

House Joint Resolution 17

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**.

Proposes amendment to Oregon Constitution establishing redistricting commission to create state legislative and congressional redistricting plan following each federal decennial census.

Sets redistricting criteria.

Refers proposed amendment to people for their approval or rejection at next general election.

JOINT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new section 6a to be added to and made a part of Article IV, and by amending sections 3, 6 and 8, Article IV, such sections to read:

Sec. 6. *[(1) At the odd-numbered year regular session of the Legislative Assembly next following an enumeration of the inhabitants by the United States Government, the number of Senators and Representatives shall be fixed by law and apportioned among legislative districts according to population. A senatorial district shall consist of two representative districts. Any Senator whose term continues through the next odd-numbered year regular legislative session after the operative date of the reapportionment shall be specifically assigned to a senatorial district. The ratio of Senators and Representatives, respectively, to population shall be determined by dividing the total population of the state by the number of Senators and by the number of Representatives. A reapportionment by the Legislative Assembly becomes operative as described in subsection (6) of this section.]*

(1) In the year following the year in which the federal decennial census is taken under the direction of the United States Congress, an independent commission shall adjust the boundaries of the state legislative and congressional districts according to population. The commission shall provide a plan for the redistricting of state legislative and congressional districts. The composition of the commission must, to the greatest extent possible, reflect political, geographical, gender, ethnic and racial diversity.

(2)(a) Not later than January 31 of the same year, the leadership of the two major political parties in each chamber of the Legislative Assembly shall agree upon and appoint four persons to the commission from a list of persons nominated. In the event agreement cannot be reached, the leadership of each major political party shall each appoint two nominees who are members of the other major political party. Persons shall be nominated for appointment as may be provided by law.

(b) Not later than February 1, the four members of the commission appointed under paragraph (a) of this subsection shall appoint five members of the commission from a pool of applicants, as may be provided by law. At least one person appointed under this paragraph must not be a member of a major political party.

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 (c) A person is eligible to serve on the commission if the person is an elector of this state
2 and, in the five years immediately preceding appointment, the person has not:

3 (A) Been a candidate for or held a partisan public office.

4 (B) Held the position of personal staff for a person who held partisan public office.

5 (C) Held the position of a compensated lobbyist.

6 (D) Held the position of an officer of a political party.

7 (d) A person appointed to the commission may not, during the person's service as a
8 member of the commission and for at least five years after the date the person's service as
9 a member of the commission is concluded, seek, accept or hold:

10 (A) A partisan public office.

11 (B) The position of personal staff for a person who holds partisan public office.

12 (C) The position of a compensated lobbyist.

13 (D) The position of an officer of a political party.

14 (e) The term of office of a member of the commission expires on the date a final redistricting
15 plan for which an elector did not petition the Supreme Court for review is adopted
16 by the commission, or on the date the Supreme Court approves a plan as provided in this
17 section, whichever is later.

18 (f) A vacancy on the commission shall be filled as may be provided by law.

19 (3)(a) The commission is a public body, and the members of the commission are public
20 officials, for purposes of any statutory provisions applicable to the meetings of public bodies,
21 conflicts of interest or government ethics.

22 (b) The commission shall hold at least 10 public hearings throughout this state to receive
23 and consider proposed redistricting plans and public comment. At least one hearing must be
24 held in each congressional district. The commission shall hold hearings both before a draft
25 plan is proposed and before a final plan is adopted by the commission.

26 (c) Not later than May 15 of the same year, each chamber of the Legislative Assembly
27 shall submit a set of recommendations to the commission for the commission's consider-
28 ation.

29 (d) Not later than June 15, individual members, or groups of members, of the Legislative
30 Assembly may submit recommendations to the commission regarding changes to the dis-
31 tricts the members currently represent.

32 (4) The commission shall adopt a final redistricting plan by July 1 of the same year. A
33 final redistricting plan becomes operative as described in subsection (9) of this section.

34 [(2) This subsection governs judicial review and correction of a reapportionment enacted by the
35 Legislative Assembly.]

36 (5)(a) Original jurisdiction is vested in the Supreme Court to review a final redistricting plan
37 adopted by the commission, upon the petition of any elector of [the] this state filed with the Su-
38 preme Court on or before August 1 of the same year [in which the Legislative Assembly enacts a
39 reapportionment, to review any reapportionment so enacted].

