

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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| <b>Action:</b>        | Do Pass as Amended and Be Printed Engrossed                      |
| <b>Vote:</b>          | 8 - 0 - 1  |
| <b>Yeas:</b>          | Berger, Dembrow, Hicks, Holvey, Hoyle, Jenson, Kennemer, Garrett |
| <b>Nays:</b>          | 0  |
| <b>Exc.:</b>          | Barnhart   |
| <b>Prepared By:</b>   | Erin Seiler, Administrator                                       |
| <b>Meeting Dates:</b> | 3/4, 5/29, 5/30  |

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**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:**

- Fill void in state law regarding what would happen if legislature fails to pass congressional plan
- Deal with venue shopping
- Provide certainty in process for congressional redistricting
- Cost and time of legal challenge
- Increasing fairness with geographic distribution of judges
- Limit multiple filings
- Possible amendments
- Scope of review for judicial scope
- Alignment of timelines for congressional and state redistricting implementation
- Appeals process for congressional process
- Deference by federal courts to state process for congressional redistricting

**EFFECT OF COMMITTEE AMENDMENT:** Establishes timeline for filing of petitions in court; location; and provides for consolidation of petitions. Specifies pleading requirements for filing petition with court. Specifies process for selection of panel judges and allows for panel to appoint special master. Determines scope of review by panel for legislatively-approved plans; no legislatively- approved plan; or vetoed plan. Determines scope of review for appeals of panel plan to Oregon Supreme Court including providing for de novo review for non-unanimous panel plan.

**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.

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

House Bill 2887-A would establish the process for adjudicating a congressional redistricting plan if the Legislative Assembly is unable to complete a plan before July 1, a congressional plan is vetoed by the Governor, or if any elector challenges the congressional redistricting enacted by the Legislative Assembly. The Chief Justice of the Supreme Court will appoint a special judicial panel consisting of one state circuit court judge and a senior judge or judge who is serving as a judge pro tempore from each congressional district. The panel will have the authority to create its own congressional plan if there is no legislatively-approved plan or review a legislatively-approved plan for compliance with statutory and constitutional requirements.