

SB 579 A STAFF MEASURE SUMMARY

Carrier: Sen. Linthicum

Senate Committee On Judiciary

Minority Report

Action Date: 03/09/23**Action:** Do pass with different amendments and rescind subsequent referral to Ways and Means. (Printed A-Eng.) Minority**Fiscal:** Fiscal impact issued**Revenue:** Revenue impact issued**Report Signers:** Sen. Dennis Linthicum, Sen. Kim Thatcher**Prepared By:** Amie Fender-Sosa, LPRO Analyst**Meeting Dates:** 1/26, 3/9**WHAT THE MEASURE DOES:**

Requires the contents of the measure to be submitted to the people for their approval or rejection at the next general statewide election. Allows a person convicted of a felony to exercise the right to vote while incarcerated. States that a person in custody is considered registered to vote in the county of their last voluntary residence. 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. Directs Secretary of State to create rules to allow voter registration, updating of voter registration, and ballot casting for persons in custody.

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:

Requires the contents of the measure to be submitted to the people for their approval or rejection at the next general state election.

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 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

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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 MRA would send to the voters a ballot measure during the next statewide general election asking if persons convicted of a felony should be allowed to vote in elections while incarcerated; specifies residency determinations for voter registration.