

**PROPOSED AMENDMENTS TO
HOUSE BILL 2887**

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**
5 **the reapportionment of congressional districts that has passed the**
6 **Legislative Assembly and that is signed, or allowed to become law**
7 **without signature, by the Governor.**

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

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

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

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

16 **“(B) The Governor vetoed the reapportionment of congressional**
17 **districts passed by the Legislative Assembly and the Legislative As-**
18 **sembly did not override the veto.**

19 **“(3) The Secretary of State shall serve as respondent in any petition**
20 **filed under subsection (2) of this section.**

21 **“(4) An elector may file a petition in Marion County Circuit Court**
22 **on or before August 15 to intervene in a petition filed under subsection**

1 (2) of this section.

2 “(5)(a) A petition filed under subsection (2) or (4) of this section
3 may include any materials from the legislative record relating to
4 congressional reapportionment plans.

5 “(b) A petition filed under subsection (2) of this section must in-
6 clude:

7 “(A) The legislatively adopted reapportionment plan that is being
8 challenged and an explanation of the factual and legal defects in the
9 plan.

10 “(B) If no legislatively adopted reapportionment plan was passed,
11 the petition must include the petitioner’s proposed reapportionment
12 plan and an explanation of how the plan complies with all applicable
13 statutes and the United States and Oregon Constitutions.

14 “(c) A petition to intervene filed under subsection (4) of this section
15 must include an explanation of the factual and legal defects with as-
16 sertions made in a petition filed under subsection (2) of this section.

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

25 “(7) Jurisdiction is vested in the special judicial panel described in
26 subsection (6) of this section to decide any petitions filed under sub-
27 sections (2) and (4) of this section. The panel may:

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

30 “(b) Allow amicus curiae to file briefs and participate in oral argu-

1 **ments.**

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

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

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

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

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

29 **“(b) If the panel dismisses the petition under this subsection, a**
30 **party to the action may appeal the decision by filing a notice of appeal**

1 with the Supreme Court on or before September 15.

2 “(10)(a) The special judicial panel shall decide all other petitions
3 filed under subsection (2) of this section, including petitions challeng-
4 ing a legislatively adopted reapportionment plan that the panel does
5 not dismiss under subsection (9)(a) of this section, by October 1.

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

9 “(11) The Supreme Court shall:

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

12 “(b) Employ the following standards in deciding upon a reappor-
13 tionment plan affirmed or adopted by the special judicial panel:

14 “(A) For a legislatively adopted reapportionment plan, the Supreme
15 Court must affirm the plan if the plan complies with all applicable
16 statutes and the United States and Oregon Constitutions. If the court
17 finds that the legislatively adopted reapportionment plan does not
18 comply with applicable statutes or the United States or Oregon Con-
19 stitution, the court may create its own reapportionment plan. A re-
20 apportionment plan adopted by the Supreme Court under this
21 subparagraph must comply with all applicable statutes and the United
22 States and Oregon Constitutions.

23 “(B) For a reapportionment plan that was adopted unanimously by
24 the special judicial panel, the Supreme Court must affirm the plan if
25 the plan complies with all applicable statutes and the United States
26 and Oregon Constitutions. If the court finds that the unanimously
27 adopted reapportionment plan does not comply with applicable stat-
28 utes or the United States or Oregon Constitution, the court may cre-
29 ate its own reapportionment plan. A reapportionment plan adopted by
30 the Supreme Court under this subparagraph must comply with all ap-

1 **plicable statutes and the United States and Oregon Constitutions.**

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

13 **“(12) If a party to an action files a notice of appeal with the Su-**
14 **preme Court under subsection (9) of this section:**

15 **“(a) The Supreme Court shall decide whether to approve the**
16 **legislatively adopted reapportionment plan without any changes by**
17 **October 1.**

18 **“(b) If the Supreme Court determines that the legislatively adopted**
19 **reapportionment plan must be amended or substituted, by November**
20 **1 the court shall direct the special judicial panel to make such**
21 **changes.**

22 **“(c) The special judicial panel shall make any required changes and**
23 **submit a revised reapportionment plan to the Supreme Court by De-**
24 **cember 1.**

25 **“(d) The Supreme Court shall review the reapportionment plan re-**
26 **vised by the special judicial panel and approve a final reapportionment**
27 **plan by December 15.**

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

30 **“(a) The Supreme Court shall decide whether to approve a**

1 **legislatively adopted reapportionment plan or a reapportionment plan**
2 **that was unanimously adopted by the special judicial panel without**
3 **any changes by November 1.**

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

7 **“(c) If the Supreme Court determines that changes are required for**
8 **a reapportionment plan approved by the special judicial panel, by No-**
9 **vember 15 the Supreme Court shall direct the panel to make such**
10 **changes.**

11 **“(d) The special judicial panel shall make any required changes and**
12 **submit a revised reapportionment plan to the Supreme Court by De-**
13 **cember 1.**

14 **“(e) The Supreme Court shall review the reapportionment plan re-**
15 **vised by the special judicial panel and approve a final reapportionment**
16 **plan by December 15.”.**

17 **“(14) A final reapportionment plan resulting from a petition filed**
18 **under subsection (2) or (4) of this section becomes operative on Janu-**
19 **ary 1 of the calendar year next following the applicable deadline for**
20 **deciding on a final reapportionment plan under this section.”.**

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