with international jurisprudence. For these reasons, *amicus curiae* World Without Genocide supports Appellants and respectfully requests that the Court issue an order restoring their right to vote and declaring the practice of disenfranchising persons living in the community on probation, parole, or supervised release to be unconstitutional.

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Respectfully submitted,

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## CERTIFICATION OF LENGTH OF DOCUMENT

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