

HOUSE AMENDMENTS TO HOUSE BILL 2887

By COMMITTEE ON RULES

June 4

1 Delete lines 6 through 25 of the printed bill and insert:

2 **“SECTION 2. (1) As used in this section:**

3 **“(a) ‘Elector’ has the meaning given that term in ORS 247.002.**

4 **“(b) ‘Legislatively adopted reapportionment plan’ means a plan for the reapportionment**
5 **of congressional districts that has passed the Legislative Assembly and that is signed, or**
6 **allowed to become law without signature, by the Governor.**

7 **“(2) An elector may file a petition in Marion County Circuit Court on or before August**
8 **1 in the year following the federal decennial census to:**

9 **“(a) Challenge a legislatively adopted reapportionment plan; or**

10 **“(b) Request a reapportionment of congressional districts if:**

11 **“(A) The Legislative Assembly failed to pass a reapportionment of congressional districts**
12 **by July 1 of a regular session of the Legislative Assembly held in that same year; or**

13 **“(B) The Governor vetoed the reapportionment of congressional districts passed by the**
14 **Legislative Assembly and the Legislative Assembly did not override the veto.**

15 **“(3) The Secretary of State shall serve as respondent in any petition filed under sub-**
16 **section (2) of this section.**

17 **“(4) An elector may file a petition in Marion County Circuit Court on or before August**
18 **15 to intervene in a petition filed under subsection (2) of this section.**

19 **“(5)(a) A petition filed under subsection (2) or (4) of this section may include any mate-**
20 **rials from the legislative record relating to congressional reapportionment plans.**

21 **“(b) A petition filed under subsection (2) of this section must include:**

22 **“(A) The legislatively adopted reapportionment plan that is being challenged and an ex-**
23 **planation of the factual and legal defects in the plan.**

24 **“(B) If no legislatively adopted reapportionment plan was passed, the petition must in-**
25 **clude the petitioner’s proposed reapportionment plan and an explanation of how the plan**
26 **complies with all applicable statutes and the United States and Oregon Constitutions.**

27 **“(c) A petition to intervene filed under subsection (4) of this section must include an**
28 **explanation of the factual and legal defects with assertions made in a petition filed under**
29 **subsection (2) of this section.**

30 **“(6) If an elector files a petition under subsection (2) of this section, the Chief Justice**
31 **of the Supreme Court shall appoint a special judicial panel. The panel shall consist of one**
32 **state circuit court judge, senior judge or judge who is serving as a judge pro tempore under**
33 **ORS 238.535 (1)(c) from each congressional district in this state. The Chief Justice shall also**
34 **select one of the appointed judges to preside over the special judicial panel and to make all**
35 **rulings on procedural and evidentiary matters before the panel.**

1 “(7) Jurisdiction is vested in the special judicial panel described in subsection (6) of this
2 section to decide any petitions filed under subsections (2) and (4) of this section. The panel
3 may:

4 “(a) Consolidate some or all petitions filed under subsections (2) and (4) of this section.

5 “(b) Allow amicus curiae to file briefs and participate in oral arguments.

6 “(c) Request that the Chief Justice appoint a special master to receive evidence and to
7 prepare recommended findings of fact. Upon receiving such a request from the special ju-
8 dicial panel, the Chief Justice shall appoint a special master. A special master appointed by
9 the Chief Justice under this paragraph must be a state circuit court judge, senior judge or
10 judge who is serving as a judge pro tempore under ORS 238.535 (1)(c).

11 “(8) The special judicial panel shall employ the following standards in deciding upon a
12 reapportionment plan:

13 “(a) For a legislatively adopted reapportionment plan, the panel must affirm the plan if
14 the plan complies with all applicable statutes and the United States and Oregon Consti-
15 tutions. If the panel finds that the legislatively adopted reapportionment plan does not com-
16 ply with applicable statutes or the United States or Oregon Constitution, the panel may
17 create its own reapportionment plan. A reapportionment plan adopted by the panel under
18 this paragraph must comply with all applicable statutes and the United States and Oregon
19 Constitutions.

20 “(b) If no legislatively adopted reapportionment plan was passed, the panel must consider
21 all plans submitted by petitioners and intervenors, but may create its own reapportionment
22 plan. A reapportionment plan adopted by the panel under this paragraph must comply with
23 all applicable statutes and the United States and Oregon Constitutions.

24 “(9)(a) The special judicial panel shall decide whether to dismiss a petition filed under
25 subsection (2) of this section that challenges a legislatively adopted reapportionment plan by
26 September 1.

