

House Joint Resolution 21

Sponsored by Representative BUEHLER

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 creating 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) 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 be created not later than December 31 in each year ending in the number zero.

(3)(a) By August 15 in each year ending in the number nine, the Secretary of State shall initiate an application process that promotes a qualified and diverse applicant pool and is open to all registered electors in this state.

(b) The Secretary of State shall remove individuals with conflicts of interest from the applicant pool, including:

(A) Applicants who were, or are related to a family member who was, in the 10 years immediately preceding the date of application:

(i) Appointed or elected to, or ran as a candidate for, a federal or state office.

(ii) An officer, employee or paid consultant of a political party or of the campaign committee of a candidate for elective federal or state office.

(iii) An elected or appointed member of a political party central committee.

(iv) A registered federal, state or local lobbyist.

(v) A paid congressional or legislative employee.

(vi) A contributor of \$2,000 or more to any congressional, state or local candidate for elective public office in any year, with the dollar amount to be adjusted every 10 years by the cumulative change in the consumer price index, or its successor, published by an agency of the United States government.

(B) Staff and consultants to persons under a contract with, and any person with an immediate family relationship with, the Governor, a member of the Legislative Assembly or a member of the United States Congress.

(4)(a) The Secretary of State shall establish an applicant review panel, consisting of three

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 qualified independent auditors, that is responsible for the screening of the applicants. The
2 panel shall include:

3 (A) One member who is registered with the largest political party in this state, based on
4 party registration;

5 (B) One member who is registered with the second largest political party in this state,
6 based on party registration; and

7 (C) One member who is not registered with either of the two largest political parties in
8 this state.

9 (b) The Secretary of State shall randomly draw names from a pool of all qualified inde-
10 pendent auditors until the names of three qualified independent auditors have been drawn.
11 After the drawing, the Secretary of State shall notify the three qualified independent audi-
12 tors whose names have been drawn that they have been selected to serve on the panel. If
13 any of the three qualified independent auditors decline to serve on the panel, the Secretary
14 of State shall resume the random drawing until three qualified independent auditors who
15 meet the requirements of paragraph (a) of this subsection have agreed to serve on the panel.

16 (c) Members of the panel are subject to the conflict of interest provisions described in
17 paragraph (b) of subsection (3) of this section.

18 (5) No later than March 15 in each year ending with the number zero, after removing
19 applicants with conflicts of interest from the applicant pool as described in paragraph (b) of
20 subsection (3) of this section, the Secretary of State shall publicize the names of the appli-
21 cants remaining in the applicant pool and provide copies of their applications to the applicant
22 review panel.

23 (6)(a) The applicant review panel shall select commission members in a manner that
24 produces an Independent Review Commission that is free from legislative influence and rea-
25 sonably representative of the diversity of this state.

26 (b) To qualify for service on the commission, for at least five years immediately preced-
27 ing the date of an applicant's appointment, the applicant must be:

28 (A) Continuously registered to vote in this state; and

29 (B) Registered with the same political party or unaffiliated with a political party.

30 (c) Each commission member must have voted in two of the last three statewide general
31 elections immediately preceding the commission member's application.

32 (d) The applicant review panel shall select from the applicant pool 60 qualified applicants
33 who possess the most relevant analytical skills, ability to be impartial and appreciation for
34 the diverse demographics and geography of this state. The panel shall sort the selected ap-
35 plicants into three subpools of 20, including:

36 (A) Twenty applicants who are registered with the largest political party in this state;

37 (B) Twenty applicants who are registered with the second largest political party in this
38 state; and

39 (C) Twenty applicants who are not registered with either of the two largest political
40 parties in this state.

41 (7)(a) No later than May 15 in each year ending in the number zero, the applicant review
42 panel shall present its subpools of recommended applicants to the Secretary of the Senate
43 and the Chief Clerk of the House of Representatives.

44 (b) The members of the panel may not communicate with any member of the Legislative
45 Assembly or the United States Congress, or their agents, about any matter related to the

1 nomination process or applicants prior to the presentation of the subpools of recommended
2 applicants to the Secretary of the Senate and the Chief Clerk of the House of Represent-
3 natives.

4 (8) No later than June 30 in each year ending in the number zero, the President of the
5 Senate, Minority Leader of the Senate, Speaker of the House of Representatives and Minority
6 Leader of the House of Representatives may each select up to two applicants to be removed
7 from each subpool of 20, for a total of eight possible selections per subpool. After the legis-
8 lative leaders have made their selections, the Secretary of the Senate and the Chief Clerk
9 of the House of Representatives shall jointly present the pool of remaining applicants to the
10 Secretary of State.