40 (b) If, upon review, the Supreme Court determines that the [reapportionment thus reviewed]
41 redistricting plan complies with [subsection (1) of this section] this Constitution and the Consti-
42 tution of the United States, and all law applicable thereto, it shall dismiss the petition by written
43 opinion on or before September 1 [of the same year] and the [reapportionment] plan becomes opera-
44 tive as described in subsection [(6)] (9) of this section.

45 (c) If the Supreme Court determines that the [reapportionment] redistricting plan does not

1 comply with [subsection (1) of this section] **this Constitution and the Constitution of the United**
 2 **States**, and all law applicable thereto, the [reapportionment] **plan** shall be void. In its written opin-
 3 ion, the Supreme Court shall specify with particularity wherein the [reapportionment] **redistricting**
 4 **plan** fails to comply. [The opinion shall further direct the Secretary of State to draft a reapportionment
 5 of the Senators and Representatives in accordance with the provisions of subsection (1) of this section
 6 and all law applicable thereto. The Supreme Court shall file its order with the Secretary of State on
 7 or before September 15. The Secretary of State shall conduct a hearing on the reapportionment at which
 8 the public may submit evidence, views and argument. The Secretary of State shall cause a transcription
 9 of the hearing to be prepared which, with the evidence, shall become part of the record. The Secretary
 10 of State shall file the corrected reapportionment with the Supreme Court on or before November 1 of
 11 the same year.] **The opinion may further direct the commission to draft a redistricting plan in**
 12 **accordance with this Constitution and the Constitution of the United States, and all laws**
 13 **applicable thereto. The Supreme Court shall file its order with the commission on or before**
 14 **September 15. The commission shall conduct a public hearing on the redistricting plan and**
 15 **take public testimony. The commission shall file a corrected redistricting plan with the Su-**
 16 **preme Court on or before November 1.**

17 (d) On or before November 15, the Supreme Court shall review the corrected [reapportionment]
 18 **redistricting plan** to [assure] **ensure** its compliance with [subsection (1) of this section] **this Con-**
 19 **stitution and the Constitution of the United States**, and all law applicable thereto, and may
 20 further correct the [reapportionment] **plan** if the court considers correction to be necessary.

21 (e) The corrected [reapportionment] **redistricting plan** becomes operative as described in sub-
 22 section [(6)] **(9)** of this section.

23 [(3) This subsection governs enactment, judicial review and correction of a reapportionment if the
 24 Legislative Assembly fails to enact any reapportionment by July 1 of the year of the odd-numbered year
 25 regular session of the Legislative Assembly next following an enumeration of the inhabitants by the
 26 United States Government.]

27 [(a) The Secretary of State shall make a reapportionment of the Senators and Representatives in
 28 accordance with the provisions of subsection (1) of this section and all law applicable thereto. The
 29 Secretary of State shall conduct a hearing on the reapportionment at which the public may submit ev-
 30 idence, views and argument. The Secretary of State shall cause a transcription of the hearing to be
 31 prepared which, with the evidence, shall become part of the record. The reapportionment so made shall
 32 be filed with the Supreme Court by August 15 of the same year. The reapportionment becomes operative
 33 as described in subsection (6) of this section.]

34 [(b) Original jurisdiction is vested in the Supreme Court upon the petition of any elector of the state
 35 filed with the Supreme Court on or before September 15 of the same year to review any reapportionment
 36 and the record made by the Secretary of State.]

37 [(c) If the Supreme Court determines that the reapportionment thus reviewed complies with sub-
 38 section (1) of this section and all law applicable thereto, it shall dismiss the petition by written opinion
 39 on or before October 15 of the same year and the reapportionment becomes operative as described in
 40 subsection (6) of this section.]

41 [(d) If the Supreme Court determines that the reapportionment does not comply with subsection (1)
 42 of this section and all law applicable thereto, the reapportionment shall be void. The Supreme Court
 43 shall return the reapportionment by November 1 to the Secretary of State accompanied by a written
 44 opinion specifying with particularity wherein the reapportionment fails to comply. The opinion shall
 45 further direct the Secretary of State to correct the reapportionment in those particulars, and in no

1 others, and file the corrected reapportionment with the Supreme Court on or before December 1 of the
2 same year.]

