

Senate Joint Resolution 29

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 independent redistricting commission 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. The Constitution of the State of Oregon is amended by repealing section 6, Article IV, and by adopting the following new section 6 in lieu thereof:

SECTION 6. (1) In each year next following an enumeration of the inhabitants of this state by the United States government, Senators and Representatives shall be apportioned among legislative districts according to population and a redistricting plan adopted in the manner provided by this section.

(2) A senatorial district shall consist of two representative districts. Any Senator whose term continues through the next regular legislative session after the operative date of the redistricting plan 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 this state by the number of Senators and by the number of Representatives.

(3) Not later than January 31 of each redistricting year, a Citizen Commission on Legislative Redistricting shall be established to provide for the redistricting of state legislative districts.

(4) The citizen commission shall be composed of 11 persons appointed by county commissioners as provided in subsections (6) and (7) of this section.

(5) In order to be eligible to serve as a member of the citizen commission, an individual:

(a) Must be a citizen of the United States; and

(b) May not:

(A) Have served in a partisan government elective office during the 10 years previous to the individual's appointment to the citizen commission;

(B) Have served in a political party elective office as any officer other than a precinct committeeperson during the 10 years previous to the individual's appointment to the citizen commission;

(C) Be an employee of state government;

(D) Be a county commissioner; or

(E) Be a member of the Legislative Assembly.

(6) Each of the 11 members of the citizen commission shall be assigned to a position

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 number as set forth in this subsection. The member representing each position number shall
 2 be appointed by majority vote of all the county commissioners for the county or counties
 3 that correspond to each position number:

Position Number	County or Counties
1	Multnomah
2	Washington
3	Clackamas, Hood River
4	Clatsop, Columbia, Tillamook, Yamhill, Lincoln
5	Polk, Benton, Marion
6	Linn, Lane
7	Coos, Douglas
8	Curry, Josephine, Jackson
9	Klamath, Lake, Harney, Malheur, Deschutes, Crook
10	Wasco, Sherman, Gilliam, Morrow, Jefferson, Wheeler
11	Umatilla, Union, Wallowa, Grant, Baker

21 (7)(a) County commissioners shall appoint the 11 members of the citizen commission
 22 during a 60-day period ending on January 31 of each redistricting year.

23 (b) When acting to make an appointment to the citizen commission, county commis-
 24 sioners may meet in person or by electronic communication, provided that any vote on whom
 25 to appoint to the citizen commission complies with all public meeting requirements.

26 (c) If county commissioners from multiple counties are required to jointly appoint a
 27 member of the citizen commission, the county commissioners shall meet as one consolidated
 28 body with each county commissioner having one vote, regardless of how many county com-
 29 missioners exist in each county.

30 (d) If the county commissioners are unable to agree on an appointment to the citizen
 31 commission by the date set forth in paragraph (a) of this subsection, the Secretary of State
 32 shall make the appointment not later than February 10 of the redistricting year.

33 (e) The Office of the Secretary of State shall assist the county commissioners in carrying
 34 out the appointment process.

35 (8) An affirmative vote of a majority of citizen commission members is necessary for the
 36 adoption of any preliminary or final redistricting plan. In all other respects, the citizen
 37 commission may establish its own rules and procedures as necessary to accomplish its work.
 38 The citizen commission may not be subject to statutory restrictions or directives affecting
 39 its decisions.

40 (9) The citizen commission shall elect a chairperson from among its own members. The
 41 chairperson shall preside over the proceedings of the citizen commission and shall, subject
 42 to the approval of the citizen commission, select an executive director to assist the citizen
 43 commission in the execution of its duties. All additional staff support and services for the
 44 citizen commission shall be provided for by the Office of the Secretary of State, provided that
 45 such staff support and services shall be under the direction of the citizen commission, its

1 chairperson, and its executive director.

2 (10) After the initial 11 appointments are made, any vacancy in a citizen commission
3 position shall be filled by the appointing county commissioners within 30 days of the vacancy.
4 The citizen commission may not delay its work due to any vacancy.

5 (11)(a) The citizen commission is part of the executive branch of state government for
6 budgeting and administrative purposes.

7 (b) The citizen commission shall comply with all laws on the disclosure of records and
8 the openness of meetings that apply to the executive branch of state government.

9 (12) The citizen commission shall consider the following criteria when apportioning the
10 state into legislative districts:

11 (a) Each district must, to the extent practicable:

12 (A) Be maximally compact in size;

13 (B) Be based on census tracts;

14 (C) Be contiguous;

15 (D) Be of equal population within a range of two percent plus or minus variation; and

16 (E) Utilize existing geographic or political boundaries.

17 (b) A district may not be drawn for the purpose of favoring any political party, incumbent
18 legislator or other person.

19 (c) A district may not be drawn for the purpose of affecting the voting strength of any
20 language or ethnic minority group.

21 (d) Two representative districts shall be wholly included within a single senatorial dis-
22 trict.

23 (13)(a) The citizen commission shall adopt a preliminary redistricting plan as soon as
24 practicable following the enumeration of the inhabitants of this state by the United States
25 government, but not later than June 1 of the redistricting year.

26 (b) Upon adoption of the preliminary redistricting plan, the citizen commission shall re-
27 ceive public comment and shall conduct at least one public hearing in each congressional
28 district to receive public testimony regarding the preliminary redistricting plan.

29 (14) After conducting public hearings, the citizen commission shall adopt a final redi-
30 stracting plan not later than September 1 of the redistricting year.

31 (15) Original jurisdiction is vested in the Supreme Court, upon the petition of any 15
32 electors of this state filed with the Supreme Court on or before October 1 of the redistricting
33 year, to review the final redistricting plan.

34 (16)(a) If, upon challenge properly filed with the Supreme Court, the Supreme Court de-
35 termines that the final redistricting plan conforms to the requirements of the Constitution
36 of the United States and this Constitution, the Supreme Court shall dismiss the challenge
37 and approve the plan. An error by the citizen commission is not grounds for modification of
38 the final redistricting plan unless the error constitutes a violation of the Constitution of the
39 United States or of this Constitution. If any such violation is found, the Supreme Court shall
40 itself correct the final redistricting plan.

41 (b) The Supreme Court shall render its final decision as to any challenge no later than
42 December 31 of the redistricting year.

43 (17)(a) If the citizen commission does not adopt a final redistricting plan by September
44 1, the citizen commission shall be disbanded and the Supreme Court shall prepare the final
45 redistricting plan by December 31 of the redistricting year. The Supreme Court may appoint

1 one or more senior judges as special masters to assist with the final redistricting plan. The
2 Supreme Court or special masters appointed by the Supreme Court shall conduct a hearing
3 on the reapportionment, at which the public may submit evidence, views and arguments.

4 (b) A final redistricting plan that is approved, corrected or prepared by the Supreme
5 Court, or for which no challenge is timely filed, is not subject to revision by the Legislative
6 Assembly.

7 (18) The final redistricting plan shall be operative on December 31 of the redistricting
8 year and shall be in effect for all Legislative Assembly elections after the operative date.

9 (19) Upon completion of this reapportionment process, the citizen commission shall be
10 disbanded.

11 (20) Any reapportionment that becomes operative as provided in this section is a law of
12 the state except for purposes of initiative and referendum.

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

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

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