11 (9) No later than July 5 in each year ending in the number zero, the Secretary of State
12 shall randomly select eight names from the pool of remaining applicants presented under
13 subsection (8) of this section to serve on the Independent Redistricting Commission, includ-
14 ing:

15 (a) Three names from the remaining subpool of applicants registered with the largest
16 political party in this state;

17 (b) Three names from the remaining subpool of applicants registered with the second
18 largest political party in this state; and

19 (c) Two names from the remaining subpool of applicants who are not registered with ei-
20 ther of the two largest political parties in this state.

21 (10)(a) No later than August 15 in each year ending in the number zero, the eight mem-
22 bers of the Independent Redistricting Commission selected under subsection (9) of this sec-
23 tion shall review the remaining names in each subpool of applicants and appoint, without the
24 use of formulas or specific ratios, six additional appointees who possess the most relevant
25 analytical skills and ability to be impartial and who reflect the diversity of this state, in-
26 cluding but not limited to racial, ethnic, geographic and gender diversity, as follows:

27 (A) Two appointees from the remaining subpool of applicants registered with the largest
28 political party in this state;

29 (B) Two appointees from the remaining subpool of applicants registered with the second
30 largest political party in this state; and

31 (C) Two appointees from the remaining subpool of applicants who are not registered with
32 either of the two largest political parties in this state.

33 (b) Approval of the six appointees requires five or more affirmative votes of commission
34 members, including at least two votes cast by commission members registered with each of
35 the two largest political parties in this state and one cast by a commission member who is
36 not registered with either of the two largest political parties in this state.

37 (11) The Independent Redistricting Commission shall select, by a majority vote, one
38 commission member to serve as the chair and one commission member to serve as vice
39 chair. The chair and vice chair may not be from the same political party.

40 (12)(a) In the event of substantial neglect of duty or gross misconduct in office by a
41 commission member, or if a commission member is unable to discharge the duties of office,
42 the Governor may remove a commission member, provided the Governor:

43 (A) Serves the commission member with written notice;

44 (B) Provides the commission member with an opportunity to respond; and

45 (C) Obtains concurring votes from two-thirds of the members of the Senate.

1 **(b) The Governor may refer an incident of substantial neglect of duty or gross miscon-**
2 **duct in office by a commission member to the Attorney General for criminal prosecution or**
3 **to the appropriate administrative agency for investigation.**

4 **(13)(a) If a commission membership becomes vacant, the Independent Redistricting**
5 **Commission shall fill the vacancy within 30 days by appointing a new commission member**
6 **from the same subpool of applicants from which the vacating commission member was se-**
7 **lected.**

8 **(b) If none of the applicants in the applicable subpool are available for service, the Sec-**
9 **retary of State shall establish a new subpool for that political party category as provided in**
10 **this section.**

11 **(14)(a) Commission members may not hold elected public office at the federal, state,**
12 **county or city level in this state for a period of 10 years beginning on the date of appoint-**
13 **ment.**

14 **(b) Commission members may not hold appointive federal, state or local public office,**
15 **serve as a paid employee of the United States Congress, the Legislative Assembly or any in-**
16 **dividual member of the Legislative Assembly or register as a federal, state or local lobbyist**
17 **in this state, for a period of five years beginning on the date of appointment.**

18 **(15) A member of the first Independent Redistricting Commission shall be compensated**
19 **at the rate of \$300 for each day the commission member is engaged in commission business.**
20 **For members of each succeeding commission, the rate of compensation shall be adjusted in**
21 **each year ending in nine according to the cumulative change in the consumer price index,**
22 **or its successor, published by an agency of the United States government. Members of the**
23 **applicant review panel and the commission are eligible for reimbursement of personal ex-**
24 **penditures incurred in connection with the duties performed pursuant to this section. A**
25 **member's residence is deemed to be the member's post of duty for purposes of reimburse-**
26 **ment of expenses. The Legislative Assembly shall ensure that sufficient appropriations are**
27 **made to the Secretary of State to compensate commission members in the manner provided**
28 **in this subsection.**

29 **(16)(a) Redistricting plans developed under this section shall be consistent with the re-**
30 **quirements of the United States Constitution and comply with all federal laws.**

31 **(b) Each state senatorial district shall be composed of two adjacent state representative**
32 **districts.**

33 **(c) If the number of state representative and senatorial districts is evenly divisible by the**
34 **number of United States congressional districts, the state representative or senatorial dis-**
35 **tricts shall also be nested with the corresponding congressional districts, so that each United**
36 **States congressional district contains the same number of state representative and senato-**
37 **rial districts.**

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

40 **(e) State representative and senatorial districts shall have populations that are as nearly**
41 **equal as practicable and consistent with the other requirements of this section. Districts**
42 **may not vary in population by more than one percent.**

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

45 **(g) The districts shall be drawn with no consideration of incumbents' resident addresses.**

1 (h) Districts shall be composed of whole units of census geography.

