

REVENUE: No revenue impact

FISCAL:

SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

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Meeting Dates: 3/4

WHAT THE MEASURE DOES: Prescribes process for adjudicating reapportionment of congressional districts. Forms panel of judges to decide upon reapportionment in event that Legislative Assembly fails to enact reapportionment or upon petition challenging reapportionment enacted by Legislative Assembly.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

BACKGROUND: Article IV Section 6 of the Oregon Constitution and ORS 188.010 contain the criteria, timeline, and authority for conducting and completing legislative redistricting. If the legislature fails to enact a legislative redistricting plan by July 1, the Governor vetoes the plan, or if a court successfully challenges its plan or a portion of it, the responsibility for drawing legislative districts lines, or for correcting a specific problem, falls to the Secretary of State.

There is no corresponding timeline for congressional redistricting because there are no statutory or constitutional deadlines for the legislature to complete the congressional redistricting plan. The practical deadline is in time for candidates filing for the 2012 primary election.

Currently, the Oregon Constitution and the U.S. Constitution do not provide a redistricting mechanism if the Legislative Assembly fails to complete a congressional plan. The only available mechanism for redress is for an affected individual or group of individuals to petition the courts to address the inequality in district populations based on the new census data.

House Bill 2887 would establish the process for adjudicating a congressional redistricting plan if the Legislative Assembly is unable to complete plan before sine die or if any elector challenges the congressional redistricting enacted by the Legislative Assembly. In the year following the census, jurisdiction for adjudicating congressional redistricting would be vested in a panel of seven judges that consists of (a) Five circuit court judges selected at random, one representing each congressional district; (b) the Chief Judge of the Court of Appeals; and (c) the presiding judge of the Circuit Court of Marion County. The panel of judges shall decide upon a reapportionment of congressional districts on or before September 30. A plan decided upon by the panel may be appealed to the Supreme Court.

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