

House Bill 2620

Sponsored by Representatives RILEY, GREENLICK; Representatives BARTON, J SMITH

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides for constitutional convention in 2011. Establishes qualifications for delegates, number of delegates and manner of electing delegates. Requires that chairperson of convention certify proposed Constitution to Secretary of State no later than August 26, 2011. Requires that Secretary of State submit proposed Constitution to people for approval or rejection at special election to be held on November 8, 2011.

Creates Constitutional Commission to make recommendations to constitutional convention and serve as resource for advice and consultation to constitutional convention.

Refers Act to people for their approval or rejection at next regular general election.

A BILL FOR AN ACT

1
2 Relating to a constitutional convention; and providing that this Act shall be referred to the people
3 for their approval or rejection.

4 Whereas the Oregon Constitutional Convention of 1857 met for the purpose of establishing the
5 limits of a new government and securing the rights of the people within the borders of the proposed
6 State of Oregon; and

7 Whereas it is a well-established principle that constitutions exist for the sole purpose of defining
8 and limiting the powers of government and securing the natural and positive rights of individuals;
9 and

10 Whereas the Oregon Constitution since its inception has been extended beyond the original in-
11 tent, becoming a cumbersome document regulating the minutiae of government and individual af-
12 fairs; and

13 Whereas amendments have lessened the Oregon Constitution's capacity to fulfill either the ori-
14 ginal intent of the drafters or contemporary needs; and

15 Whereas the people of Oregon now find it necessary and preferable to publicly debate once
16 again the purpose and provisions of their Constitution and to create a new Constitution consistent
17 with their present desires; now, therefore,

18 **Be It Enacted by the People of the State of Oregon:**

19 **SECTION 1. (1) On or before July 1, 2011, the delegates elected or otherwise chosen as**
20 **provided in this section shall convene at the State Capitol to study the laws and the Consti-**
21 **tution of this state and to draft a new Constitution for the State of Oregon. The Governor**
22 **shall determine the day on which the 2011 Constitutional Convention will convene and shall**
23 **give not less than 30 days' notice of the day to the delegates.**

24 **(2) There shall be 50 delegates to the 2011 Constitutional Convention, consisting of 10**
25 **delegates representing each of Oregon's congressional districts. Each delegate must be a le-**
26 **gal voter of the state and have continuously resided in the congressional district the delegate**
27 **represents for at least three years before the delegate nominating election. The delegates**
28 **shall be elected on a nonpartisan basis.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (3) The delegate nominating election shall be held at the same time as the primary
 2 election on May 18, 2010. The 20 candidates receiving the most votes in each congressional
 3 district, or all candidates if there are 20 or fewer candidates, shall run for election at the
 4 general election held on November 2, 2010. The 10 candidates receiving the most votes in each
 5 congressional district at the general election, or all candidates if there are 10 or fewer can-
 6 didates, shall represent their congressional district as delegates to the 2011 Constitutional
 7 Convention. If there are fewer than 10 candidates from a congressional district at the gen-
 8 eral election, the candidates elected shall choose additional delegates as necessary. Persons
 9 currently serving in local or state elected office, and candidates for local or state elected
 10 offices, may file for and serve as delegates to the convention.

11 (4) The Secretary of State shall adopt rules establishing procedures for candidates filing
 12 for the nomination and election of delegates at the 2010 primary and general elections. Any
 13 filing fees established by the Secretary of State may not exceed \$100.

14 (5) If a vacancy occurs in the position of a delegate, the remaining delegates from the
 15 congressional district shall choose a person who meets the qualifications specified by sub-
 16 section (2) of this section to fill the vacancy.

17 (6) Upon convening, the delegates shall elect a chairperson, secretary and other officers
 18 and committees as they deem advisable. The deliberations of the convention shall be subject
 19 to Mason's Manual of Legislative Procedure except to the extent provided by rules adopted
 20 by a majority vote of the delegates.

21 (7) When a new Constitution has been drafted, the chairperson of the convention shall
 22 certify the proposed Constitution to the Secretary of State. The certification must be made
 23 no later than August 26, 2011. The Secretary of State shall submit the proposed Constitution
 24 to the people for their approval or rejection at a special election to be held on November 8,
 25 2011.

26 **SECTION 2.** (1) A Constitutional Commission is created to:

27 (a) Study the laws and Constitution of this state for the purpose of identifying potential
 28 corrections, improvements and additions to the Oregon Constitution for referral to the 2011
 29 Constitutional Convention; and

30 (b) Make recommendations to and serve as a resource for the convention.

31 (2) The commission has 12 members, appointed as follows:

32 (a) Four members of the Senate, appointed by the President of the Senate;

33 (b) Four members of the House of Representatives, appointed by the Speaker of the
 34 House of Representatives;

35 (c) Two members, appointed by the Governor, who have a thorough knowledge of the
 36 history of the State of Oregon, the laws and Constitution of the State of Oregon and con-
 37 stitutional principles in general; and

38 (d) Two members, appointed by the Chief Justice of the Supreme Court, who have a
 39 thorough knowledge of the history of the State of Oregon, the laws and Constitution of the
 40 State of Oregon and constitutional principles in general.

41 (3) Appointments to the commission shall be made no later than March 15, 2010. The
 42 commission shall elect a chairperson, and shall meet at such times and places as the com-
 43 mission finds necessary.

44 **SECTION 3.** Section 2 of this 2009 Act is repealed January 2, 2012.

45 **SECTION 4.** This 2009 Act shall be submitted to the people for their approval or rejection

1 **at the next regular general election held throughout this state.**

2
