

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 6 - 1 - 1

Yeas: Barnhart, Berger, Garrett, Holvey, Olson, Hunt

Nays: Wingard

Exc.: Freeman

Prepared By: Jim Stenbridge, Administrator

Meeting Dates: 3/21, 4/13, 4/20, 5/4

WHAT THE MEASURE DOES: For determining required habitation within a district required for serving as a state representative or senator, directs elections officials to consider several factors, including, but not limited to, where personal mail is received; driver license, motor vehicle registration, utility, and tax return addresses; as well as voter registration, if any.

ISSUES DISCUSSED:

- Differing requirements for registering to vote in a district and being eligible to represent the district in the legislature
- Influence that wording in statute may have on court interpretation of a Constitutional provision
- How the list of criteria would be used in decision-making
- Frequency with which the problem arises
- Whether or not the criteria would provide additional discretion to the Secretary of State
- Potential for abuse of that discretion by some future Secretary of State
- Locations at which people have personal vehicles registered and receive personal mail
- Differences in definition between “inhabitation” and “residence”

EFFECT OF COMMITTEE AMENDMENT: Replaces the measure.

BACKGROUND: Article IV, Section 8 of the Oregon Constitution states that “a person may not be a Senator or Representative if the person at the time of election . . . has not been for one year next preceding the election an inhabitant of the district from which the Senator or Representative may be chosen.” In July, 2008, a House District 29 candidate was found not to inhabit the district. The candidate had been voting in the district for many years, but a review of the district boundary showed that although most of the candidate’s property was in District 29, the candidate’s home was in District 26. House Bill 3576-A provides criteria for elections officials to apply when they rule on the Constitutional requirement that a potential candidate have been an inhabitant of the district for at least one year.

5/5/2011 4:35:00 PM

This summary has not been adopted or officially endorsed by action of the committee.