

# House Joint Resolution 29

Sponsored by Representatives BUEHLER, DAVIS; Representative WHISNANT, Senator KNOPP

## 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 Independent Redistricting Commission to adopt redistricting plans for state Senate, state House of Representatives and United States House of Representatives.

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

## JOINT RESOLUTION

Whereas fair redistricting is essential to representative democracy; and

Whereas unfair redistricting degrades the right to vote; and

Whereas unfair redistricting produces political gridlock and extremist politics, reduces competition for elective offices, limits accountability and destroys public confidence in the legitimacy of elections, resulting in low voter registration and poor turnout at elections; and

Whereas existing law permits the political parties and their incumbents to redistrict the state legislature and congressional districts; and

Whereas history has taught us clearly that the parties and their incumbents use the process to gerrymander safe election districts for themselves and thereby maintain their status in the legislature; and

Whereas existing law puts the power to redistrict in the hands of incumbent state legislators who draw districts that fail to respect counties, cities and communities; and

Whereas the integrity of local units of representation is crucial to effective democracy; and

Whereas a court-appointed redistricting commission, without present ties to partisan politics and the legislature and by virtue of judicial training and temperament, has greater reason to be objective and less inclination to be partisan and thus is ideal to serve as a more impartial body to create fair election districts; now, therefore,

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

**PARAGRAPH 1.** The Constitution of the State of Oregon is amended by repealing sections 6 and 7, Article IV, and by adopting the following new section 6 in lieu thereof:

**SECTION 6. (1) The authority to adopt redistricting plans specifying the boundaries of the districts for the Senate, the House of Representatives and the United States House of Representatives is vested in the Independent Redistricting Commission.**

**(2) The Independent Redistricting Commission shall consist of three independent redistricting commissioners. Commissioners shall be selected in the year following the federal decennial census in the following manner:**

**(a) On the second Monday in January of the year following the taking of the census, the office of the State Court Administrator shall provide the administrative office of the courts with the names of all former judges and justices of the Court of Appeals and the Supreme**

**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 Court who consent to serve on the commission if selected and who:

2 (A) Voluntarily resigned or retired from their judicial post for reasons other than chronic  
3 physical or mental disability;

4 (B) Have served as a judge or justice in Oregon courts for five years or longer;

5 (C) Have not held a partisan public office or a political party office;

6 (D) Have not received compensation to influence those holding office in the legislative  
7 bodies to be reapportioned; and

8 (E) Have not changed party registration for a minimum period of 48 months.

9 (b) If fewer than 18 individuals qualify under paragraph (a) of this subsection, the State  
10 Court Administrator shall randomly select circuit court judges who otherwise meet the  
11 qualifying criteria listed in paragraph (a) of this subsection until 18 qualified individuals exist.

12 (c) The office of the State Court Administrator shall divide the pool of qualified judges  
13 and justices into separate pools by party registration. The office shall select at random from  
14 each party registration pool one independent redistricting commissioner and one alternate  
15 independent redistricting commissioner, as follows:

16 (A) One redistricting commissioner and one alternate commissioner shall be registered  
17 with the party receiving the most total votes in the previous statewide general election for  
18 the Legislative Assembly;

19 (B) One redistricting commissioner and one alternate commissioner shall be registered  
20 with the party receiving the second-most total votes in the previous statewide general  
21 election for the Legislative Assembly; and

22 (C) One redistricting commissioner and one alternate may not be registered with either  
23 of the two parties receiving the most and second-most total votes in the previous statewide  
24 general election for the Legislative Assembly.

25 (d) If a redistricting commissioner is unable to serve for any reason, the commissioner  
26 shall be replaced by the alternate redistricting commissioner registered to the same political  
27 party, and a new alternate commissioner shall be selected in the manner described in para-  
28 graph (c) of this subsection.

29 (3) Redistricting commissioners shall be compensated in the same manner as retired  
30 judges who serve as temporary judges.

31 (4)(a) Redistricting plans created by the commission shall be consistent with the re-  
32 quirements of the United States Constitution.

33 (b) Each senatorial district shall be composed of two adjacent representative districts.

34 (c) If the number of United States congressional districts is evenly divisible by the  
35 number of representative and senatorial districts, the representative or senatorial districts  
36 shall also be nested with the corresponding congressional districts.

