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### **OREGON STATE LEGISLATURE**

### **HOUSE COMMITTEE ON RULES**

#### **H.B. 2366, “Relating to Voting By Adults in Custody; Prescribing an Effective Date”**

*Testimony In Support Provided by Joann Bautista, Deputy Secretary of State – Policy,  
State of Maine*

*March 09, 2021*

Dear Chairwoman Smith Warner, Vice-Chairs Drazan and Holvey, and Distinguished Members of the Committee, thank you for the opportunity to speak before you today in support of House Bill 2366, which strengthens an individual’s constitutional right to vote.

My name is Joann Bautista and I am the Deputy Secretary of State – Policy Advisor in the Office of the Secretary of State for the great state of Maine.

In Maine, we believe democracy is stronger when it represents everyone, and when everyone can participate. H.B. 2366 is critical because it *re-enfranchises* the voices of individuals who may otherwise feel disconnected from their community and state and puts an end to a policy rooted in racism dating back to the Jim Crow era.<sup>1</sup> Additionally, this bill largely follows what has already proven to work in states like Maine and Vermont.<sup>2</sup>

Article II of the Maine State Constitution makes explicit that *all* United States citizens, age 18 or older, who are residents of the State of Maine have a right to vote.

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<sup>1</sup> Taylor, Jennifer Rae, *Jim Crow’s Lasting Legacy at the Ballot Box*, The Marshall Project, Aug. 20, 2008, available at <https://www.themarshallproject.org/2018/08/20/jim-crow-s-lasting-legacy-at-the-ballot-box>.

<sup>2</sup> Board, Riley, *What does an election look like inside a prison?* Burlington Free Press, Aug. 24, 2020, available at <https://www.burlingtonfreepress.com/story/news/politics/elections/2020/08/24/vermont-inmates-can-vote-how-elections-prison-mail-in-ballot/3326694001/>.

“Section 1. Qualifications of electors; written ballot; military servicemen; students. Every citizen of the United States of the age of 18 years and upwards, excepting persons under guardianship for reasons of mental illness, having his or her residence established in this State, shall be an elector for Governor, Senators and Representatives, in the city, town or plantation where his or her residence has been established, if he or she continues to reside in this State; and the elections shall be by written ballot.” – Maine State Constitution, Article II

Maine citizens never lose their right to vote, even upon conviction or incarceration. People in prison or jail in Maine may register to vote from their place of residence prior to incarceration and may cast an absentee ballot. This is facilitated by voter registration drives at the Maine State Prison and procedures to facilitate absentee voting by incarcerated persons.

The constitutional guarantee to the right to vote eliminates confusion: when the same set of rules apply to all people regardless of background or circumstance, then there is less opportunity for discriminatory or prejudicial treatment. Similarly, universal franchise strengthens civic participation. A person who is incarcerated maintains closer ties to the community to which they will return after incarceration if they are able to continue to have a vote in who represents them.

The power in a democracy rightly resides with the people – no matter where they cast their ballot from. I strongly urge this Committee to support this bill and I am happy to answer any questions.