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To: Senate Rules Committee
From: Kate Titus, Common Cause Oregon
Re: Support for SB 331

Common Cause supports SB 331 to count prisoners for the purposes of redistricting in the communities where they are residents, rather than where they are imprisoned.

Common Cause

Common Cause is a nonpartisan organization that works to safeguard and improve the democratic process. For 45 years, the organization has helped strengthen public participation and faith in our institutions of self-government, and has worked to ensure that government serves and is accountable to the public interest.

Role in Redistricting

Common Cause has a history of leadership on redistricting, both nationally and here in Oregon. The organization played a nonpartisan, public interest role in Oregon's last redistricting process, providing input to the House and Senate redistricting committees, public information through the media, and by working to support public participation in hearings organized by the legislature. Following redistricting, we released a report: [*Oregon's 2011 Redistricting: Successes, Concerns, and Recommended Improvements*](#), which lays out recommendations for specific reforms to improve our state redistricting. SB 331 addresses one of those recommendations.

Support for SB 331

Common Cause supports SB 331 because it upholds the principle of one-person-one-vote by remedying distortions caused by how Oregon counts prison populations during redistricting.

The primary impact of this bill is to lessen the distorting impact that occurs by counting a large population of non-voters in a concentrated location. Since Oregonians are not allowed to vote while imprisoned, but are still counted as residents of the state in the census and for the purpose of redistricting, concentrating prisoners in any one political district can have a skewing effect on the relative weight of voters. Prisoners become a significant population block of phantom voters, concentrated in one place somewhat artificially. It makes most sense to count them as they are naturally distributed across the state, in the communities where they are residents.

This current distortion impacts both the communities where prisons are located as well as the communities with high incarceration rates.

- **Communities with Prisons** – These distortions play out not only between the communities where prisons are located and the rest of the state, but also within the communities that have prisons. For instance, in Pendleton, the prison population at the Eastern Oregon Correctional Institution makes up roughly 28% of a single Pendleton city council district. So every 3 residents of that district have the political power of 4 residents in other parts of the city.
- **Communities with High Incarceration Rates** – The current practice also dilutes the relative voting strength of voters in communities with high rates of incarceration. For example, this impacts Oregon’s Native American population. With incarceration rates at more than twice the rate of White Oregonians, Native Americans make up 1% of the total Oregon population, but 3% of the incarcerated population. And for the most part, the prisons are located outside of tribal areas so that the voting power of non-incarcerated Native Americans is diluted.

Additionally, it’s worth considering that for the purpose of voting, the legal standard leans toward having people vote in their own communities, not where they are incarcerated.

- **In States Where Prisoners Vote** – Both Vermont and Maine allow people to vote while in prison, and in both cases, they vote with absentee ballots in their home community elections, not in the elections where the prisons are located.
- **Current Oregon Law** – Current practice is inconsistent with court decisions and state laws indicating that a person doesn’t lose their residency status during a temporary absence. The Oregon State Constitution is clear that a prison is not a residence: “[f]or the purpose of voting, no person shall be deemed to have gained, or lost a residence... while confined in any public prison.” (Article II, Section 4).

In summary, Common Cause recommends that for the purpose of redistricting, the appropriate place to count prisoners is in the communities where they are residents, not where they are incarcerated. This is consistent with current law, and is less likely to skew the relative voting strength within communities where prisons are located or between those communities and the rest of the state, and less likely to dilute the voting strength of communities with high incarceration rates. It better upholds the principle of one-person-one-vote.

Common Cause is appreciative of the House Rules Committee for considering SB 331 and urges you to vote this bill out of committee for consideration by your colleagues.