

# Senate Joint Resolution 25

Sponsored by Senator GIROD (Pre-session filed.)

## 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 one Senator per county in this state.  
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.** Sections 2, 3, 6 and 7, Article IV of the Constitution of the State of Oregon, are amended to read:

**Sec. 2.** The Senate shall consist of **36 members and** [*sixteen, and*] the House of Representatives **shall consist of 60 members** [*of thirty four members, which number shall not be increased until the year Eighteen Hundred and Sixty, after which time the Legislative Assembly may increase the number of Senators and Representatives, always keeping as near as may be the same ratio as to the number of Senators, and Representatives: Provided that the Senate shall never exceed thirty and the House of Representatives sixty members.-*]. **The number of Senators set forth in this section may increase to ensure that there is one Senator for each county in this state.**

**Sec. 3.** (1) The [*senators and representatives*] **electors of each county in this state shall elect a Senator to represent that county. Representatives** shall be chosen by the electors of the respective counties or districts or subdistricts within a county or district into which the state may from time to time be divided by law.

(2)(a) If a vacancy occurs in the office of senator or representative from any county or district or subdistrict, the vacancy shall be filled as may be provided by law.

(b) Except as provided in paragraph (c) of this subsection, a person who is appointed to fill a vacancy in the office of senator or representative must be an inhabitant of the district the person is appointed to represent for at least one year next preceding the date of the appointment.

(c) For purposes of an appointment **to the office of representative** occurring during the period beginning on January 1 of the year a reapportionment becomes operative under section 6 of this Article, the person must have been an inhabitant of the district for one year next preceding the date of the appointment or from January 1 of the year the reapportionment becomes operative to the date of the appointment, whichever is less.

**Sec. 6. (1) Each county in this state shall constitute one senatorial district.**

[*(1)*] **(2)** At 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*

**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 *reapportionment shall be specifically assigned to a senatorial district.]* The ratio of [*Senators and*  
2 *Representatives[, respectively,]* to population shall be determined by dividing the total population of  
3 the state by the [*number of Senators and by the*] number of Representatives. A reapportionment by  
4 the Legislative Assembly becomes operative as described in subsection (6) of this section.

5 [(2)] (3) This subsection governs judicial review and correction of a reapportionment enacted  
6 by the Legislative Assembly.

7 (a) Original jurisdiction is vested in the Supreme Court, upon the petition of any elector of the  
8 state filed with the Supreme Court on or before August 1 of the year in which the Legislative As-  
9 sembly enacts a reapportionment, to review any reapportionment so enacted.

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

14 (c) If the Supreme Court determines that the reapportionment does not comply with subsection  
15 [(1)] (2) of this section and all law applicable thereto, the reapportionment shall be void. In its  
16 written opinion, the Supreme Court shall specify with particularity wherein the reapportionment  
17 fails to comply. The opinion shall further direct the Secretary of State to draft a reapportionment  
18 of the [*Senators and*] Representatives in accordance with the provisions of subsection [(1)] (2) of this  
19 section and all law applicable thereto. The Supreme Court shall file its order with the Secretary of  
20 State on or before September 15. The Secretary of State shall conduct a hearing on the reappor-  
21 tionment at which the public may submit evidence, views and argument. The Secretary of State shall  
22 cause a transcription of the hearing to be prepared which, with the evidence, shall become part of  
23 the record. The Secretary of State shall file the corrected reapportionment with the Supreme Court  
24 on or before November 1 of the same year.

25 (d) On or before November 15, the Supreme Court shall review the corrected reapportionment  
26 to assure its compliance with subsection [(1)] (2) of this section and all law applicable thereto and  
27 may further correct the reapportionment if the court considers correction to be necessary.

28 (e) The corrected reapportionment becomes operative as described in subsection (6) of this sec-  
29 tion.

30 [(3)] (4) This subsection governs enactment, judicial review and correction of a reapportionment  
31 if the Legislative Assembly fails to enact any reapportionment by July 1 of the year of the odd-  
32 numbered year regular session of the Legislative Assembly next following an enumeration of the  
33 inhabitants by the United States Government.

34 (a) The Secretary of State shall make a reapportionment of the [*Senators and*] Representatives  
35 in accordance with the provisions of subsection [(1)] (2) of this section and all law applicable  
36 thereto. The Secretary of State shall conduct a hearing on the reapportionment at which the public  
37 may submit evidence, views and argument. The Secretary of State shall cause a transcription of the  
38 hearing to be prepared which, with the evidence, shall become part of the record. The reapportion-  
39 ment so made shall be filed with the Supreme Court by August 15 of the same year. The reappor-  
40 tionment becomes operative as described in subsection (6) of this section.

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

44 (c) If the Supreme Court determines that the reapportionment thus reviewed complies with  
45 subsection [(1)] (2) of this section and all law applicable thereto, it shall dismiss the petition by

1 written opinion on or before October 15 of the same year and the reapportionment becomes opera-  
2 tive as described in subsection (6) of this section.

3 (d) If the Supreme Court determines that the reapportionment does not comply with subsection  
4 [(1)] (2) of this section and all law applicable thereto, the reapportionment shall be void. The Su-  
5 preme Court shall return the reapportionment by November 1 to the Secretary of State accompanied  
6 by a written opinion specifying with particularity wherein the reapportionment fails to comply. The  
7 opinion shall further direct the Secretary of State to correct the reapportionment in those partic-  
8 ulars, and in no others, and file the corrected reapportionment with the Supreme Court on or before  
9 December 1 of the same year.

10 (e) On or before December 15, the Supreme Court shall review the corrected reapportionment  
11 to assure its compliance with subsection [(1)] (2) of this section and all law applicable thereto and  
12 may further correct the reapportionment if the court considers correction to be necessary.

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

14 [(4)] (5) Any reapportionment that becomes operative as provided in this section is a law of the  
15 state except for purposes of initiative and referendum.

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

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

27 (b) For purposes of electing [*Senators and*] Representatives to the next term of office that com-  
28 mences after the applicable deadline for making a final reapportionment under this section, a reap-  
29 portionment made under this section becomes operative on January 1 of the calendar year next  
30 following the applicable deadline for making a final reapportionment under this section.

31 **Sec. 7.** [*A senatorial district, when more than one county shall constitute the same, shall be com-*  
32 *posed of contiguous counties, and no county shall be divided in creating such senatorial districts.*  
33 *Senatorial or representative*] **Representative** districts comprising not more than one county may be  
34 divided into subdistricts from time to time by law. Subdistricts shall be composed of contiguous  
35 territory within the district; and the ratios to population of [*senators or*] representatives[, *as the case*  
36 *may be,*] elected from the subdistricts, shall be substantially equal within the district.

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