

To: House Rules Committee
From: Kate Titus, Common Cause Oregon
Re: HB 2250, Prison Gerrymandering
Date: March 19, 2025

Common Cause

Common Cause is a nonpartisan organization that works for open, honest, accountable government. We are 1.5 million Americans – including roughly 30,000 Oregonians – working together to realize the unfinished promise of democracy.

Position on the Bill

Common Cause supports upholding the principle of one-person-one-vote – by remedying distortions caused by how Oregon counts prison populations during redistricting. To that end, we are generally supportive of this bill and appreciate the leadership to address this issue.

We see several weaknesses to this bill, as currently written. The bill asks for last known *county* rather than *address* of incarcerated persons, which is not useful since districts are drawn by block, not county. The bill allows 10 months for the Department of Corrections to hand off demographic data that they would be collecting up front at point of entry. And it does not provide protection for individuals' data.

A similar bill – HB 2704 –has the components we look for. That bill asks for the correct demographic data, defines an appropriate time for DOC to provide this information (May 1 of the Census year, or 30 days from April 1), provides protections for individuals' data, counts individuals as “at-large” for those without an in-state address or when no address can be determined, and even provides for requesting data from federal facilities.

Why This Issue Matters

HB 2250 and HB 2704 aim 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 several political districts 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 more than 4% 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 HB 2250 and urges you to vote this bill and/or HB 2704 out of committee for consideration by your colleagues.