27 “(b) If the panel dismisses the petition under this subsection, a party to the action may
28 appeal the decision by filing a notice of appeal with the Supreme Court on or before Sep-
29 tember 15.

30 “(10)(a) The special judicial panel shall decide all other petitions filed under subsection
31 (2) of this section, including petitions challenging a legislatively adopted reapportionment
32 plan that the panel does not dismiss under subsection (9)(a) of this section, by October 1.

33 “(b) A party to the action may appeal a decision reached under this subsection by filing
34 a notice of appeal with the Supreme Court on or before October 15.

35 “(11) The Supreme Court shall:

36 “(a) Hear any appeal brought under subsection (9) or (10) of this section; and

37 “(b) Employ the following standards in deciding upon a reapportionment plan affirmed
38 or adopted by the special judicial panel:

39 “(A) For a legislatively adopted reapportionment plan, the Supreme Court must affirm
40 the plan if the plan complies with all applicable statutes and the United States and Oregon
41 Constitutions. If the court finds that the legislatively adopted reapportionment plan does not
42 comply with applicable statutes or the United States or Oregon Constitution, the court may
43 create its own reapportionment plan. A reapportionment plan adopted by the Supreme Court
44 under this subparagraph must comply with all applicable statutes and the United States and
45 Oregon Constitutions.

1 **“(B) For a reapportionment plan that was adopted unanimously by the special judicial**
2 **panel, the Supreme Court must affirm the plan if the plan complies with all applicable stat-**
3 **utes and the United States and Oregon Constitutions. If the court finds that the unanimously**
4 **adopted reapportionment plan does not comply with applicable statutes or the United States**
5 **or Oregon Constitution, the court may create its own reapportionment plan. A reapportion-**
6 **ment plan adopted by the Supreme Court under this subparagraph must comply with all ap-**
7 **licable statutes and the United States and Oregon Constitutions.**

8 **“(C) For a reapportionment plan that was created or adopted by the special judicial panel**
9 **by a less than unanimous decision, the Supreme Court may, in its discretion, try the cause**
10 **anew upon the record. This review must be based on the record created by the special judi-**
11 **cial panel, but the Supreme Court may make its own determinations of law or underlying**
12 **findings of fact. After conducting its review, the Supreme Court may affirm the panel’s re-**
13 **apportionment plan, amend the panel’s reapportionment plan or adopt a new reapportion-**
14 **ment plan. A reapportionment plan decided upon by the Supreme Court under this**
15 **subparagraph must comply with all applicable statutes and the United States and Oregon**
16 **Constitutions.**

17 **“(12) If a party to an action files a notice of appeal with the Supreme Court under sub-**
18 **section (9) of this section:**

19 **“(a) The Supreme Court shall decide whether to approve the legislatively adopted reap-**
20 **portionment plan without any changes by October 1.**

21 **“(b) If the Supreme Court determines that the legislatively adopted reapportionment plan**
22 **must be amended or substituted, by November 1 the court shall direct the special judicial**
23 **panel to make such changes.**

24 **“(c) The special judicial panel shall make any required changes and submit a revised re-**
25 **apportionment plan to the Supreme Court by December 1.**

26 **“(d) The Supreme Court shall review the reapportionment plan revised by the special ju-**
27 **dicial panel and approve a final reapportionment plan by December 15.**

28 **“(13) If a party to an action files a notice of appeal with the Supreme Court under sub-**
29 **section (10) of this section:**

30 **“(a) The Supreme Court shall decide whether to approve a legislatively adopted reappor-**
31 **tionment plan or a reapportionment plan that was unanimously adopted by the special judi-**
32 **cial panel without any changes by November 1.**

33 **“(b) The Supreme Court shall decide whether to approve a less than unanimous decision**
34 **of the special judicial panel without any changes by November 15.**

35 **“(c) If the Supreme Court determines that changes are required for a reapportionment**
36 **plan approved by the special judicial panel, by November 15 the Supreme Court shall direct**
37 **the panel to make such changes.**

38 **“(d) The special judicial panel shall make any required changes and submit a revised re-**
39 **apportionment plan to the Supreme Court by December 1.**

40 **“(e) The Supreme Court shall review the reapportionment plan revised by the special ju-**
41 **dicial panel and approve a final reapportionment plan by December 15.**

42 **“(14) A final reapportionment plan resulting from a petition filed under subsection (2) or**
43 **(4) of this section becomes operative on January 1 of the calendar year next following the**
44 **applicable deadline for deciding on a final reapportionment plan under this section.”.**