

House Joint Resolution 12

Sponsored by Representative PARRISH; Representatives BARKER, NEARMAN, NOBLE, WITT, Senators JOHNSON, 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 committee to adopt redistricting plans for state Senate and state 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. Section 6, Article IV of the Constitution of the State of Oregon, is amended to read:

Sec. 6. (1) [*At*] **During** 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.*]

(2)(a) On the first Monday in February of an odd-numbered year next following an enumeration of the inhabitants by the United States Government, the Secretary of State shall convene an independent redistricting committee. Notwithstanding the provisions of section 10, Article II, or section 1, Article III of this Constitution, the committee shall consist of the following members, all of whom must be appointed in the manner provided by this subsection no later than the last Friday in January in a year in which the Secretary of State convenes an independent redistricting committee:

(A) The caucus leader of each major political party represented in the Senate shall select one member of the committee.

(B) The caucus leader of each major political party represented in the House of Representatives shall select one member of the committee.

(C) Each political party that qualifies as a major political party or as a minor political party under the laws of the state shall select a member of the committee.

(D) The Governor shall select a member of the committee who:

(i) Has been registered to vote for at least four years prior to the individual's appointment to the committee;

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 (ii) Has voted in the previous two general elections held in this state; and

2 (iii) Has not been affiliated with a major political party or a minor political party in this
3 state for at least four years prior to the individual's appointment to the committee.

4 (E) For each congressional district in this state, the county commissioners of the coun-
5 ties within that district shall select one member of the committee who:

6 (i) Was once a judge or justice in this state but who no longer serves as a full-time judge
7 or justice;

8 (ii) Voluntarily resigned or retired from a judicial post and who:

9 (I) Has not been subject to judicial fitness investigations or proceedings; and

10 (II) Is not on medical disability; and

11 (iii) Currently resides in the congressional district.

12 (b) For the purpose of selecting a member of the independent redistricting committee
13 under subparagraph (E) of paragraph (a) of this subsection:

14 (A) The county commissioners shall ensure, to the extent practicable, that their selection
15 is made from a pool of not less than five candidates who meet the qualifications set forth in
16 subparagraph (E) of paragraph (a) of this subsection.

17 (B) Subject to subparagraphs (C) to (E) of this paragraph, the county commissioners
18 shall make their selection by a majority decision based on the weighted votes of the com-
19 missioners.

20 (C) If a congressional district encompasses two or more counties, each county shall be
21 entitled to one vote for each 1,000 of its electors or major fraction thereof residing within
22 the congressional district at the time the selection of a member to the independent redis-
23 tricting committee is made. However, any county having electors in the congressional dis-
24 trict shall be entitled to at least one vote.

25 (D) A major fraction of electors shall be a number greater than 500 but less than 1,000.

26 (E) The number of votes apportioned to each county commissioner in selecting a member
27 of the independent redistricting committee shall be equal to the total number allocated to
28 the respective county of the county commissioner in the manner set by subparagraphs (C)
29 and (D) of this paragraph divided by the total number of county commissioners of the re-
30 spective county.

31 (c) A former judge or justice who serves as a member of the independent redistricting
32 committee may not be a candidate for elected office in this state for five years after the
33 former judge or justice ceases to serve on the committee.

34 (d) The independent redistricting committee shall meet at times and in the manner set
35 forth in statute by the Legislative Assembly.

36 (e) The Legislative Assembly shall appropriate to the Secretary of State moneys suffi-
37 cient to enable the independent redistricting committee to carry out its duties.

38 (f) A reapportionment by the independent redistricting committee becomes operative as
39 described in subsection (7) of this section.

40 [(2)] (3) This subsection governs judicial review and correction of a reapportionment enacted
41 by the [Legislative Assembly] independent redistricting committee.

42 (a) Original jurisdiction is vested in the Supreme Court, upon the petition of any elector of the
43 state filed with the Supreme Court on or before August 1 of the year in which the [Legislative As-
44 sembly] independent redistricting committee enacts a reapportionment, to review any reappor-
45 tionment so enacted.

1 (b) If the Supreme Court determines that the reapportionment thus reviewed complies with
2 subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written
3 opinion on or before September 1 of the same year and the reapportionment becomes operative as
4 described in subsection [(6)] (7) of this section.