2 (i) Redistricting plans shall favor competitive districts whenever possible while complying
3 with the other requirements of this section and federal laws.

4 (j) To the extent practicable districts shall:

5 (A) Be geographically compact.

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

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

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

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

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

13 (17)(a) Any Senator whose term continues through the next odd-numbered year regular
14 legislative session following the operative date of the final redistricting plan shall be specif-
15 ically assigned to a senatorial district.

16 (b) Notwithstanding section 18, Article II of this Constitution, after the convening of the
17 next odd-numbered year regular legislative session following the operative date of the final
18 redistricting plan, a Senator whose term continues through that legislative session is subject
19 to recall by the electors of the district to which the Senator is assigned and not by the
20 electors of the district existing before the latest reapportionment. The number of signatures
21 required on the recall petition is 15 percent of the total votes cast for all candidates for
22 Governor at the most recent election at which a candidate for Governor was elected to a full
23 term in the two representative districts comprising the senatorial district to which the
24 Senator was assigned.

25 (18)(a) In each year ending in the number zero, each county may establish a county
26 community commission to take public testimony in order to establish units of representation
27 for the county. The county community commission shall be composed of the mayor of each
28 city in the county or, if a mayor of a city declines to participate or is otherwise unavailable,
29 a representative from the city who is appointed by a majority vote of the county commis-
30 sioners.

31 (b) Units of representation must be composed of individual communities of interest that
32 should be kept whole in redistricting. Each unit of representation:

33 (A) Must be contiguous.

34 (B) Must follow census geography.

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

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

39 (c) Units of representation shall be reviewed by each county community commission fol-
40 lowing the release of the census data for this state and adjustments made as necessary to
41 comply with the population requirement set forth in paragraph (b) of this subsection.

42 (d) The county community commission may also designate preferred units of represen-
43 tation for inclusion in the same district. The designation under this paragraph shall be con-
44 sidered as a nonbinding recommendation by the Independent Redistricting Commission.

45 (e) Within one month after the release of the census data for this state, each county

1 community commission shall report its final units of representation to the Independent Re-
2 districting Commission for use in the redistricting.

3 (19) Final redistricting plans established by the Independent Redistricting Commission
4 must be completed and adopted by July 1 in each year ending in the number one.

5 (20) The Independent Redistricting Commission shall solicit public comment as follows:

6 (a) Before developing any draft redistricting plan, the commission shall hold public
7 hearings in Portland, Salem, Eugene, Medford, Bend, Pendleton and any other city where the
8 commission determines that a public hearing is necessary or appropriate.

9 (b) After draft redistricting plans are released, the commission shall hold public hearings
10 in the cities listed in paragraph (a) of this subsection. Not less than 15 days' notice shall be
11 given for each hearing.

12 (c) Following the commission's adoption of any significant change to a redistricting plan
13 that was circulated for public hearing, and before the final adoption of any redistricting plan
14 that includes these changes, the commission shall again hold public hearings in at least two
15 of the cities listed in paragraph (a) of this subsection. Not less than 15 days' notice shall be
16 given for each hearing.

17 (d) The purpose of the public hearings described in paragraphs (a) to (c) of this sub-
18 section is to receive testimony and public comment on how legislative and congressional
19 districts should be configured.

20 (e) Not less than 15 days' notice shall be given for each public hearing described in par-
21 agraphs (a) to (c) of this subsection.

22 (f) Once released, the draft redistricting plans shall be made available on a publicly ac-
23 cessible computer and printer located in each county courthouse, along with software to al-
24 low the public to review the plans, provide public comment and develop alternatives. The
25 counties shall be responsible for providing and maintaining all materials required under this
26 paragraph and shall be reimbursed by the state for the cost of providing and maintaining
27 these materials.

28 (21)(a) Notwithstanding section 10, Article II, or section 1, Article III, of this Constitu-
29 tion, the Secretary of State, acting on behalf of and at the request of the Independent Re-
30 districting Commission, shall hire the staff and pay for any facilities, materials or technical
31 support not otherwise described in this section that are necessary to permit the commission
32 to fulfill its responsibilities. The Legislative Assembly shall ensure that sufficient appropri-
33 ations are made to the Secretary of State to permit the secretary to fulfill these obligations.

34 (b) The Secretary of State shall acquire and provide any available data, specialized soft-
35 ware, hardware or technical support, that is required by the commission to fulfill the duties
36 of the commission.

