

House Bill 2686

Sponsored by Representatives BERGER, BAILEY

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**.

Establishes provisions relating to selection and conduct of redistricting commission.

Directs Department of Corrections to determine last-known address of inmates in custody of department and submit information to Secretary of State. Directs secretary to adjust population data reported in federal decennial census to reflect residence status of inmates before incarceration for redistricting purposes.

Takes effect only if House Joint Resolution 17 (2013) is approved by people at next regular general election. Takes effect on effective date of constitutional amendment proposed by House Joint Resolution 17 (2013).

A BILL FOR AN ACT

1
2 Relating to a redistricting commission; creating new provisions; amending ORS 171.068, 188.010 and
3 188.015; and prescribing an effective date.

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

5 **SECTION 1.** ORS 188.010 is amended to read:

6 188.010. [*The Legislative Assembly or the Secretary of State, whichever is applicable, shall consider*
7 *the following criteria when apportioning the state into congressional and legislative districts:*]

8 [(1) *Each district, as nearly as practicable, shall:*]

9 [(a) *Be contiguous;*]

10 [(b) *Be of equal population;*]

11 [(c) *Utilize existing geographic or political boundaries;*]

12 [(d) *Not divide communities of common interest; and*]

13 [(e) *Be connected by transportation links.*]

14 [(2) *No district shall be drawn for the purpose of favoring any political party, incumbent legislator*
15 *or other person.*]

16 [(3) *No district shall be drawn for the purpose of diluting the voting strength of any language or*
17 *ethnic minority group.*]

18 [(4) *Two state House of Representative districts shall be wholly included within a single state*
19 *senatorial district.*]

20 **(1) To implement Article IV, section 6, of the Oregon Constitution, the Secretary of State**
21 **as State Auditor shall establish a nomination and application process for electors to serve**
22 **as members of the redistricting commission in each year following the federal decennial**
23 **census.**

24 **(2) The process shall be open to all electors.**

25 **(3) Applicants and persons who have been nominated shall:**

26 **(a) State their willingness and ability to serve on the commission; and**

27 **(b) Pledge in writing to serve impartially on the commission, if appointed.**

28 **(4) The auditor shall solicit nominations for appointment to the commission from:**

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 Governor.
- 2 (b) Persons who have held office as the Governor or Secretary of State.
- 3 (c) Former Supreme Court justices.
- 4 (d) Former members of Congress.
- 5 (e) Presidents of public universities listed in ORS 352.002.
- 6 (f) The president of the Oregon State Bar Association.
- 7 (g) The Commission on Black Affairs.
- 8 (h) The Commission on Hispanic Affairs.
- 9 (i) The Commission on Asian and Pacific Islander Affairs.
- 10 (j) The Commission for Women.
- 11 (5) The auditor may solicit or accept nominations from other persons or organizations.
- 12 (6) The auditor shall determine whether the nominees or applicants are eligible to serve
- 13 on the commission and shall remove ineligible nominees or applicants.
- 14 (7) The auditor may accept additional applications if necessary to fill a vacancy on the
- 15 commission as described in section 4 of this 2013 Act.

16 **SECTION 2.** ORS 188.015 is amended to read:

17 188.015. The Secretary of State as **State Auditor** shall adopt rules the secretary considers

18 necessary in carrying out the [*secretary's reapportionment duties under*] **provisions of** ORS 188.010

19 to 188.295 and [*section 6,*] Article IV, **section 6**, of the Oregon Constitution.

20 **SECTION 3.** Sections 4 to 7 of this 2013 Act are added to and made a part of ORS 188.010

21 to 188.295.

22 **SECTION 4.** (1) Members of the redistricting commission described in ORS 188.010 are

23 not entitled to compensation but may be reimbursed for expenses as provided in ORS 292.495.

24 (2) The commission shall elect a chairperson.

25 (3)(a) The commission may appoint an executive director to serve at the pleasure of the

26 commission.

27 (b) The executive director is responsible for the administrative operations of the com-

28 mission and may perform other duties as may be designated or assigned to the executive

29 director from time to time by the commission.

30 (4) A majority of members of the commission constitute a quorum for the transaction

31 of business.

32 (5) In the event of a vacancy on the commission for any cause, the commission shall fill

33 the vacancy by appointing an individual who applies under ORS 188.010. The commission must

34 approve the appointment by a majority vote.

35 (6) With an affirmative vote of two-thirds of the members of the Senate, the Governor

36 may remove any member of the commission at any time for corrupt conduct in office, sub-

37 stantial neglect of duty or inability to serve.

38 **SECTION 5.** In the year before the federal decennial census, the Governor shall include

39 in the Governor's budget request to the Legislative Assembly amounts required by the Sec-

40 retary of State as State Auditor and the redistricting commission to cover the estimated

41 expenses of implementing ORS 188.010, section 4 of this 2013 Act and Article IV, section 6,

42 of the Oregon Constitution.