5 (c) If the Supreme Court determines that the reapportionment does not comply with subsection
6 (1) of this section and all law applicable thereto, the reapportionment shall be void. In its written
7 opinion, the Supreme Court shall specify with particularity wherein the reapportionment fails to
8 comply. The opinion shall further direct the Secretary of State to draft a reapportionment of the
9 Senators and Representatives in accordance with the provisions of subsection (1) of this section and
10 all law applicable thereto. The Supreme Court shall file its order with the Secretary of State on or
11 before September 15. The Secretary of State shall conduct a hearing on the reapportionment at
12 which the public may submit evidence, views and argument. The Secretary of State shall cause a
13 transcription of the hearing to be prepared which, with the evidence, shall become part of the re-
14 cord. The Secretary of State shall file the corrected reapportionment with the Supreme Court on or
15 before November 1 of the same year.

16 (d) On or before November 15, the Supreme Court shall review the corrected reapportionment
17 to assure its compliance with subsection (1) of this section and all law applicable thereto and may
18 further correct the reapportionment if the court considers correction to be necessary. **The inde-**
19 **pendent redistricting committee shall be disbanded immediately after the Supreme Court**
20 **concludes its review.**

21 (e) The corrected reapportionment becomes operative as described in subsection [(6)] (7) of this
22 section.

23 [(3)] (4) This subsection governs enactment, judicial review and correction of a reapportionment
24 if the [*Legislative Assembly*] **independent redistricting committee** fails to enact any reapportion-
25 ment by July 1 [*of the year*] of the odd-numbered year [*regular session of the Legislative Assembly*]
26 next following an enumeration of the inhabitants by the United States Government.

27 (a) The **independent redistricting committee shall be disbanded and the** Secretary of State
28 shall make a reapportionment of the Senators and Representatives in accordance with the provisions
29 of subsection (1) of this section and all law applicable thereto. The Secretary of State shall conduct
30 a hearing on the reapportionment at which the public may submit evidence, views and argument.
31 The Secretary of State shall cause a transcription of the hearing to be prepared which, with the
32 evidence, shall become part of the record. The reapportionment so made shall be filed with the Su-
33 preme Court by August 15 of the same year. The reapportionment becomes operative as described
34 in subsection [(6)] (7) of this section.

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

38 (c) If the Supreme Court determines that the reapportionment thus reviewed complies with
39 subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written
40 opinion on or before October 15 of the same year and the reapportionment becomes operative as
41 described in subsection [(6)] (7) of this section.

42 (d) If the Supreme Court determines that the reapportionment does not comply with subsection
43 (1) of this section and all law applicable thereto, the reapportionment shall be void. The Supreme
44 Court shall return the reapportionment by November 1 to the Secretary of State accompanied by a
45 written opinion specifying with particularity wherein the reapportionment fails to comply. The

1 opinion shall further direct the Secretary of State to correct the reapportionment in those partic-
2 ulars, and in no others, and file the corrected reapportionment with the Supreme Court on or before
3 December 1 of the same year.

4 (e) On or before December 15, the Supreme Court shall review the corrected reapportionment
5 to assure its compliance with subsection (1) of this section and all law applicable thereto and may
6 further correct the reapportionment if the court considers correction to be necessary.

7 (f) The reapportionment becomes operative as described in subsection [(6)] (7) of this section.

8 [(4)] (5) Any reapportionment that becomes operative as provided in this section:

9 (a) **May not be amended by the Legislative Assembly; and**

10 (b) *[is]* **Is** a law of the state except for purposes of initiative and referendum.

11 [(5)] (6) Notwithstanding section 18, Article II of this Constitution, after the convening of the
12 next odd-numbered year regular legislative session following the reapportionment, a Senator whose
13 term continues through that legislative session is subject to recall by the electors of the district to
14 which the Senator is assigned and not by the electors of the district existing before the latest re-
15 apportionment. The number of signatures required on the recall petition is 15 percent of the total
16 votes cast for all candidates for Governor at the most recent election at which a candidate for
17 Governor was elected to a full term in the two representative districts comprising the senatorial
18 district to which the Senator was assigned.

19 [(6)(a)] (7)(a) Except as provided in paragraph (b) of this subsection, a reapportionment made
20 under this section becomes operative on the second Monday in January of the next odd-numbered
21 year after the applicable deadline for making a final reapportionment under this section.

22 (b) For purposes of electing Senators and Representatives to the next term of office that com-
23 mences after the applicable deadline for making a final reapportionment under this section, a reap-
24 portionment made under this section becomes operative on January 1 of the calendar year next
25 following the applicable deadline for making a final reapportionment under this section.

26
27 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**
28 **people for their approval or rejection at the next regular general election held throughout**
29 **this state.**