

# Senate Joint Resolution 20

Sponsored by Senator ATKINSON

## 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**.

Proposes amendment to Oregon Constitution to require Legislative Assembly to enact redistricting plan upon approval by three-fifths of membership of each house of Legislative Assembly. Establishes panel of retired judges to provide redistricting plan if Legislative Assembly fails to enact redistricting plan or if Supreme Court determines plan enacted by Legislative Assembly does not comply with constitutional requirements.

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

## JOINT RESOLUTION

1  
2 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

3 **PARAGRAPH 1.** Sections 3, 6 and 8, Article IV of the Constitution of the State of Oregon, are  
4 amended to read:

5 **Sec. 6.** (1) [*At the regular session of the Legislative Assembly next following an enumeration of*  
6 *the inhabitants by the United States Government,*] The number of Senators and Representatives shall  
7 be fixed by law and apportioned among legislative districts according to population **as provided in**  
8 **this section. In each year ending with the numeral 1, the Legislative Assembly shall enact,**  
9 **upon approval by three-fifths of the membership of each house of the Legislative Assembly,**  
10 **a redistricting plan under this subsection.** A senatorial district shall consist of two represen-  
11 tative districts. Any Senator whose term continues through the next regular legislative session after  
12 the operative date of the [*reapportionment*] **redistricting plan** shall be specifically assigned to a  
13 senatorial district. The ratio of Senators and Representatives, respectively, to population shall be  
14 determined by dividing the total population of the state by the number of Senators and by the  
15 number of Representatives. A [*reapportionment*] **redistricting plan enacted** by the Legislative As-  
16 sembly becomes operative as described in subsection [(6)] **(10)** of this section.

17 (2) This subsection governs judicial review and correction of a [*reapportionment*] **redistricting**  
18 **plan** enacted by the Legislative Assembly.

19 (a) Original jurisdiction is vested in the Supreme Court, upon the petition of any elector of the  
20 state filed with the Supreme Court on or before August 1 of the year in which the Legislative As-  
21 sembly enacts a [*reapportionment*] **redistricting plan**, to review any [*reapportionment*] **redistricting**  
22 **plan** so enacted.

23 (b) If the Supreme Court determines that the [*reapportionment thus reviewed*] **redistricting plan**  
24 complies with subsection (1) of this section and all law applicable thereto, it shall dismiss the peti-  
25 tion by written opinion on or before September 1 of the same year and the [*reapportionment*] **re-**  
26 **districting plan** becomes operative as described in subsection [(6)] **(10)** of this section.

27 (c) If the Supreme Court determines that the [*reapportionment*] **redistricting plan** does not  
28 comply with subsection (1) of this section and all law applicable thereto[,]:

**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 (A) *[The reapportionment shall be]* **The redistricting plan is void.**

2 (B) In its written opinion, the Supreme Court shall specify with particularity wherein the [*re-*  
3 *apportionment*] **redistricting plan** fails to comply.

4 (C) **The Supreme Court shall select a panel of retired judges to provide a redistricting**  
5 **plan as described in subsection (3) of this section.** *[The opinion shall further direct the Secretary*  
6 *of State to draft a reapportionment of the Senators and Representatives in accordance with the pro-*  
7 *visions of subsection (1) of this section and all law applicable thereto. The Supreme Court shall file its*  
8 *order with the Secretary of State on or before September 15. The Secretary of State shall conduct a*  
9 *hearing on the reapportionment at which the public may submit evidence, views and argument. The*  
10 *Secretary of State shall cause a transcription of the hearing to be prepared which, with the evidence,*  
11 *shall become part of the record. The Secretary of State shall file the corrected reapportionment with the*  
12 *Supreme Court on or before November 1 of the same year.]*

13 *[(d) On or before November 15, the Supreme Court shall review the corrected reapportionment to*  
14 *assure its compliance with subsection (1) of this section and all law applicable thereto and may further*  
15 *correct the reapportionment if the court considers correction to be necessary.]*

16 *[(e) The corrected reapportionment becomes operative as described in subsection (6) of this*  
17 *section.]*

18 *[(3) This subsection governs enactment, judicial review and correction of a reapportionment if the*  
19 *Legislative Assembly fails to enact any reapportionment by July 1 of the year of the regular session*  
20 *of the Legislative Assembly next following an enumeration of the inhabitants by the United States*  
21 *Government.]*

22 *[(a) The Secretary of State shall make a reapportionment of the Senators and Representatives in*  
23 *accordance with the provisions of subsection (1) of this section and all law applicable thereto. The*  
24 *Secretary of State shall conduct a hearing on the reapportionment at which the public may submit ev-*  
25 *idence, views and argument. The Secretary of State shall cause a transcription of the hearing to be*  
26 *prepared which, with the evidence, shall become part of the record. The reapportionment so made shall*  
27 *be filed with the Supreme Court by August 15 of the same year. The reapportionment becomes operative*  
28 *as described in subsection (6) of this section.]*

29 *[(b) Original jurisdiction is vested in the Supreme Court upon the petition of any elector of the state*  
30 *filed with the Supreme Court on or before September 15 of the same year to review any reapportionment*  
31 *and the record made by the Secretary of State.]*

