



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DATE: March 9, 2021

TO: House Democratic Leader Barbara Smith Warner
Chair of the House Committee on Rules

SUBJECT: HB 2366 – Universal Suffrage Act

FROM: Oregon Attorney General Ellen Rosenblum

I present this testimony in support of HB 2366.

I believe adults in custody with felony convictions should be able to participate as voters in elections. As HB 2366 explains, that includes the ability to register to vote, to update their registration, and, most crucially, to vote — all while incarcerated.

Throughout the country millions of our fellow citizens have been disenfranchised this way. The practice originated in the American South as Reconstruction crumbled and lawmakers sought to undercut the Black vote. Studies have shown that the larger a state's Black population, the more likely the state was to pass the most stringent laws permanently denying people convicted of crimes the right to vote.

The practice of preventing adults in custody convicted of felonies from voting continues to this day. Just look at what has occurred in Florida in recent years. When a statewide election gave people who were no longer incarcerated for felony convictions the right to vote, a recalcitrant state legislature stepped in with provisions that harken back to poll taxes—such that most ex-felons still cannot vote in Florida despite a statewide mandate to the contrary.

Today, only two states, Maine and Vermont, and one territory, Puerto Rico, allow felons in custody to vote.

Oregon has consistently served as a beacon for voters and voting rights — starting with our broad initiative and referendum provisions and continuing through our establishment of safe, effective voting by mail over twenty years ago. More recently, we have employed motor-voter registration to expand the rolls here. In short, we remain the easiest state in America for voter participation. In fact, other than threats to the timeliness of mail ballot delivery, for which we obtained a nationwide injunction against the USPS, an otherwise fraught national election went off without a hitch here in Oregon with record voter turnout.

Now, we need to extend this right to the 15,000 adults in custody with felony convictions in Oregon.

The focus of incarceration should be on rehabilitation and not on punishment. Voting is at the very heart of our democracy — and of citizenship and — should be encouraged. Similarly, denying this right to an adult in custody is purely punitive and can only hinder a person's ability and desire to engage productively in society.

In short, voting is a fundamental right. Disenfranchisement of individuals convicted of felonies, whether in or out of custody, is inconsistent with the present values of our state. The Oregon Department of Justice actively supports HB 2366.

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