37 (d) Each district shall elect no more than one member to each house of the Legislative  
38 Assembly.

39 (e) State legislative districts shall have populations that are as nearly equal as practica-  
40 ble and consistent with the other requirements of this section. Districts may not vary in  
41 population by more than one percent.

42 (f) Congressional districts shall have populations that are as nearly equal as practicable  
43 and consistent with federal constitutional and statutory standards.

44 (g) The redistricting plans created by the commission shall comply with the Voting  
45 Rights Act (P.L. 89-110, 79 Stat. 437, 42 U.S.C. 1973 et seq.).

1 (h) The districts shall be drawn with no consideration of incumbent resident addresses.

2 (i) Districts shall be composed of whole units of census geography.

3 (j) Redistricting plans shall favor competitive districts whenever possible while complying  
4 with the other requirements of this section and the Voting Rights Act.

5 (k) To the extent practicable districts shall:

6 (A) Be geographically compact.

7 (B) Not cross any county boundary more than once.

8 (C) Not cross any city boundary more than once.

9 (D) Not cross any unit of representation boundary more than once.

10 (E) Be composed of contiguous territory with reasonable access between population cen-  
11 ters of the district. Populous, contiguous territory may not be bypassed to reach populous  
12 areas further away unless required to comply with the other provisions of this section.

13 (F) Minimize the number of divided counties, cities and units of representation.

14 (5)(a) In each year in which the federal decennial census is taken, each county may es-  
15 tablish a county community commission, which shall include representation from each city  
16 in the county, to take public testimony in order to establish units of representation for the  
17 county. Units of representation must be composed of individual communities of interest that  
18 should be kept whole in redistricting.

19 (b) Each unit of representation:

20 (A) Must be contiguous.

21 (B) Must follow census geography.

22 (C) May not be in more than one unit of representation.

23 (D) May not be larger than five percent of the ideal size, in population, of a state repre-  
24 sentative district, as determined by dividing the total population of this state by the number  
25 of representative districts.

26 (c) Units of representation shall be reviewed by each county community commission fol-  
27 lowing the release of the census data for this state and adjustments made as necessary to  
28 comply with this population requirement.

29 (d) The county community commission may also designate preferred units of represen-  
30 tation for inclusion in a district together. This designation will be considered as a nonbinding  
31 recommendation by the Independent Redistricting Commission.

32 (e) Within one month after the release of the census data for this state, each county  
33 community commission shall report its final units of representation to the Independent Re-  
34 districting Commission for use in the redistricting.

35 (6) The timing of a redistricting plan created under this section shall be as follows:

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<b>Month of Census Year</b>	<b>Event</b>
<b>April</b>	<b>Census is taken</b>
<b>May - December</b>	<b>County community commissions form, hold hearings and adopt draft units of representation</b>

1	<b>January - March</b>	<b>Independent Redistricting</b>
2		<b>Commission selected and holds</b>
3		<b>organizing meeting(s)</b>
4	<b>April</b>	<b>Census data released by Census</b>
5		<b>Bureau</b>
6	<b>May</b>	<b>County community commissions</b>
7		<b>review and adopt final Units</b>
8		<b>of Representation</b>
9	<b>June</b>	<b>Initial hearings held by the</b>
10		<b>Independent Redistricting</b>
11		<b>Commission</b>
12	<b>July</b>	<b>Initial redistricting plans</b>
13		<b>drafted and released to public</b>
14	<b>July - August</b>	<b>Second round of hearings held to</b>
15		<b>consider draft plans</b>
16	<b>September</b>	<b>Independent Redistricting</b>
17		<b>Commission revises plans based</b>
18		<b>on second round feedback</b>
19	<b>October</b>	<b>(If significant changes were</b>
20		<b>made to draft plans) Third</b>
21		<b>round of hearings</b>
22	<b>November</b>	<b>Adoption of final plans</b>

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25 **(7) The Independent Redistricting Commission shall solicit public comment as follows:**

26 **(a) Before considering any state legislative or congressional plans, the commission shall**  
 27 **hold public hearings in the cities of Portland, Salem, Eugene, Medford, Bend, Pendleton and**  
 28 **any other cities that the Independent Redistricting Commission determines are necessary**  
 29 **or appropriate.**