32 *[(c) If the Supreme Court determines that the reapportionment thus reviewed complies with sub-*  
33 *section (1) of this section and all law applicable thereto, it shall dismiss the petition by written opinion*  
34 *on or before October 15 of the same year and the reapportionment becomes operative as described in*  
35 *subsection (6) of this section.]*

36 *[(d) If the Supreme Court determines that the reapportionment does not comply with subsection (1)*  
37 *of this section and all law applicable thereto, the reapportionment shall be void. The Supreme Court*  
38 *shall return the reapportionment by November 1 to the Secretary of State accompanied by a written*  
39 *opinion specifying with particularity wherein the reapportionment fails to comply. The opinion shall*  
40 *further direct the Secretary of State to correct the reapportionment in those particulars, and in no*  
41 *others, and file the corrected reapportionment with the Supreme Court on or before December 1 of the*  
42 *same year.]*

43 *[(e) On or before December 15, the Supreme Court shall review the corrected reapportionment to*  
44 *assure its compliance with subsection (1) of this section and all law applicable thereto and may further*  
45 *correct the reapportionment if the court considers correction to be necessary.]*

1        *[(f) The reapportionment becomes operative as described in subsection (6) of this section.]*

2        *[(4) Any reapportionment that becomes operative as provided in this section is a law of the state*  
3 *except for purposes of initiative and referendum.]*

4        *[(5) Notwithstanding section 18, Article II of this Constitution, after the convening of the next*  
5 *regular legislative session following the reapportionment, a Senator whose term continues through that*  
6 *legislative session is subject to recall by the electors of the district to which the Senator is assigned*  
7 *and not by the electors of the district existing before the latest reapportionment. The number of signa-*  
8 *tures required on the recall petition is 15 percent of the total votes cast for all candidates for Governor*  
9 *at the most recent election at which a candidate for Governor was elected to a full term in the two*  
10 *representative districts comprising the senatorial district to which the Senator was assigned.]*

11        **(3)(a) If the Legislative Assembly fails to enact a redistricting plan by July 1 or if the**  
12 **Supreme Court determines that the redistricting plan enacted by the Legislative Assembly**  
13 **fails to comply with subsection (1) of this section, not later than September 15, the Supreme**  
14 **Court shall select a panel of retired judges to adopt a redistricting plan.**

15        **(b) The Supreme Court shall select 18 retired judges who are willing and able to serve**  
16 **on the panel. Not more than nine of the retired judges may be members of the same political**  
17 **party. A person is qualified to serve on the panel if the person:**

18        **(A) Is a retired judge of the Supreme Court;**

19        **(B) Has never held elected partisan public office or political party office; and**

20        **(C) Has not changed the person's political party affiliation indicated on the person's voter**  
21 **registration records during the 48 months immediately preceding appointment.**

22        **(c) In the event that fewer than 18 retired judges meet the criteria set forth in paragraph**  
23 **(b) of this subsection, the Supreme Court may add the names of retired state judges who are**  
24 **willing to serve on the panel until the names of 18 retired judges are selected. A person may**  
25 **serve on the panel under this paragraph if the person:**

26        **(A) Is a retired Oregon state judge;**

27        **(B) Has never held elected partisan public office or political party office; and**

28        **(C) Has not changed the person's political party affiliation indicated on the person's voter**  
29 **registration records during the 48 months immediately preceding appointment.**

30        **(4)(a) From the pool of retired judges selected under subsection (3) of this section, the**  
31 **Supreme Court shall select by lot five panelists according to the following rules:**

32        **(A) The two largest political parties in this state shall be equally represented among the**  
33 **panelists.**

34        **(B) One panelist may not be a member of a major political party.**

35        **(b) In the event of a vacancy on the panel, the vacancy shall be filled by a panelist whose**  
36 **selection meets the composition requirements for the panel under subsection (3) of this**  
37 **section.**

38        **(5) The term of office of each panelist expires upon the adoption of a final redistricting**  
39 **plan under paragraph (a) of subsection (7) of this section.**

40        **(6) The panel shall hold a public hearing to receive and consider proposed redistricting**  
41 **plans and public comment from any member of the public. The panel is a public body for**  
42 **purposes of any statutory provisions applicable to the meetings of public bodies.**

43        **(7)(a) The panel shall adopt a final redistricting plan as soon as practicable but not later**  
44 **than November 1 of the year ending with the numeral 1. An affirmative vote of each panelist**  
45 **is necessary for adoption of a final redistricting plan. The redistricting plan adopted by the**

1 **panel shall be final upon adoption and becomes operative as described in subsection (10) of**  
 2 **this section.**

3 **(b) If the panel fails to adopt a redistricting plan under paragraph (a) of this subsection,**  
 4 **the Supreme Court shall adopt a redistricting plan by December 1 of the year ending with**  
 5 **the numeral 1. The redistricting plan adopted by the Supreme Court is final and becomes**  
 6 **operative as described in subsection (10) of this section.**

