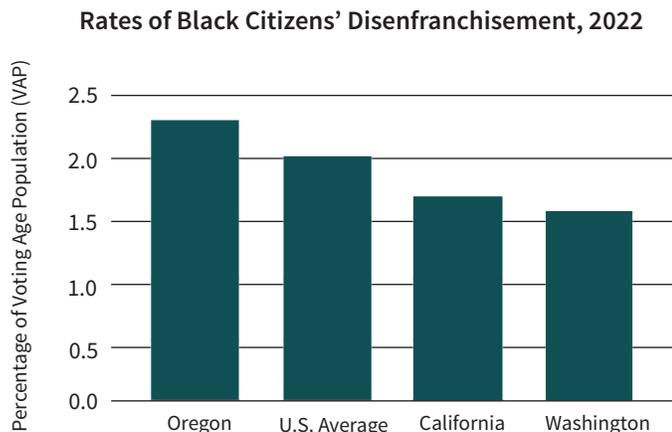


Oregon Should Restore Voting Rights to Over 13,000 Citizens

In Oregon, 13,302 adults do not have the right to vote because they are incarcerated in prison or jail due to a felony conviction.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).

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



To ameliorate this racial injustice and protect its democratic values, Oregon should follow the lead of Maine, Vermont, Puerto Rico, and Washington, D.C. and extend voting rights to all citizens with felony convictions, including persons completing felonies in prisons and jails.

Racial Injustice in Oregon’s Criminal Legal System Causes Disparities in Disenfranchisement

Often viewed as a politically progressive state, Oregon has a sordid history of racial exclusion. Black people were banned from living in Oregon in 1844 before it established statehood.⁴ Those who were illegally in Oregon could be subjected to lashing, which was replaced by a period of forced labor and then banishment.⁵ In 1857, during a constitutional convention in Salem, the legislative assembly banned new Black residents, banned Black Oregonians from voting, and implemented felony disenfranchisement laws.⁶ When Oregon became the 33rd state in the union in 1859, it was the only state admitted with racist exclusion laws in the state constitution.⁷

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.⁸ These disparities in incarceration go beyond differences in criminal offending and result from persistent discriminatory practices throughout Oregon’s criminal legal system. Examples include:

Non-unanimous jury verdicts:

- Oregon’s constitution allowed for non-unanimous criminal jury verdicts from 1934 until the U.S. Supreme Court deemed them unconstitutional in 2020. Louisiana was the only other state that had this practice.⁹ Researchers at Lewis & Clark Law School found that out of 250 non-unanimous guilty jury verdicts in Oregon, 18% involved Black individuals.¹⁰

Police practices:

- 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.¹¹ When residents were searched, White residents were more frequently found with contraband.
- Drug possession enforcement has resulted in a disproportionate number of arrests and convictions of Black and Indigenous Oregonians compared to whites even though drug usage patterns do not substantially differ by race.¹²

Oregon should safeguard democratic rights and not allow its racially disparate criminal legal system to restrict voting rights.

Supporting Voting Rights Improves Public Safety

According to District Attorney Mike Schmidt of Multnomah County, Oregon, “There are zero public safety justifications for preventing someone [in prison] from voting...Stripping someone of a right that others have fought and died for sends the message that ‘You are less than.’”¹³ Research shows that an opportunity to participate in democracy has the potential to reduce one’s perceived status as an “outsider.”¹⁴ The act of voting can have a meaningful and sustaining positive influence on justice-impacted citizens by making them feel they belong to a community.¹⁵ As reinforced by Representative Khanh Pham, the first Vietnamese-American legislator in Oregon:

The ability to vote while incarcerated, reminds people that they are still meaningful members of society, and encourages them towards civic participation. Incarcerated folks are directly impacted by elections. From their meals to their medical care to the school districts which their children attend, the laws we create and amend will continue

to govern our constituents regardless of their status and location. Oregon should respect the voices of all Oregonians, including those who are incarcerated.¹⁶

Having a say and a stake in the life and well-being of your community is at the heart of our democracy.

Moreover, re-enfranchisement can facilitate successful re-entry and reduce recidivism. The University of Minnesota’s Christopher Uggen and New York University’s Jeff Manza find that among people with a prior arrest, there are “consistent differences between voters and non-voters in rates of subsequent arrest, incarceration, and self-reported criminal behavior.”¹⁷ Allowing people to vote while in prison prepares them for more successful reentry. By ending disenfranchisement as a consequence of incarceration, Oregon can improve public safety while also promoting reintegrative prosocial behaviors.