3 **(6)(a) If the commission fails to adopt a redistricting plan by July 1 of the same year, the**
4 **commission shall file with the Supreme Court on or before July 15 not more than two plans**
5 **considered by the commission. The Supreme Court shall select one redistricting plan and if**
6 **the Supreme Court determines, upon review, that the plan complies with this Constitution**
7 **and the Constitution of the United States, and all law applicable thereto, the plan shall be-**
8 **come operative as described in subsection (9) of this section.**

9 **(b) If the Supreme Court determines that the redistricting plan does not comply with this**
10 **Constitution and the Constitution of the United States, and all law applicable thereto, the**
11 **plan shall be void. The Supreme Court shall return the redistricting plan to the commission**
12 **by September 1 accompanied by a written opinion specifying with particularity wherein the**
13 **plan fails to comply. The opinion shall further direct the commission to correct the redis-**
14 **tricting plan in those particulars, and in no others, and file the corrected plan with the Su-**
15 **preme Court on or before November 1.**

16 [(e)] (c) On or before December 15, the Supreme Court shall review the corrected [*reapportion-*
17 *ment*] **redistricting plan** to [*assure*] **ensure** its compliance with [*subsection (1) of this section*] **this**
18 **Constitution and the Constitution of the United States**, and all law applicable thereto, and may
19 further correct the [*reapportionment*] **plan** if the court considers correction to be necessary.

20 [(f)] (d) The [*reapportionment*] **redistricting plan** becomes operative as described in subsection
21 [(6)] (9) of this section.

22 [(4)] (7) Any [*reapportionment*] **redistricting plan** that becomes operative as provided in this
23 section is a law of the state except for purposes of initiative and referendum. **A redistricting plan**
24 **may not be altered by legislative action and is not subject to veto by the Governor.**

25 [(5)] (8) Notwithstanding section 18, Article II of this Constitution, after the convening of the
26 next odd-numbered year regular legislative session following the [*reapportionment*] **operative date**
27 **of a redistricting plan**, a Senator whose term continues through that legislative session is subject
28 to recall by the electors of the district to which the Senator is assigned and not by the electors of
29 the district existing before the latest [*reapportionment*] **plan**. The number of signatures required on
30 the recall petition is 15 percent of the total votes cast for all candidates for Governor at the most
31 recent election at which a candidate for Governor was elected to a full term in the two represen-
32 tative districts comprising the senatorial district to which the Senator was assigned.

33 [(6)(a) *Except as provided in paragraph (b) of this subsection, a reapportionment made under this*
34 *section becomes operative on the second Monday in January of the next odd-numbered year after the*
35 *applicable deadline for making a final reapportionment under this section.*]

36 [(b) *For purposes of electing Senators and Representatives to the next term of office that commences*
37 *after the applicable deadline for making a final reapportionment under this section, a reapportionment*
38 *made under this section becomes operative on January 1 of the calendar year next following the ap-*
39 *licable deadline for making a final reapportionment under this section.*]

40 **(9)(a) Except as provided in paragraph (b) of this subsection, a redistricting plan becomes**
41 **operative:**

42 **(A) For state legislative districts, on the second Monday in January of the next odd-**
43 **numbered year after the applicable deadline for adopting a final redistricting plan under this**
44 **section.**

45 **(B) For congressional districts, January 3 of the next odd-numbered year after the ap-**

1 **plicable deadline for adopting a final redistricting plan under this section.**

2 **(b) For the purpose of electing Representatives to the Congress of the United States and**
 3 **state Senators and Representatives to the next term of office that commences after the ap-**
 4 **plicable deadline for adopting a final redistricting plan under this section, a plan becomes**
 5 **operative on January 1 of the calendar year next following the applicable deadline for**
 6 **adopting a final redistricting plan under this section.**

7 **SECTION 6a. (1) Each state senatorial district shall consist of two state representative**
 8 **districts. Any state Senator whose term continues through the next odd-numbered year**
 9 **regular legislative session after the operative date of a final redistricting plan adopted under**
 10 **section 6 of this Article shall be specifically assigned to a senatorial district.**

11 **(2) As nearly as practicable, congressional districts shall consist of complete state legis-**
 12 **lative districts.**

13 **(3) State legislative and congressional districts shall, as nearly as practicable:**

14 **(a) Be contiguous;**

15 **(b) Be of equal population;**

16 **(c) Utilize existing geographic or political boundaries;**

17 **(d) Not divide communities of common interest;**

18 **(e) Be connected by transportation links; and**

19 **(f) Minimize the number of persons assigned to new districts.**

20 **(4) State legislative and congressional districts may not be drawn for the purpose of:**

21 **(a) Favoring or opposing any political party, incumbent legislator or other person.**

22 **(b) Diluting the voting strength of any language or ethnic minority group.**

