



RESEARCH AND ADVOCACY FOR REFORM

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**In support of Senate Bill 579,
Guaranteeing Voting Rights for All**

**Before the Senate Committee on
Judiciary**

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Established in 1986, The Sentencing Project works for a fair and effective U.S. criminal legal system by promoting reforms in sentencing policy and addressing unjust racial disparities and practices. We are grateful for this opportunity to submit testimony endorsing Senate Bill 579.

I am Nicole D. Porter, Senior Director of Advocacy for The Sentencing Project. I have had extensive engagement in public policy research on criminal legal issues for many years, with a particular focus on sentencing, collateral consequences of incarceration, and racial disparity. I have also authored numerous journal articles, reports and public commentary on voting rights for people with felony convictions. It is my pleasure today to appear again before the Oregon legislature and offer my testimony on this important topic.

SB 579 repeals the prohibition on voting by individuals convicted of a felony and serving a court-ordered sentence of imprisonment for their conviction.

Felony disenfranchisement policies can be traced back to the founding of the United States; settler colonialists implemented the policy when they occupied North America. The nation was founded on a paradox, a supposed experiment in democracy that was limited to wealthy white male property owners and excluded women, African Americans, persons who could not read, poor people, and persons with felony convictions. Over the course of two hundred years all of those voting exclusions have been eliminated with the exception of people with felony convictions.

EXPANDING THE FRANCHISE

SB 579 would mostly eliminate felony disenfranchisement and align Oregon with two states – Maine and Vermont - that do not disqualify voting for anyone with a felony conviction. Voting rights expansions in Washington, DC and Puerto Rico also allow American citizens the right to vote from prison.

Oregon is one of 22 states that ban voting for persons in prison with a felony conviction.

- The number of Oregonians disenfranchised from voting was over 13,302 according to The Sentencing Project’s *Locked Out 2022: Estimates of People Denied Voting Rights*.¹
- Oregon’s rate of felony disenfranchisement—affecting 43 in every 10,000 voting eligible adults—is higher than that of neighboring Washington (31 in 10,000) and California (38 in 10,000).
- Nationally, people currently in prison and jail now represent about 24 percent of those disenfranchised.

¹ C. Uggen et. al, “[Locked Out 2022: Estimates of People Denied Voting Rights](#),” The Sentencing Project (2022).

Twenty-five states and Washington, DC expanded voting rights to citizens with felony convictions. Examples include:

- Florida ended lifetime disenfranchisement for at least 1.4 million voters with Amendment 4 in 2016.
- Governors in Iowa (2020) and Kentucky (2019) issued executive orders restoring civil rights to people who had completed their sentences.
- California restored voting rights to people serving time for felony convictions in jails (though not prisons) in 2016. California voters expanded voting rights to residents on parole in 2021.
- Colorado and Nevada authorized voting rights for residents on parole in 2019. Louisiana (2019) and New Jersey (2019) re-enfranchised people serving probation and parole terms. The New York governor (2018) restored voting rights to people on parole.
- Connecticut – In 2021, legislation was adopted restoring voting rights to people on parole. Connecticut does disenfranchise persons convicted of election-related offenses.
- Washington – In 2021, legislation restoring was adopted voting rights to people convicted of felonies automatically after release from prison.

In addition to the end of felony disenfranchisement in DC, several other states have considered expanding voting rights to persons completing their felony sentence in prison or jail. In recent years, Connecticut, Hawaii, Massachusetts, New Mexico and New Jersey have considered similar measures.

RACIAL JUSTICE AND GUARANTEEING VOTING RIGHTS FOR ALL

Oregon’s disenfranchisement of incarcerated people disproportionately harms Black citizens. While 2.3% of Oregon’s population is Black, 9.2% of its eligible voters who are banned from voting are Black.² Oregon disenfranchises its Black citizens at a higher rate than the overall U.S. national average (2.29% versus 1.99%), and at a higher rate than Washington and California.³

The disproportionate incarceration of Black Oregonians – 8.7% of the prison population yet 2.3% of the overall population – is a key driver of racial disparity in felony disenfranchisement.⁴ These disparities in incarceration go beyond differences in criminal offending and result from persistent discriminatory practices throughout Oregon’s criminal legal system. One key driver is police practices. For example, data compiled by the Portland Police Bureau (PPB) revealed that the Gun Violence Reduction Team – a PPB specialty unit which used traffic stops to tackle gun-related crimes in the City of Portland – disproportionately stopped Black residents. Out of 1,605 stops citywide in 2019, 52% were Black residents in a city that is only 6% Black.⁵ When residents were searched, White residents were more frequently found with contraband.