30 **(b) Not less than 15 days' notice shall be given for each hearing, and the purpose of these**  
 31 **meetings shall be to receive testimony and public comment on how districts should be con-**  
 32 **figured.**

33 **(c) After draft plans have been released, public hearings shall be conducted by the Inde-**  
 34 **pendent Redistricting Commission in the cities listed in paragraph (a) of this subsection. Not**  
 35 **less than 15 days' notice shall be given for each hearing.**

36 **(d) Following the adoption by the Independent Redistricting Commission of any signif-**  
 37 **icant changes to a plan that was circulated for public hearings, and before the final adoption**  
 38 **of any plan that includes these changes, the Independent Redistricting Commission shall**  
 39 **again hold public hearings in at least two of the cities listed in paragraph (a) of this sub-**  
 40 **section. Not less than 15 days' notice shall be given for each hearing.**

41 **(e) The draft redistricting plans shall be made available on a publicly accessible computer**  
 42 **and printer located in each county courthouse, along with software to allow the public to**  
 43 **review the plans and develop alternatives. Counties shall be reimbursed by the state for the**  
 44 **costs of the county community commission and the public access computer.**

45 **(8)(a) The office of the State Court Administrator, acting on behalf of and at the request**

1 of the Independent Redistricting Commission, shall hire the staff necessary to permit the  
2 Independent Redistricting Commission to fulfill their responsibilities.

3 (b) The Secretary of State shall acquire and provide such data as is available and as is  
4 required by the Independent Redistricting Commission.

5 (c) The Independent Redistricting Commission shall adopt a measure or measures of  
6 competitiveness prior to any vote or discussion regarding any legislative or congressional  
7 district plans or proposals. This measure or measures shall be the conclusive tests for com-  
8 pliance with the competitive districts requirement of this section.

9 (d) The Independent Redistricting Commission's records, data and plans shall be made  
10 publicly available in hard copy and on the Internet in a timely manner.

11 (9)(a) The final reapportionment plans established by the Independent Redistricting  
12 Commission shall be filed with the Secretary of State together with a written statement of  
13 findings and reasons for adoption not fewer than 180 days before the next primary election.  
14 The reapportionment plans shall take effect on the date they are filed with the Secretary of  
15 State.

16 (b) The reapportionment plans are not be subject to repeal, amendment or referral by the  
17 Legislative Assembly.

18 (c)(A) The reapportionment plans shall be subject to a referendum initiated by the people.

19 (B) If verified signatures for a referendum on the reapportionment plans are filed the  
20 with the Secretary of State, the plans remain in effect until the vote on the referendum is  
21 certified.

22 (C) If a referendum is successful in overturning a plan, the Independent Redistricting  
23 Commission shall develop a new redistricting plan, complying with the public participation  
24 requirements of this section to the extent possible in the time prior to the filing deadline for  
25 the next election for the districts in question.

26 (10)(a) The Supreme Court has exclusive court jurisdiction to review the reapportionment  
27 plans adopted by the Independent Redistricting Commission.

28 (b) Any petition challenging the reapportionment plans must be filed within 30 days.

29 (c) The court shall render its decision within 60 days of the filing or the petition shall  
30 be considered denied.

31 (d) If the court finds a reapportionment plan to be in violation of this section, the Inde-  
32 pendent Redistricting Commission must prepare and adopt a new plan complying with the  
33 provisions of this section, including public participation to the extent practicable. A final  
34 revised reapportionment plan must be filed before the filing deadline for the next primary  
35 or general election.

36 (11) The Independent Redistricting Commission shall remain in existence until final ap-  
37 portionment plans become effective and all legal and referendum challenges have been re-  
38 solved. At that time the responsibilities of the Independent Redistricting Commission shall  
39 end.

40 (12) As used in this section:

41 (a) "Significant change" means any change in the district assignment of:

42 (A) One percent or more of this state's total population; or

43 (B) Five percent or more of an individual district's population.

44 (b) "Units of representation" means the communities of interest to be considered by the  
45 Independent Redistricting Commission in the reapportionment of this state, as established

1 by the county community commissions.

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

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