Recently the Minnesota Supreme Court issued an order on a voting rights case. The case clarifies that the thousands of Minnesotans whose felony guilty plea has not been accepted and recorded by the court and are otherwise qualified can legally vote in the upcoming elections.

Enjoli Rosas was told she can't vote. In 2010, she pleaded guilty to felony possession of marijuana and was placed on 5 years of probation. But, like in the cases of thousands of Minnesotans each year charged with first-time and less serious felonies, the court did not accept her guilty plea, with the stipulation that if she successfully completes the terms of her probation she will not be "convicted."

This is called a stay of adjudication. Probation and corrections officers and prosecutors in Minnesota generally agree that people in Rosas' situation are not prohibited from voting under Minnesota's Constitution which disenfranchises convicted felons until they have been discharged from their sentence. However, due to a lack of official guidance on this specific voting issue, people are often given incorrect information or are afraid to vote for fear of possible prosecution for voting fraud. This is what happened when Rosas called the Ramsey County probation office to ask if she could vote in the upcoming election - she was incorrectly told she could not vote and doing so would be a new felony offense.

One of the services of The Council on Crime and Justice, a Minneapolis-based nonprofit criminal justice research and advocacy organization, is to provide information to individuals with criminal records regarding their voting rights. In order to provide people with an authoritative answer on this issue, the Council joined with Rosas in filing an elections action with the Minnesota Supreme Court. The law firm of Robins, Kaplan, Miller, and Ciresi L.L.P volunteered to represent the Council and Rosas for free.

After the action was filed, Ramsey County probation officials promptly contacted Rosas and notified her that their staff made a mistake and that she could vote. In their response to the Supreme Court, Ramsey County then agreed that "otherwise eligible voters who have pled guilty but not been convicted of a felony have the right to register and vote under Minnesota law." Also, in order to provide clarity for Ramsey County probation and elections staff, the Ramsey County Attorney's office issued a memo clarifying that these individuals can in fact vote. They also provided notice that juveniles on extended juvenile jurisdiction status can vote.

Because Ramsey County admitted their mistake, no dispute remained regarding Rosas' ability to vote. Consequently, the Supreme Court dismissed the case as moot. The court's Order, however, provided a clear and succinct statement of the law, citing the Constitution's reference to convicted felons and the statutory definition of conviction - "any of the following accepted and recorded by the court: (1) a plea of guilty; or (2) a verdict of guilty by a jury or a finding of guilty by a court." (Emphasis added). The court also noted that "the undisputed facts here show that Rosas' 2010 guilty plea was not accepted or recorded and that no judgment of guilty on a felony charge has been entered with respect to petitioner Rosas."

"The outcome in this case confirms that the thousands of Minnesotans whose felony guilty plea has not been accepted and recorded by the court can legally vote in the upcoming elections. If anyone has questions about their status, they can call our criminal records information line at

612-353-3024," said Mark Haase, Vice President of the Council on Crime and Justice.