² Uggen et al. (2022), see note 1.; U.S. Census Bureau. 2020. Quickfacts: Oregon

³ Budd, K. (2023). “[Oregon Should Restore Voting Rights to Over 13,000 Citizens](#)” The Sentencing Project.

⁴ Ibid.

⁵ Bernstein, M. (2019). “[In 2019, the Portland police Gun Violence team made 1,600 stops. More than half were Black people](#)” The Oregonian.

THE CASE TO GUARANTEE VOTING RIGHTS FOR ALL

Felony disenfranchisement policies are inherently undemocratic including for persons serving prison sentences. The United States is very much out of line with world standards, and it's important to take a fresh look at the rationale and impact of policies that can only be described as out of step compared to international norms.

A prison term results in barriers to employment including reduced lifetime earnings, and restrictions on access to various public benefits. Families of incarcerated residents themselves experience the shame and stigma of incarceration, as well as the loss of financial and emotional support with a loved one behind bars. And for the community at large, the challenges of reentry result in high rates of recidivism, extraction of social and political capital, and the consequent costs of a burgeoning prison system.

Research shows that people who have been incarcerated are less likely to be convicted again if they return to their communities if they can return to their communities and can work living wage jobs, vote, pay taxes, and feel connected and invested in the future.⁶ A national poll found that 56% of likely voters believe voting should be a guaranteed right for all.⁷ Many support this because they believe all citizens of this country should have a say in what happens in their community, and a voice in their government.

THE UNITED STATES IN THE CONTEXT OF INTERNATIONAL NORM

The European Court of Human Rights and international courts in Australia, Canada, and Kenya affirmed the right of some or all prisoners to participate in the electoral process. In nations where data is available, including Belgium, Lithuania, and Romania, more than 60% of persons in prison vote.⁸ However, one study found that 12 (mostly former Eastern bloc nations) barred prisoner voting, and 11 imposed prison voting restrictions, generally applying to those sentenced to election related crimes.

⁶ Uggen, C., & Manza, J. (2004). Voting and subsequent crime and arrest: evidence from community sample. *Columbia Human Rights Law Review*, 36(1), 193-216.

⁷ Staff. (2022). [New National Poll shows Majority Favor Guaranteed Right to Vote for All](#). The Sentencing Project.

⁸ Ispahani L., *Voting Rights and Human Rights: A Comparative Analysis of Criminal Disenfranchisement Laws in Criminal Disenfranchisement in an International Perspective*.

FOR THOSE WHO OPPOSE VOTING

Some critics of prisoner voting contend that being convicted of a felony is an indicator of being “untrustworthy”. Any character test is a slippery slope and this minimizes eligible voters. You might be concerned that your neighbor is an alcoholic or has personality flaws, but they still maintain the right to vote in a democracy.

Felony disenfranchisement also ignores the important distinction between legitimate punishment for a crime and one’s rights as a citizen. Convicted individuals may be sentenced to prison, but they generally maintain their basic rights. So even if someone is held in a maximum-security prison cell they still have the right to get married or divorced, or to buy or sell property. And to the extent that voting can be conceived as an expression of free speech, consider that a prisoner may have an op-ed published, perhaps with greater impact than casting a single vote.

Disenfranchisement proponents sometimes raise the possibility of a prisoners’ “voting bloc” that would run counter to the interests of the “law-abiding public.” The assertion of such a scenario should be obvious. If such a group of “pro-crime” individuals were a real threat, they would somehow have to convince the public into electing a majority of state legislators as well as a governor who shared their position. This farfetched concern is hardly a threat to public safety.

VOTING SHOULD BE UNIVERSAL

When this nation was founded as an experiment in democracy two centuries ago it was a very limited experiment rooted in a paradox. Women weren’t permitted to vote, nor African Americans or people who were poor or illiterate. Over time evolving public sentiment has enfranchised all those groups, and we now look back on that moment with a great deal of national embarrassment. It’s long past time to remedy the exclusion of the last remaining group of citizens who are denied the right to vote. This would represent a healthy expansion of our democracy enhance and public safety.

The Sentencing Project applauds SB 579 and is eager to see it advance through the Senate Committee on Judiciary.