



**Testimony of Kimberly McCullough, Policy Director
In Support of HB 2492
House Rules Committee
April 17, 2019**

Chair Holvey and Members of the Committee:

The American Civil Liberties Union of Oregon¹ supports HB 2492, which would end prison gerrymandering in Oregon.

Our democratic system hinges on our adherence to the most basic of constitutional values: one person, one vote; yet Oregon's current system does not live up to that principle. Instead, Oregon flips that guarantee on its head by counting incarcerated people where they are confined. Because prisoners cannot vote in Oregon, this method of counting artificially increases the population of communities located near prisons, while shrinking the population of communities where prisoners come from. In turn, this makes the vote of someone who lives near a prison more powerful than the vote of someone who lives in other areas of the state. This dilution of the apportionment of political power away from prisoners' home districts and to the districts where they are imprisoned is a process known across the country as prison-based gerrymandering.

Although a prisoner's last address before incarceration is not a perfect proxy for their home, the place where a person lives when arrested is the best indicator of where they will call home once released. In addition, there is no question that the interests of a prisoner would be better represented by their loved ones and community than by residents of the district in which they are detained, with whom they may otherwise have no connection. No system of counting disenfranchised prisoners will completely eliminate the political imbalances caused by disenfranchisement, but counting prisoners in their home districts at least mitigates things.

In order to avoid artificially inflating voting power in certain districts, Oregon should count prisoners as residents of their home districts, not their prison district. HB 2492 does just this. Oregon will be in good company by ending its practice of prison-based

¹ The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonpartisan, nonprofit organization dedicated to preservation and enhancement of civil liberties and civil rights, with more than 45,000 members and supporters statewide.

gerrymandering. California, Colorado, Delaware, Maryland, Massachusetts, Michigan, New York, Tennessee and Virginia, along with hundreds of municipal jurisdictions, have passed laws requiring their states to count prisoners in their home districts for the purposes of apportionment and redistricting.

It is important to note that the best way to promote a true participatory democracy is to allow prisoners to vote while they are incarcerated. But until that democratic ideal is realized, Oregon should at least count prisoners in their home districts as a way to protect the decades-old United States Supreme Court instruction on apportionment: one person, one vote.

For these reasons, the ACLU of Oregon urges you to support HB 2492. Please feel free to contact us if you have any questions, comments, or concerns.