

SB 579 A STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Action Date: 03/09/23

Action: Do pass with amendments. Refer to Ways and Means by prior reference. (Printed A-Eng.)

Vote: 3-2-0-0

Yeas: 3 - Gelser Blouin, Manning Jr, Prozanski

Nays: 2 - Linthicum, Thatcher

Fiscal: Fiscal impact issued

Revenue: Revenue impact issued

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Meeting Dates: 1/26, 3/9

WHAT THE MEASURE DOES:

Allows a person convicted of a felony to exercise the right to vote while incarcerated. States the address to be used for voting purposes is the county of their last voluntary residence before incarceration. Specifies that a person who does not have prior established residence for voter registration purposes may not be considered to have changed or lost residence, and may register with the address of residence from before entering the correctional facility, including a residence described in ORS 247.005 (Registration of person who is homeless or resides in identifiable location). Includes eligible persons who are in the physical custody of the Oregon Youth Authority and eligible persons in county detention facilities. Directs the Secretary of State (SOS) to consult with the Department of Corrections, the Oregon Youth Authority and cities and counties that operate local correctional facilities and youth correction facilities. Directs SOS to create rules to allow voter registration, updating of voter registration, and ballot casting for persons in custody. Has operative date of June 1, 2026.

ISSUES DISCUSSED:

- The importance of politics in prison
- Voting as a fundamental part of a vibrant participatory democracy
- Voting disenfranchisement disproportionately affects low income, Black, indigenous and Latinx people
- Blocking felons from voting began in the Jim Crow era as a way to prevent Black people from voting
- Post prison, a released person has other obstacles to overcome, such as housing, finding a job, etc.
- Recidivism rates are higher for those who can't vote; voting is part of rehabilitation and allows a person to feel they belong to the society to which they will return
- Trends in other states and countries
- Concerns about high illiteracy rate of adults in custody (AIC) and possibility of voter fraud via prison voting drives
- Request that voting rights be restored with a ballot measure instead of a bill
- Voting as a privilege versus a right
- Whether voter registration for AICs would be automatic

EFFECT OF AMENDMENT:

Modifies the statutory reference to the definition of "youth correction facility" to include facilities under the purview of the Oregon Youth Authority and county detention facilities. Directs the Secretary of State to consult with the Department of Corrections, the Oregon Youth Authority and cities and counties that operate local correctional facilities and youth correction facilities. Delays implementation date until June 1, 2026.

BACKGROUND:

Whether a felon can vote is a state policy choice. Historically, felons in the United States have lost their rights to vote, sometimes permanently, although the trend has been shifting. In Vermont, Maine, and the District of

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Columbia, felons retain their right to vote, even while they are incarcerated. In 21 states, felons lose voting rights while incarcerated, and receive automatic restoration upon release. In 16 states, felons lose voting rights while incarcerated, and for a period of time after; voting rights are automatically restored after this time period. Some states require former felons to pay any outstanding fines, fees, or restitution before their rights are restored. In 11 states, felons lose their voting rights indefinitely for certain crimes, or require a Governor's pardon, face an additional waiting period after completion of sentence, or require other steps before voting rights can be restored.

Senate Bill 579 A allows persons convicted of a felony to vote in elections while incarcerated and specifies residency determinations for voter registration.