

## Brian Wanty

February 16, 2017

House Committee on Rules  
Oregon State Capitol  
900 Court Street NE, Room 453  
Salem, Oregon 97301

Re: HJR6 Proposing amendment to Oregon Constitution relating to the legislative districts of Senators

Chair Williamson and committee members,

The provision in HJR6 that states "The county from which a Senator is elected shall constitute the legislative district of the Senator" is contrary to the Equal Protection Clause of the United States Constitution.

*Reynolds v. Sims*, 377 U.S. 533 (1964) ruled:

*By holding that, as a federal constitutional requisite, both houses of a state legislature must be apportioned on a population basis, we mean that the Equal Protection Clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable. (page 577)*

*Whatever the means of accomplishment, the overriding objective must be substantial equality of population among the various districts, so that the vote of any citizen is approximately equal in weight to that of any other citizen in the State. (page 579)*

Changing the apportionment of the Oregon State Senate to one senator per county would create a malapportionment ratio between Multnomah County and Wheeler County of 581 using figures from the 2010 Census. This enormous population inequality and unequal weighting of votes among senate districts would not comply with U.S. Supreme Court precedent set in *Reynolds*, which has not been overturned.

Regards,

  
Brian Wanty