



Testimony of

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In Favor of

**House Bill 2366**  
“Relating to voting by adults in custody; prescribing an effective date”

Before

Chair Barbara Smith Warner  
Oregon State Legislature  
House Committee on Rules

Tuesday, March 9, 2021  
1:00 PM

Good afternoon, Chair Smith Warner and members of the House Committee on Rules. I am Robert White, Councilmember At-Large for the District of Columbia. I am honored to testify before you on House Bill 2366.

The bill before you today would allow Oregonians convicted of a felony to vote in elections while incarcerated. I emphatically encourage you to pass this bill, which is steeped in the principles of democracy and equality.

Last year, the District of Columbia Council, our state legislature so to speak, re-enfranchised our residents incarcerated with felony convictions when we passed the Restore the Vote Amendment Act of 2020. In doing so, the District of Columbia restored voting rights to residents incarcerated with felony convictions. We joined Maine and Vermont, the two states that never disenfranchised incarcerated residents.

The right to vote is precious. It is the power of the people to express their views on public policy, to hold elected officials like us accountable, and to stay engaged in their democracy. That is why there is no foundational democratic principle for stripping incarcerated residents of their right to vote. Rather, the voting rights of incarcerated people were stripped away in a deliberate and successful attempt to disenfranchise Black Americans in the wake of Jim Crow. Over time, we have lost sight of the important distinction between an appropriate punishment for a crime and one's rights as a citizen.

When someone is convicted of a crime, they don't lose their citizenship. They don't lose their First Amendment right to freedom of speech or most of their civil liberties. They should not, then, lose the most fundamental right in a democracy, the right to vote.

When the 15<sup>th</sup> Amendment passed, granting African American men the right to vote, it sparked the Jim Crow era when states used laws to strip African Americans of their right to vote just as they were finally being enfranchised. At the same time, these same states passed other policies aimed at criminalizing Black Americans and disenfranchising Black voters, such as harsh prison sentences, poll taxes, and literacy tests. The impact of mass incarceration and felony disenfranchisement on Black residents was not a coincidence—it was systemic racism in action. Today, 6 million Americans have lost their right to vote because of disenfranchisement policies, including 1 out of 13 African-Americans, compared to 1 out of 56 non-Black Americans.

Felony disenfranchisement is not just racist; it is bad policy. Its impact reaches beyond the disenfranchised to affect their families and future generations, perpetuating a cycle of disenfranchisement. For example, during a District of Columbia hearing on the Restore the Vote Act, we heard from Tyrone Walker who was recently released from federal custody. He spoke about how, because of his parents' felony convictions, he never saw them vote, never heard why voting was important, and they never educated him about his civic duties or encouraged him to vote.

Felony disenfranchisement also weakens oversight of our prisons and our criminal justice policy. By silencing hundreds or thousands of our own constituents, we cut off the feedback loop that we receive through the ballot box. For anyone on the fence about this bill, I encourage you to visit a local prison. Far from the images we would conjure from movies and extreme television shows, what you will find is an overwhelming number of people trying to figure out how they will get their lives back on track and contribute to their families and the broader society. They will tell you what is working for rehabilitation, and job training, and medical care. That's the beauty of democracy, when it works as it should. So, as elected officials in charge of

the governments that incarcerate these residents, we should not want to lose our accountability to rehabilitation and public safety. By restoring the voices of those residents, we open the door to a more representative and responsive government.

Like Oregon, the District of Columbia began making progress on this issue when we started restoring some voting rights for people on probation or parole. However, our work was not done until we totally and permanently ended disenfranchisement in our criminal justice system, and reversed the racist policies that perpetuate mass incarceration. And until every jurisdiction does the same, Black and Brown people all over the U.S. will continue to suffer and be mistreated at every level of a system that has always fallen far short of our shared ideals of democracy and equality.

In the District of Columbia, the stories of the newly enfranchised have been inspiring. Upon receiving his voter registration form, one of our incarcerated residents was quoted in a news article saying, “I feel pride today, I feel like a real man, a citizen of my community and city.” Another incarcerated resident said, “I feel ecstatic. It makes me feel like I belong. I’m just looking forward to being a part of the process – just a part of the community.” In the November election, our first election cycle since the District of Columbia passed the Restore the Vote Act, over 300 incarcerated residents voted.

When we choose empathetic policies and spread hope, when we keep people connected to their communities, and ease their feelings of isolation and alienation, we make it more likely that people will leave prison and never go back. But more than that, by ending these racist and antiquated policies, we are demonstrating our shared values and fixing some of the inequities that have lingered in our communities for decades.

As we see our democratic institutions attacked and denigrated, it is perhaps more important than ever that all Americans involved in the justice system can express themselves in the democratic process. Fortunately, many other legislatures agree and are taking steps to end felony disenfranchisement. Legislatures in Hawaii, New Mexico, Massachusetts, New Jersey, New York, and Virginia all have attempted to move bills that would restore the right to vote for incarcerated residents. And just last week, 97 members of the United States House of Representatives supported an amendment that would have allowed incarcerated citizens to vote. Though not yet successful, these efforts show us that advocacy and state and local policy changes are moving the needle.

When the District of Columbia restored the vote to incarcerated residents, I knew that other states would follow. I am so encouraged by the work you are doing here in Oregon. We owe it to those who have been voiceless and marginalized for too long, in a system where the odds are intentionally stacked against them, to take this opportunity to restore this precious and fundamental right. Before I conclude, I want to thank Representatives Andrea Salinas, Janelle Bynum, Janeen Sollman and Senators Sara Gelser and Michael Dembrow for introducing and sponsoring this legislation. With its passage, Oregon will join a strong and growing coalition of jurisdictions across the U.S. choosing to tackle systemic injustice and strengthen our democracy.

Thank you again for the opportunity to testify before you today. I welcome any questions the committee may have.