37 (c) The commission shall determine and adopt a measure or measures of competitiveness
38 prior to any vote or discussion regarding any legislative or congressional district plans or
39 proposals. The measure or measures of competitiveness shall be the conclusive tests for
40 compliance with the competitive districts requirement of paragraph (i) of subsection (16) of
41 this section.

42 (d) The commission shall provide its records, data and draft redistricting plans to the
43 Secretary of State. The secretary shall make these records, data and draft redistricting plans
44 publicly available in hard copy and electronically in a timely manner.

45 (22) A final redistricting plan shall be adopted by a majority vote of commission mem-

1 bers. If commission members are unable to reach agreement or to adopt a final redistricting
2 plan, the responsibilities of the Independent Redistricting Commission shall end, and the
3 Secretary of State shall be responsible for establishing a final redistricting plan. To the ex-
4 tent practicable, the secretary shall follow the time frame and process for developing a re-
5 districting plan that is provided in this section. A final redistricting plan established by the
6 Secretary of State under this subsection must be completed by August 15 in the year ending
7 in the number one.

8 (23)(a) A final redistricting plan adopted by the Independent Redistricting Commission,
9 together with a written statement of findings and reasons for adoption, shall be filed with
10 the Secretary of State not fewer than 170 days before the third Tuesday in May in the year
11 ending in the number two. Unless a petition is filed with the Supreme Court under subsection
12 (24) of this section, a final redistricting plan becomes operative 30 days after the date on
13 which the plan is filed with the Secretary of State.

14 (b) A final redistricting plan that becomes operative as provided in this section is a law
15 of the state except for purposes of initiative and referendum.

16 (24)(a) The Supreme Court has original jurisdiction to review a final redistricting plan
17 adopted by the Independent Redistricting Commission or established by the Secretary of
18 State. Only a final redistricting plan may be challenged.

19 (b) Any elector of this state may file a petition challenging a final redistricting plan. Any
20 such petition must be filed with the Supreme Court within 30 days of the date on which the
21 final redistricting plan is filed with the Secretary of State under subsection (23) of this sec-
22 tion, or the date on which the Secretary of State establishes a final redistricting plan under
23 subsection (22) of this section, whichever is applicable.

24 (c) The Supreme Court shall render its decision within 45 days of the date on which a
25 petition is filed under this subsection, or the petition shall be considered denied.

26 (d) If the Supreme Court finds a final redistricting plan to be in violation of this section,
27 the plan is null and void. In its written opinion, the Supreme Court shall specify with
28 particularity wherein the redistricting plan fails to comply. The opinion shall further direct
29 the commission or the Secretary of State to correct the redistricting plan in those partic-
30 ulars, and in no others, and file the corrected redistricting plan with the Supreme Court
31 within 30 days of the date of the Supreme Court's order.

32 (e) The Supreme Court shall review a corrected redistricting plan required under para-
33 graph (d) of this subsection within 15 days of the date on which the corrected redistricting
34 plan is submitted to the Supreme Court and may further correct the redistricting plan if the
35 court considers correction to be necessary.

36 (f) A corrected redistricting plan must become operative before the filing deadline for the
37 next primary election or the next statewide general election.

38 (25) To the extent practicable, the Independent Redistricting Commission shall remain in
39 existence, using the procedures set forth in subsection (13) of this section to replace any
40 commission members who resign or otherwise depart from the commission, until the final
41 redistricting plans become operative and all legal challenges have been resolved. At that time
42 the responsibilities of the commission shall end.

43 (26) As used in this section:

44 (a) "Census geography" means census tracts used by the federal government in con-
45 ducting the federal decennial census.

1 **(b) “Communities of interest” means contiguous populations that share common social**
2 **and economic interests that may be included within a single district for purposes of effective**
3 **and fair representation.**

4 **(c) “Competitive district” means a district drawn in such a way as to minimize, to the**
5 **extent practicable:**

6 **(A) The difference in the number of residents who are affiliated with each major party;**
7 **and**

8 **(B) The difference between the number of residents who are not affiliated with any poli-**
9 **tical party and the number of residents who are affiliated with a political party.**

10 **(d) “Immediate family” means a person with whom the individual has a bona fide re-**
11 **lationship established through blood or legal relation, including parents, children, siblings**
12 **and in-laws.**

13 **(e) “Qualified independent auditor” means an auditor who has at least 10 years experi-**
14 **ence auditing state entities prior to appointment to the applicant review panel.**

15 **(f) “Significant change” means any change in the district assignment of:**

16 **(A) One percent or more of the total population of this state; or**

17 **(B) Five percent or more of the population of an individual district.**

18
19 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**
20 **people for their approval or rejection at the next regular general election held throughout**
21 **this state.**

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