7 **(8) The Legislative Assembly shall enact laws appropriating moneys to enable a panel**  
 8 **selected under this section to carry out its duties under this section.**

9 **(9) A redistricting plan may not be changed or established except pursuant to this sec-**  
 10 **tion. A redistricting plan adopted by the panel is not subject to veto by the Governor.**

11 [(6)(a)] **(10)(a) Except as provided in paragraph (b) of this subsection, a [reapportionment] re-**  
 12 **districting plan made under this section becomes operative on the second Monday in January of**  
 13 **the next odd-numbered year after the applicable deadline for making a final [reapportionment] re-**  
 14 **districting plan under this section.**

15 (b) For purposes of electing Senators and Representatives to the next term of office that com-  
 16 mences after the applicable deadline for making a final [reapportionment] **redistricting plan** under  
 17 this section, a [reapportionment] **redistricting plan** made under this section becomes operative on  
 18 January 1 of the calendar year next following the applicable deadline for making a final [reappor-  
 19 tionment] **redistricting plan** under this section.

20 **Sec. 3.** (1) The senators and representatives shall be chosen by the electors of the respective  
 21 counties or districts or subdistricts within a county or district into which the state may from time  
 22 to time be divided by law.

23 (2)(a) If a vacancy occurs in the office of senator or representative from any county or district  
 24 or subdistrict, the vacancy shall be filled as may be provided by law.

25 (b) Except as provided in paragraph (c) of this subsection, a person who is appointed to fill a  
 26 vacancy in the office of senator or representative must be an inhabitant of the district the person  
 27 is appointed to represent for at least one year next preceding the date of the appointment.

28 (c) For purposes of an appointment occurring during the period beginning on January 1 of the  
 29 year a [reapportionment] **redistricting plan** becomes operative under section 6 of this Article, the  
 30 person must have been an inhabitant of the district for one year next preceding the date of the ap-  
 31 pointment or from January 1 of the year the [reapportionment] **redistricting plan** becomes operative  
 32 to the date of the appointment, whichever is less.

33 **Sec. 8.** (1)(a) Except as provided in paragraph (b) of this subsection, a person may not be a  
 34 Senator or Representative if the person at the time of election:

35 (A) Is not a citizen of the United States; and

36 (B) Has not been for one year next preceding the election an inhabitant of the district from  
 37 which the Senator or Representative may be chosen.

38 (b) For purposes of the general election next following the applicable deadline for making a final  
 39 [apportionment] **redistricting plan** under section 6 of this Article, the person must have been an  
 40 inhabitant of the district from January 1 of the year following the applicable deadline for making  
 41 the final [reapportionment] **redistricting plan** to the date of the election.

42 (2) Senators and Representatives shall be at least twenty one years of age.

43 (3) A person may not be a Senator or Representative if the person has been convicted of a felony  
 44 during:

45 (a) The term of office of the person as a Senator or Representative; or

1 (b) The period beginning on the date of the election at which the person was elected to the of-  
2 fice of Senator or Representative and ending on the first day of the term of office to which the  
3 person was elected.

4 (4) A person is not eligible to be elected as a Senator or Representative if that person has been  
5 convicted of a felony and has not completed the sentence received for the conviction prior to the  
6 date that person would take office if elected. As used in this subsection, "sentence received for the  
7 conviction" includes a term of imprisonment, any period of probation or post-prison supervision and  
8 payment of a monetary obligation imposed as all or part of a sentence.

9 (5) Notwithstanding sections 11 and 15, Article IV of this Constitution:

10 (a) The office of a Senator or Representative convicted of a felony during the term to which the  
11 Senator or Representative was elected or appointed shall become vacant on the date the Senator  
12 or Representative is convicted.

13 (b) A person elected to the office of Senator or Representative and convicted of a felony during  
14 the period beginning on the date of the election and ending on the first day of the term of office to  
15 which the person was elected shall be ineligible to take office and the office shall become vacant  
16 on the first day of the next term of office.

17 (6) Subject to subsection (4) of this section, a person who is ineligible to be a Senator or Rep-  
18 resentative under subsection (3) of this section may:

19 (a) Be a Senator or Representative after the expiration of the term of office during which the  
20 person is ineligible; and

21 (b) Be a candidate for the office of Senator or Representative prior to the expiration of the term  
22 of office during which the person is ineligible.

23 (7)(a) Except as provided in paragraph (b) of this subsection, a person may not be a Senator or  
24 Representative if the person at all times during the term of office of the person as a Senator or  
25 Representative is not an inhabitant of the district from which the Senator or Representative may  
26 be chosen or which the Senator or Representative has been appointed to represent. A person does  
27 not lose status as an inhabitant of a district if the person is absent from the district for purposes  
28 of business of the Legislative Assembly.

29 (b) Following the applicable deadline for making a final [*apportionment*] **redistricting plan** un-  
30 der section 6 of this Article, until the expiration of the term of office of the person, a person may  
31 be an inhabitant of any district.

32  
33 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**  
34 **people for their approval or rejection at the next regular general election held throughout**  
35 **this state.**