

GUARANTEEING THE RIGHT TO VOTE FAQ

LOGISTICS

Where would people in prison be registered to vote?

They would be registered in the county they resided in before entering prison (last voluntary address). If they do not have a last voluntary address or cannot remember their last voluntary address, they can use a definable location in the county that describes their last voluntary address.¹ This could be a shelter, park, motor home, or other identifiable location. The correctional facility would then be used as the mailing address.

Can some incarcerated Oregonians already vote?

Yes. People incarcerated in jail for a misdemeanor conviction and people awaiting trial can already vote. Additionally, people in Oregon Youth Authority (OYA) custody after adjudication, who are otherwise qualified to vote, are already voting in OYA facilities.

Will incarcerated people vote as a bloc?

No. People in prison will vote in local elections of their last voluntary address, therefore they are unable to vote as a bloc to sway elections in the town or county where the correctional facility is located.

Can this be implemented in Oregon?

Yes. Oregon legislators have recognized that voting is a civil right, and have worked to protect and expand voting rights through initiatives like universal vote by mail, online voter registration, automatic voter registration, paid postage, and postmarked ballots on elections day.

Will this be straightforward for state agencies to administer?

Yes. Our current voting processes and systems can easily be applied to prisons. This would not be an undue burden on the SOS or DOC, and would be straightforward to implement. Once someone registers to vote, each registered voter would then receive the same materials as everyone else, including a ballot and voters pamphlet.

1. <https://sos.oregon.gov/voting/Pages/homeless-confidential.aspx>

OTHER QUESTIONS

Who is in prison?

Due to biases and inequities in our criminal legal system, low-income, Black, Indigenous, and people of color are more likely to be incarcerated.

- 12,267 people are incarcerated in Oregon prisons²
- Around 9% of incarcerated Oregonians are Black, whereas only 2% of Oregon's residents are Black³
- 8.5% are veterans⁴
- 75% of women incarcerated in Oregon are mothers⁵
- 27% of people in Oregon prisons are aged 30 and under, and the average age of incarcerated Oregonians is 40 years old⁶

Do any other states allow people in prison to vote?

Yes, Maine and Vermont never disenfranchised incarcerated people. While many states have expanded access to the vote for people who have completed their sentences, only DC has joined Maine, Vermont, and Puerto Rico by granting full voting rights to people in prison.

Why do people in prison want to vote?

With a goal of successfully reentering society and not reoffending, many people in prison look for ways to better themselves. Discovering and maintaining healthy values and habits is vital to successful reentry. The Marshall Project's survey found that "the more time respondents spend in prison, the more motivated they are to vote, the more they discuss politics, and the more likely their opinions are to evolve."

These are just some reasons that currently incarcerated people have shared with us about why guaranteeing the right to vote is important to them:

"It would mean a lot to me to be able to vote in prison, because our voices are suppressed and that's a very dehumanizing position to find oneself in. Voting would matter to me because I could support movement and issues that are important to me and others...If I could tell the legislature something, I'd tell them my voice and input should matter to them." Timothy Actkinson, Adult In Custody

2. <https://www.oregon.gov/doc/Documents/inmate-profile.pdf>

3. Vera Project (<https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-oregon.pdf>)

4. ODVA Justice Involved Veterans (<https://www.oregon.gov/odva/resources/pages/justice-involved-veterans.aspx#:~:text=In%20Oregon%2C%20it%20is%20estimated,14%2C700%20inmates%20in%20Oregon%20prisons.>)

5. OJRC, Women In Prison Report

(<https://static1.squarespace.com/static/524b5617e4b0b106ced5f067/t/58af300d197aee60a2a9319/1487876115766/Women+in+Prison+in+Oregon+2017.pdf>)

6. DOC Quick Facts (<https://www.oregon.gov/doc/Documents/agency-quick-facts.pdf>)

“I believe that voting should be morally obligatory for every individual wanting to be productive members of society. Guiding inmates to be productive members of society should be what the Department of Corrections is all about. Years ago, I went completely out of my way to put myself on the “non-active” voter registry as an inmate. That is how much the principle means to me.”

Phil Bates, Adult in Custody

“Prior to my arrest, I voted in every election I was qualified to vote in. I am a registered Republican and I believe all American citizens have a right (even a duty) to vote. I served my country in the US Army to protect citizens rights. I should not be disenfranchised as an adult in custody. I retain my constitutional rights as a person in custody...” John Landis, Adult in Custody

What impact will voting have on successful reentry?

95% of people in prison will return to the community.⁷ Therefore, rehabilitation is vitally important for the individual reentering the community and the community as a whole. Research shows that people who’ve been incarcerated are less likely to be convicted again if they return to their communities and can work jobs, raise families, pay taxes, and feel connected and invested in the future. Making sure Oregonians can vote while incarcerated allows them to feel involved in their communities, and increases the success of reintegration when they come back.

Why did Oregon disenfranchise people?

Blocking people with felony convictions from voting started in the Jim Crow era as an intentional strategy to keep Black people from voting because they are disproportionately impacted by the biased criminal legal system. At a constitutional convention in 1857, Oregon’s legislative assembly approved articles that clearly envisioned the exclusion of all rights for people of color.⁸ Specifically, the convention restricted Black people from military service and voting, granted property rights to only white citizens, and implemented felony disenfranchisement laws. 162 years after felony disenfranchisement was written into the Constitution, Oregon still excludes people in prison from being a full citizen of this state.

Yet, our constitution guarantees free elections, equal protection under the law, and freedom of speech. Voting is also fundamental to our rights and freedom as Oregonians. Everyone, including people who are incarcerated, should have access to the ballot box so they can have a say in the decisions that impact their lives.

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

8. Carey C, History of Oregon 542 Number 2, Supra note 30, at 303, (1922).

Should people in prison lose their right to vote?

No. There is no logical nexus between being incarcerated for a felony and losing the right to vote. As Senator Prozanski stated, “Individuals who commit crimes need to be held accountable, but they should not be stripped of their rights as a citizen...As a citizen, they should have the continued right to vote and have a say in their government, even if they are incarcerated.”⁹

Furthermore, D.C. Council member Robert White's testimony in 2021 on HB 2366 addressed this point:

"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."¹⁰

Is there polling?

A recently conducted national survey¹¹ by Lake Research Partners on behalf of State Innovation Exchange, Stand Up America, The Sentencing Project, and Common Cause reveals over half of voters support the full restoration of voting rights to all citizens over the age of 18, including those completing a sentence, both inside and outside of prison.

Nationally, a majority of voters (56%) supports a law to guarantee the eligibility to vote for all citizens 18 and older, including citizens completing their sentence, both inside and outside of prison, compared to just 35% who say they would oppose.

9. <https://theappeal.org/politicalreport/oregon-voting-bill-disenfranchisement/>

10. <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/PublicTestimonyDocument/14613>

11. Lake Research Partners designed and administered this survey online, reaching a base sample of 1,000 likely 2022 General Election voters nationwide, as well as oversamples of 200 likely voters in Illinois, Nevada, New York, North Carolina, and Oregon (all states with recent or ongoing efforts to restore voting rights to formerly and/or currently incarcerated people). The survey was conducted July 11-17, 2022. The data were weighted slightly by gender, age, race, region, education level, and ideology. The margin of error for the base sample is +/-3.1% and larger for subgroups.