

# Senate Joint Resolution 21

Sponsored by 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

**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)(a) By February 28 of each year ending in the digit 1, an independent redistricting commission shall be established to provide for the redistricting of congressional and state legislative districts.**

**(b) The independent redistricting commission shall consist of five members. No more than two members may be affiliated with the same political party.**

**(c) Of the four members appointed under subsections (4) and (5) of this section, no more than two may reside in the same county.**

**(d) Each member of the independent redistricting commission must be:**

**(A) A registered elector who has been continuously affiliated with the same political party or registered as nonaffiliated with any political party for three or more years immediately preceding appointment; and**

**(B) Committed to applying the provisions of this section in an honest, independent and impartial fashion and to upholding public confidence in the integrity of the redistricting process.**

**(e)(A) During the three years before appointment, members may not have been appointed to, elected to or a candidate for any other public office, including precinct committeeperson, and may not have served as an officer of a political party, as a registered paid lobbyist or as an officer of a candidate's campaign committee.**

**(B) This paragraph does not prohibit members from having served as a member or officer of a school board during the three years before appointment.**

**(2) For purposes of this section, the Chief Justice of the Supreme Court and the chief judge of the next highest appellate court in this state shall jointly form and be known as the judicial commission. The judicial commission shall nominate candidates for appointment to the independent redistricting commission.**

**(3) By January 8 of each year ending in the digit 1, the judicial commission shall establish a pool of candidates who are willing to serve on, and are qualified for appointment to, the**

**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 independent redistricting commission. The pool of candidates shall consist of 25 nominees,  
2 with 10 nominees from each of the two largest political parties in this state based on official  
3 political party affiliation and five nominees who are not affiliated with either of the two  
4 largest political parties in this state.

5 (4)(a) By January 31 of each year ending in the digit 1, the highest ranking officer elected  
6 by the House of Representatives shall appoint one member of the independent redistricting  
7 commission from the pool of candidates.

8 (b) One additional member of the independent redistricting commission shall be appointed  
9 by each of the following entities, in the following order, with a maximum of seven calendar  
10 days between appointments:

11 (A) The minority party leader of the House of Representatives;

12 (B) The highest ranking officer elected by the Senate; and

13 (C) The minority party leader of the Senate.

14 (c) Any official who fails to make an appointment within the specified time period will  
15 forfeit the appointment privilege.

16 (d) In the event that there are two or more minority parties within the House of Repre-  
17 sentatives or Senate, the leader of the largest minority party as determined by statewide  
18 political party affiliation shall make the appointment.

19 (5) A vacancy in any of the appointments made under subsection (4) of this section that  
20 exists as of March 1 of a year ending in the digit 1 shall be filled by an appointment made  
21 by the judicial commission. In making this appointment, the judicial commission shall strive  
22 for political balance and fairness.

23 (6)(a) Once four members of the independent redistricting commission have been ap-  
24 pointed in the manner set forth in subsections (4) and (5) of this section, the Secretary of  
25 State shall call a meeting of the four members. At this meeting, the four members shall se-  
26 lect by majority vote from the pool of candidates a fifth member of the independent redis-  
27 tricting commission.

28 (b) The member selected under this subsection shall serve as chairperson of the inde-  
29 pendent redistricting commission and may not be affiliated with any political party that is  
30 already represented on the commission.

31 (c) If the four members fail to appoint a fifth member within 14 days, the judicial com-  
32 mission, striving for political balance and fairness, shall appoint a fifth member from the  
33 pool of candidates, who shall serve as chairperson.

34 (7) The five commissioners shall then select by majority vote one of their members to  
35 serve as vice chairperson.

36 (8) The Governor, with the concurrence of two-thirds of the Senate, may remove a  
37 member of the independent redistricting commission for substantial neglect of duty, gross  
38 misconduct in office or inability to discharge the duties of office. Prior to removal, the  
39 member must have received written notice and an opportunity to provide a response.

40 (9)(a) If a member of the independent redistricting commission does not complete the  
41 term of office for any reason, the judicial commission shall nominate a pool of three candi-  
42 dates within the first thirty days after the vacancy occurs.

43 (b) The nominees shall have the same political party affiliation as did the member who  
44 vacated the office at the time of the member's appointment.

45 (c) The appointment of a member other than the chairperson shall be made by the cur-

1 rent holder of the office designated to make the original appointment.

2 (d) The appointment of a new chairperson shall be made by the remaining commissioners.

3 (e) If the appointment of a replacement member is not made within 14 days following the  
4 presentation of the nominees, the judicial commission shall make the appointment, striving  
5 for political balance and fairness. The newly appointed member shall serve out the remainder  
6 of the original term.