43 **SECTION 6.** (1) As used in this section:

44 (a) "Date of the census" means the date for which the federal decennial census reports

45 population.

1 (b) "Inmate" means a person committed to the physical and legal custody of the De-
2 partment of Corrections.

3 (c) "Last-known address" means a residential address, other than a department facility,
4 at which an inmate resided before incarceration.

5 (2) The department shall by rule adopt an electronic filing system to record the following
6 information for each inmate:

7 (a) The last-known address of the inmate.

8 (b) The inmate's race or ethnicity.

9 (c) Whether the inmate is over the age of 18 years.

10 (3) Not later than May 1 of the year of the federal decennial census, the department shall
11 submit to the Secretary of State:

12 (a) A unique identifier for each inmate incarcerated on the date of the census that does
13 not indicate the inmate's name.

14 (b) The address of the facility in which the inmate is incarcerated on the date of the
15 census.

16 (c) All information recorded for each inmate under subsection (2) of this section.

17 (4) Not later than 14 days after publication of census redistricting data for this state by
18 the United States Census Bureau, the Secretary of State shall:

19 (a) For each inmate determined to have a last-known address within this state:

20 (A) Determine the geographic units for which population counts are reported in the fed-
21 eral decennial census that contain the address of the facility of incarceration and the last-
22 known address of the inmate;

23 (B) Adjust all relevant population counts reported in the federal decennial census as if
24 the inmate resided at the inmate's last-known address on the date of the census; and

25 (C) Remove the inmate from any population count reported in the federal decennial cen-
26 sus for the geographic units that include the facility of incarceration.

27 (b) For each inmate whose address is not known or is not in this state:

28 (A) Adjust all relevant population counts reported in the federal decennial census as if
29 the inmate resided at an unknown geographic location within this state on the date of the
30 census.

31 (B) Ensure that the inmate is not represented in any population count reported in the
32 federal decennial census for the geographic units that include the facility of incarceration for
33 the inmate on the date of the census.

34 (5) The adjusted population data prepared by the Secretary of State under this section
35 shall be the population data used by the redistricting commission when redistricting the
36 state into legislative districts. Residents of unknown geographic locations within this state
37 or at residences not in this state may not be used to determine the average population of
38 any geographic unit for purposes of redistricting the state into legislative districts.

39 (6) The Secretary of State shall request that each federal facility of incarceration located
40 in this state submit the information described in subsection (2) of this section regarding each
41 person incarcerated in the facility.

42 (7) The Secretary of State by rule shall prescribe a form to be used to submit information
43 to the secretary as required by this section.

44 (8) Except as otherwise provided in this section, any information provided to the Secre-
45 tary of State under this section is confidential. The name of each inmate for whom infor-

1 **mation is submitted to the secretary under this section may not be linked to the information**
 2 **submitted. Each inmate's name is confidential and may not be disclosed, except that the in-**
 3 **formation may be aggregated by geographic unit for the purpose of apportioning the state**
 4 **into legislative districts as described in this section.**

5 **SECTION 7. The adjusted population data prepared by the Secretary of State under sec-**
 6 **tion 6 of this 2013 Act shall be the population data used to redistrict counties or munici-**
 7 **palities. Residents of unknown geographic locations within this state or at residences not**
 8 **in this state may not be used to determine the average population of any geographic unit for**
 9 **purposes of redistricting counties or municipalities.**

10 **SECTION 8. ORS 171.068 is amended to read:**

11 171.068. (1) For purposes of ORS 171.060, 171.062 and 171.064, the county court or the board of
 12 county commissioners which shall fill the vacancy in the Legislative Assembly in a district created
 13 by [*reapportionment*] **a redistricting plan** shall be the county court or board of county commis-
 14 sioners of each county any part of which is in the district that is created by the [*reapportionment*]
 15 **redistricting plan** and includes the residence from which the former Senator or Representative was
 16 elected.

17 (2) Each person nominated by a major political party to fill a vacancy in the Legislative As-
 18 sembly occurring as described by ORS 171.051 in a district created by [*reapportionment*] **a redis-**
 19 **tricting plan** must be registered to vote in the district from which the former Senator or
 20 Representative was elected and must have been a member of the same major political party at least
 21 180 days before the date the vacancy to be filled occurred.

22 (3) This section shall apply only to a vacancy in the Legislative Assembly occurring after the
 23 primary election next following [*reapportionment*] **the adoption of a redistricting plan** and before
 24 a person has been elected and qualified to fill the vacancy.

25 **SECTION 9. This 2013 Act does not take effect unless the amendment to the Oregon**
 26 **Constitution proposed by House Joint Resolution 17 (2013) is approved by the people at the**
 27 **next regular general election held throughout this state. This 2013 Act takes effect on the**
 28 **effective date of that constitutional amendment.**