Oregon Can Strengthen its Democracy by Restoring the Right to Vote

Legislation has been introduced in Oregon to permit Oregonians incarcerated for a felony to register to vote, update their voter registration, and vote in elections. Oregon would join Maine, Vermont, Puerto Rico, and Washington, D.C. in ensuring all of their citizens can participate in our democratic process. Oregon should continue advancing racial justice by re-enfranchising all voting age citizens.

ENDNOTES

¹ Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022). Locked out 2022: Estimates of people denied voting rights due to a felony conviction. The Sentencing Project.

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

³ Uggen et al. (2022), see note 1.

⁴ Richardson, A., & McCadden, E. (2021, January). *Voting rights for Oregonians in prison*. Next Up Oregon. <https://nextuporegon.org/wp-content/uploads/2021/02/Voting-Rights-for-Oregonians-in-Prison-2021.pdf>

⁵ Richardson & McCadden. (2021), see note 4.

⁶ Richardson & McCadden. (2021), see note 4. Oregon Secretary of State. Black in Oregon: 1840-1987. <https://sos.oregon.gov/archives/exhibits/black-history/Pages/context/chronology.aspx>

⁷ Richardson & McCadden. (2021), see note 4.

⁸ This number was calculated using population statistics from the Oregon Department of Corrections. (2022). 2022 Quick Facts. <https://www.oregon.gov/doc/research-and-requests/Pages/research-and-statistics.aspx#56be1532-70bf-4f01-a689-3077673a0664>

⁹ Ramos v. Louisiana, 590 U.S. _____. (2020). <https://supreme.justia.com/cases/federal/us/590/18-5924/>

¹⁰ Wilson, C. (2022, March 3). *Oregon lawmakers scrap plan to clear some past nonunanimous jury convictions*. <https://www.opb.org/article/2022/03/03/oregon-lawmakers-scrap-plan-to-clear-some-past-non-unanimous-jury-convictions/#:~:text=Oregon's%20court%20records%20are%20thin,population%20being%20only%202.2%25%20Black.>

¹¹ [https://www.oregonlive.com/crime/2020/11/in-2019-the-portland-police-gun-violence-team-made-1600-](https://www.oregonlive.com/crime/2020/11/in-2019-the-portland-police-gun-violence-team-made-1600-stops-more-than-half-were-black-people.html)

[stops-more-than-half-were-black-people.html](https://www.oregonlive.com/crime/2020/11/in-2019-the-portland-police-gun-violence-team-made-1600-stops-more-than-half-were-black-people.html)

¹² Edwards, E., et al. (2020). A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform. https://www.aclu.org/sites/default/files/field_document/042020-marijuanareport.pdf

¹³ Oregon Justice Resource Center [@OJRCenter]. (2021, February 24). @DAMikeSchmidt supports restoring voting rights: “There are zero public safety justifications for preventing someone [in prison] from voting... Stripping someone [Tweet]. Twitter. <https://twitter.com/OJRCenter/status/1364618327696371712>; Oregon State Legislature. (2021, February 24). Senate Committee On Judiciary and Ballot Measure 110 Implementation. <https://olis.oregonlegislature.gov/liz/mediaplayer/?clientID=4879615486&eventID=2021021344>

¹⁴ Uggen, C., & Manza, J. (2004). Voting and subsequent crime and arrest: Evidence from a community sample. *Columbia Human Rights Law Review*, 36(1), 193-216.; Aviram, H., Bragg, A., & Lewis, C. (2017). Felon Disenfranchisement. *Annual Review of Law and Social Science*, 13, 295-311. <https://doi.org/10.1146/annurev-lawsocsci-110316-113558>; Miller, B. L., & Agnich, L. E. (2016). Unpaid debt to society: Exploring how ex-felons view restrictions on voting rights after the completion of their sentence. *Contemporary Justice Review*, 19(1), 69-85. <https://doi.org/10.1080/10282580.2015.1101685>

¹⁵ Uggen et al. (2022), see note 1.

¹⁶ Pham, K. (2021). Testimony in support of SB 571. <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/PublicTestimonyDocument/7513>

¹⁷ Uggen & Manza, (2004). See note 14.