23 **(5) As used in this section, "community of common interest" means a contiguous popu-**
 24 **lation that shares common social and economic interests, including but not limited to:**

25 **(a) Living in urban, rural, industrial or agricultural areas; or**

26 **(b) Sharing common work opportunities, transportation facilities or standards of living.**

27 **Sec. 3. (1) The [senators and representatives] Senators and Representatives shall be chosen**
 28 **by the electors of the respective counties or districts or subdistricts within a county or district into**
 29 **which the state may from time to time be divided by law.**

30 **(2)(a) If a vacancy occurs in the office of [senator or representative] Senator or Representative**
 31 **from any county or district or subdistrict, the vacancy shall be filled as may be provided by law.**

32 **(b) Except as provided in paragraph (c) of this subsection, a person who is appointed to fill a**
 33 **vacancy in the office of [senator or representative] Senator or Representative must be an inhabitant**
 34 **of the district the person is appointed to represent for at least one year next preceding the date of**
 35 **the appointment.**

36 **(c) For purposes of an appointment occurring during the period beginning on January 1 of the**
 37 **year a [reapportionment] redistricting plan becomes operative under section 6 of this Article, the**
 38 **person must have been an inhabitant of the district for one year next preceding the date of the ap-**
 39 **pointment or from January 1 of the year the [reapportionment] redistricting plan becomes operative**
 40 **to the date of the appointment, whichever is less.**

41 **Sec. 8. (1)(a) Except as provided in paragraph (b) of this subsection, a person may not be a**
 42 **Senator or Representative if the person at the time of election:**

43 **(A) Is not a citizen of the United States; and**

44 **(B) Has not been for one year next preceding the election an inhabitant of the district from**
 45 **which the Senator or Representative may be chosen.**

1 (b) For purposes of the general election next following the applicable deadline for [*making a*
2 *final apportionment*] **adopting a final redistricting plan** under section 6 of this Article, the person
3 must have been an inhabitant of the district from January 1 of the year following the applicable
4 deadline for [*making the final reapportionment*] **adopting a final redistricting plan** to the date of
5 the election.

6 (2) Senators and Representatives shall be at least twenty one years of age.

7 (3) A person may not be a Senator or Representative if the person has been convicted of a felony
8 during:

9 (a) The term of office of the person as a Senator or Representative; or

10 (b) The period beginning on the date of the election at which the person was elected to the of-
11 fice of Senator or Representative and ending on the first day of the term of office to which the
12 person was elected.

13 (4) A person is not eligible to be elected as a Senator or Representative if that person has been
14 convicted of a felony and has not completed the sentence received for the conviction prior to the
15 date that person would take office if elected. As used in this subsection, "sentence received for the
16 conviction" includes a term of imprisonment, any period of probation or post-prison supervision and
17 payment of a monetary obligation imposed as all or part of a sentence.

18 (5) Notwithstanding sections 11 and 15, Article IV of this Constitution:

19 (a) The office of a Senator or Representative convicted of a felony during the term to which the
20 Senator or Representative was elected or appointed shall become vacant on the date the Senator
21 or Representative is convicted.

22 (b) A person elected to the office of Senator or Representative and convicted of a felony during
23 the period beginning on the date of the election and ending on the first day of the term of office to
24 which the person was elected shall be ineligible to take office and the office shall become vacant
25 on the first day of the next term of office.

26 (6) Subject to subsection (4) of this section, a person who is ineligible to be a Senator or Rep-
27 resentative under subsection (3) of this section may:

28 (a) Be a Senator or Representative after the expiration of the term of office during which the
29 person is ineligible; and

30 (b) Be a candidate for the office of Senator or Representative prior to the expiration of the term
31 of office during which the person is ineligible.

32 (7)(a) Except as provided in paragraph (b) of this subsection, a person may not be a Senator or
33 Representative if the person at all times during the term of office of the person as a Senator or
34 Representative is not an inhabitant of the district from which the Senator or Representative may
35 be chosen or which the Senator or Representative has been appointed to represent. A person does
36 not lose status as an inhabitant of a district if the person is absent from the district for purposes
37 of business of the Legislative Assembly.

38 (b) Following the applicable deadline for [*making a final apportionment*] **adopting a final re-**
39 **districting plan** under section 6 of this Article, until the expiration of the term of office of the
40 person, a person may be an inhabitant of any district.

41
42 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**
43 **people for their approval or rejection at the next regular general election held throughout**
44 **this state.**