7 (10) Three members of the independent redistricting commission, including the chair-  
8 person or vice chairperson, constitute a quorum. Three or more affirmative votes are re-  
9 quired for any official action. Where a quorum is present, the independent redistricting  
10 commission shall conduct business in meetings open to the public and shall give 48 or more  
11 hours' public notice.

12 (11) A member of the independent redistricting commission is ineligible to hold public  
13 office or register as a lobbyist during the period of time the member serves on the commis-  
14 sion and for three years thereafter.

15 (12) The independent redistricting commission shall establish congressional and legisla-  
16 tive districts. The commencement of the mapping process for both the congressional and  
17 legislative districts shall be the creation of districts of equal population in a grid-like pattern  
18 across the state. Adjustments to the grid shall then be made as necessary to accommodate  
19 the following goals:

20 (a) Districts shall comply with the United States Constitution and the United States  
21 Voting Rights Act (P.L. 89-110, 79 Stat. 437, 42 U.S.C. 1973 et seq.); and

22 (b) To the extent practicable:

23 (A) Congressional and legislative districts shall have equal population;

24 (B) Districts shall be geographically compact and contiguous;

25 (C) District boundaries shall respect communities of interest;

26 (D) District lines shall use visible geographic features, undivided census tracts and city,  
27 town and county boundaries; and

28 (E) Competitive districts should be favored where to do so would create no significant  
29 detriment to the other goals listed in this subsection.

30 (13) Party registration and voting history data shall be excluded from the initial phase  
31 of the mapping process but may be used to test maps for compliance with goals set forth in  
32 subsection (12) of this section. The places of residence of incumbents or candidates may not  
33 be identified or considered.

34 (14)(a) The independent redistricting commission shall advertise a draft map of congress-  
35 sional districts and a draft map of legislative districts to the public for comment. The period  
36 for the public to comment must be at least 30 days.

37 (b) During the period to comment, the Legislative Assembly may make recommendations  
38 to the independent redistricting commission by memorial or by minority report. Any rec-  
39 ommendations made by the Legislative Assembly to the commission must be considered by  
40 the commission.

41 (c) Once the period to comment is complete, the independent redistricting commission  
42 shall establish final district boundaries.

43 (15) The provisions regarding this section are self-executing. The independent redistrict-  
44 ing commission shall certify the establishment of congressional and legislative districts to  
45 the Secretary of State.

1       (16)(a) The Oregon Department of Administrative Services or its successor shall make  
2 adequate office space available for the independent redistricting commission. The State  
3 Treasurer shall make \$6,000,000 available for the work of the independent redistricting com-  
4 mission pursuant to the year 2020 census. Unused monies must be returned to the General  
5 Fund.

6       (b) In each year ending in the digit 8 or 9 after the year 2021, the Oregon Department  
7 of Administrative Services or its successor shall submit to the Legislative Assembly a rec-  
8 ommendation for an appropriation for adequate redistricting expenses and shall make avail-  
9 able adequate office space for the operation of the independent redistricting commission. The  
10 Legislative Assembly shall ensure the provision of appropriations necessary for the inde-  
11 pendent redistricting commission to function in the manner set forth in this section.

12       (17) The independent redistricting commission, with fiscal oversight from the Oregon  
13 Department of Administrative Services or its successor, shall have procurement and con-  
14 tracting authority and may hire staff and consultants for the purposes of this section, in-  
15 cluding legal representation.

16       (18) The independent redistricting commission shall have standing in legal actions re-  
17 garding the redistricting plan and the adequacy of resources provided for the operation of  
18 the independent redistricting commission. The independent redistricting commission shall  
19 have sole authority to determine whether the Attorney General or counsel hired or selected  
20 by the independent redistricting commission shall represent the people of Oregon in the legal  
21 defense of a redistricting plan.

22       (19) Members of the independent redistricting commission are eligible for reimbursement  
23 of expenses pursuant to law.

24       (20) Employees of the Oregon Department of Administrative Services or its successor  
25 shall not influence or attempt to influence the district-mapping decisions of the independent  
26 redistricting commission.

27       (21)(a) The term of office for each member of the independent redistricting commission  
28 expires upon the appointment of the first member of the next independent redistricting  
29 commission.

30       (b) The independent redistricting commission shall not meet or incur expenses after the  
31 redistricting plan is completed, except if litigation or any government approval of the plan  
32 is pending, or to revise districts if required by court decisions or if the number of congres-  
33 sional or legislative districts is changed.

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

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