



January 26, 2023

Senate Judiciary Committee
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony in Support of Senate Bill 579

Dear Chair Senator Prosanski, Vice Chair Senator Thatcher, Senator Dembrow, Senator Linthicum, Senator Gelser Blouin, & Senator Manning

Thank you for the opportunity to provide testimony on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). The ACLU of Oregon is a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights, with more than 27,000 members statewide. **The ACLU of Oregon strongly supports Senate Bill 579, which will restore voting rights to people who are currently incarcerated for felony convictions.**

In our representative democracy, one of our most important foundational rights is our right to vote; it is imperative to our democracy that people's ability to vote is protected and strengthened. More than a century ago, the U.S. Supreme Court described the right to vote as the right that is preservative of all others. This statement continues to ring true. We are not truly free without self-government, which requires a vibrant participatory democracy with fair and equal representation by and for everyone. The right to vote is an essential act of self-determination, indispensable to the promise of "government of the people, by the people, and for the people." However, for centuries, marginalized communities have been disenfranchised and prevented from voting.

Today, we are seeing initiatives across the country undermining our right to vote — in addition to the pre-existing voter suppression laws and barriers. **The systematic exclusion of millions of Americans from our elections nationwide stems from racist laws that not only weaken our communities, but undermine the very legitimacy of our democracy.** This year, Oregon has the historic and urgent opportunity to eliminate the disenfranchisement of Oregonians that are incarcerated on a felony conviction.

From direct democracy through ballot measures, universal vote by mail, and automatic voter registration, Oregon has a rich and strong state history of leading with our democratic values. However, the continued disenfranchisement of incarcerated individuals undermines the very legitimacy of our democracy.

In the 1850's, incarcerated individuals were denied the right to vote as part of post-Reconstruction Jim Crow laws to disenfranchise Black voters. Today, this law continues to harm low-income, Black, Indigenous, and Latinx people who are disproportionately incarcerated at higher rates than white people. The disenfranchisement of incarcerated people is rooted in racism and white supremacy. It is a form of voter suppression — using the criminal justice system as a tool to disenfranchise Black, Indigenous and Latinx people. Taking away the

right to vote as a punitive measure is inconsistent with Oregon's values. **The continued removal of voting rights is civic death and an affront to civil liberties.**

Incarcerated individuals do not cease to be a part of our communities once in prison. Incarcerated people are our family members, neighbors, coworkers, and members of community spaces such as places of worship. 95% of them will return to their communities.¹ It benefits all of us – including the wellness of our families and communities – when we support people to develop strong connections with their communities and civic engagement while they are incarcerated. **By restoring the right to vote for incarcerated Oregonians, Senate Bill 579 strengthens our democracy and aligns with Oregon's rich tradition of making voting as inclusive and accessible as possible. Senate Bill 579 fundamentally recognizes incarcerated Oregonians for who they are: fellow citizens with inherent value and dignity.**

Currently, Maine, Vermont, the District of Columbia, Puerto Rico and some local municipalities allow people incarcerated in prison to vote. It is urgent that Oregon no longer upholds a voter suppression law rooted in white supremacy and racism and instead leads the way to restore the voting rights of incarcerated individuals. **The ACLU of Oregon urges your support for Senate Bill 579 and asks you to pass it out of committee.**

Respectfully,

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¹ Oregon Correctional Enterprises (<https://oce.oregon.gov/reentry/>); Vera Institute of Justice (<https://www.vera.org/publications/confronting-confinement>)