



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DATE: January 26, 2023
TO: Chair Prozanski and Members of the Senate Committee on Judiciary
FROM: Kimberly McCullough, Legislative Director
Oregon Department of Justice
SUBJECT: SB 579 Incarcerated Voting

This testimony is presented in support of SB 579.

Voting is one of our most fundamental rights, crucial to a healthy democracy. Denying this right to an adult in custody is purely punitive and runs contrary to the value of rehabilitation (rather than punishment) in our justice system. Further, denial of the right to vote runs counter to our collective efforts to promote public safety.

For these reasons and more, adults in custody should be able to participate as voters in elections. That includes the ability to register to vote, to update one's registration, and, most crucially, to vote — all while incarcerated.

Throughout the country, millions of our fellow citizens have been impacted by felony and prisoner disenfranchisement. 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 felony and prisoner disenfranchisement continues to this day. And while there has been progress increasing access to the vote for individuals who are no longer incarcerated, it is unfortunately still the norm to deny the right to vote to incarcerated individuals. Today, only two states, Maine and Vermont, and one territory, Puerto Rico, allow felons in custody to vote. It is well past time for change.

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 polls here. In short, we remain the easiest state in America for voter participation. And yet we can still do better.

Disenfranchisement of individuals convicted of felonies, whether in or out of custody, is inconsistent with the present values of our state. It is time to right this wrong. We encourage the legislature to pass SB 579.

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