

House Joint Resolution 24

Sponsored by Representative HELT

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 Citizens Redistricting Commission to adopt redistricting maps for Senate, House of Representatives and United States Congress.

Refers proposed amendment to people for their approval or rejection at special election held on same date as next primary 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 sections 6 and 7 in lieu thereof, and by amending sections 3 and 8, Article IV, such sections to read:

SECTION 6. (1) As used in this section:

(a) "Certified public accountant" means an individual who is licensed or certified to practice as a certified public accountant under the laws of this state.

(b) "Immediate family" means someone with whom the individual has a bona fide relationship established through a blood or legal relationship, including parents, children, siblings and in-laws.

(2)(a) A Citizens Redistricting Commission shall be established no later than December 31, 2020, and no later than December 31 of each year ending in the number zero thereafter.

(b) The Secretary of State is responsible for establishing and enforcing a schedule ensuring that the commission is established in the manner set forth in this section no later than the date set forth in paragraph (a) of this subsection.

(3)(a) The Secretary of State shall initiate an application process that promotes a diverse and qualified applicant pool for the commission 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 an immediate 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 in money, loans or in-kind contributions to any

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 congressional, state or local candidate for elective public office in any year.

2 (B) Staff and consultants under a contract with, and any person with an immediate
3 family relationship with, a member of the Legislative Assembly, a member of Congress or
4 any individual elected to public office at a statewide election.

5 (4)(a) The Secretary of State shall establish an applicant review panel consisting of three
6 certified public accountants who are registered electors in this state. The panel shall be re-
7 sponsible for the screening of the applicants and shall include:

8 (A) One member who has been registered for at least two years with the largest political
9 party in this state, based on party registration;

10 (B) One member who has been registered for at least two years with the second largest
11 political party in this state, based on party registration; and

12 (C) One member who has not been registered within the last two years with either of the
13 two largest political parties in this state.

14 (b) The Secretary of State shall randomly draw names from a pool of all certified public
15 accountants until the names of three certified public accountants who meet the require-
16 ments set forth in paragraph (a) of this subsection have been drawn. After the drawing, the
17 Secretary of State shall notify the three certified public accountants whose names have been
18 drawn that they have been selected to serve on the panel. If any of the three certified public
19 accountants declines to serve on the panel, the Secretary of State shall resume the random
20 drawing until three certified public accountants who meet the requirements set forth in
21 paragraph (a) of this subsection have agreed to serve on the panel.

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

24 (5) After removing applicants with conflicts of interest from the applicant pool for the
25 commission as described in paragraph (b) of subsection (3) of this section, the Secretary of
26 State shall publicize the names of the applicants remaining in the applicant pool and provide
27 copies of their applications to the applicant review panel.

28 (6)(a) The applicant review panel shall select commission members in a manner that
29 produces a commission that is independent from legislative influence and reasonably repre-
30 sentative of this state's diversity.

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

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

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

35 (c) The applicant review panel shall select from the applicant pool for the commission 60
36 qualified applicants who possess the most relevant analytical skills, the ability to be impartial
37 and an appreciation for the diverse demographics and geography of this state. The panel shall
38 sort the selected applicants into three groups of 20, including:

39 (A) Twenty applicants who are registered with the largest political party in this state,
40 based on party registration;

41 (B) Twenty applicants who are registered with the second largest political party in this
42 state, based on party registration; and

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

45 (7)(a) The applicant review panel shall present its three groups of recommended appli-

1 cants to the Secretary of State.

2 (b) The members of the applicant review panel may not communicate with any member
3 of the Legislative Assembly or Congress, or their agents, about any matter related to the
4 nomination process or applicants prior to the presentation of recommended applicants to the
5 Secretary of State.

6 (8) The Secretary of State shall, at a time and place accessible to members of the public,
7 randomly draw 11 names from the applicants selected under paragraph (c) of subsection (6)
8 of this section to serve on the commission, including:

9 (a) Three names from the group of applicants registered with the largest political party
10 in this state;

11 (b) Three names from the group of applicants registered with the second largest political
12 party in this state; and

13 (c) Five names from the group of applicants who are not registered with either of the two
14 largest political parties in this state.

15 (9) The commission shall select, by a majority vote, one member to serve as the chair-
16 person and one member to serve as vice chairperson. The chairperson and vice chairperson
17 may not be registered with the same political party.

18 (10)(a) In the event of substantial neglect of duty or gross misconduct in office by a
19 commission member, or if a member is unable to discharge the duties of office, the Governor
20 may remove the member, provided the Governor:

21 (A) Serves the member with written notice;

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

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

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

27 (11)(a) If a commission membership becomes vacant, the commission shall fill the va-
28 cancy within 30 days by selecting a new member from the same group of applicants from
29 which the vacating member was selected.

30 (b) If none of the applicants in the applicable group are available for service, the appli-
31 cant review panel shall select from the applicant pool a new group for that political party
32 category as provided in paragraph (c) of subsection (6) of this section.

33 (12)(a) Commission members may not hold partisan elected public office at the federal,
34 state, county or city level in this state for a period of 10 years beginning on the date of ap-
35 pointment.

36 (b) Commission members may not hold appointive federal, state or local public office,
37 serve as a paid employee of Congress or the Legislative Assembly or register as a federal,
38 state or local lobbyist in this state, for a period of five years beginning on the date of ap-
39 pointment.

40 (13) Commission members shall serve a term of office that expires upon the appointment
41 of the first member of the succeeding commission.

42 (14)(a) The Secretary of State shall provide support functions to the commission until the
43 commission staff and office are fully functional.

44 (b) The commission shall make all purchasing and hiring decisions and shall hire com-
45 mission staff, legal counsel and consultants as needed. The commission shall establish clear

1 criteria for the hiring and removal of individuals, communication protocols and a code of
2 conduct. The commission shall apply the conflicts of interest listed in paragraph (b) of sub-
3 section (3) of this section to the hiring of commission staff, legal counsel and consultants.

4 (15) For the biennia beginning in each year ending in nine and each year ending in one,
5 there shall be included in the state budget amounts for funding for the Secretary of State
6 and the commission that are sufficient to meet the estimated expenses of the Secretary of
7 State and commission in implementing the redistricting process, including but not limited
8 to the hiring of individuals listed in subsection (14) of this section and the purchase or rental
9 of facilities and tools required to produce redistricting maps.

10 (16) Notwithstanding any other provision of this Constitution, an employer may not dis-
11 charge, threaten to discharge, intimidate, coerce or retaliate against any employee by reason
12 of the employee's attendance or scheduled attendance at any meeting of the commission.

13 (17) In each year ending in nine, prior to beginning the process for establishing a com-
14 mission, the Secretary of State shall adjust the dollar amounts set forth in this section by
15 the cumulative change in the United States Consumer Price Index, or its successor, since
16 the previous redistricting process.

17 **SECTION 7. (1) The Citizens Redistricting Commission shall:**

18 (a) Conduct an open and transparent process on the drawing of state legislative and
19 congressional district lines, enabling full public input; and

20 (b) Draw state legislative and congressional district lines according to the redistricting
21 criteria specified in this section.

22 (2)(a) Seven members of the commission constitute a quorum.

23 (b) Official action by the commission requires an affirmative vote by seven or more
24 members.

25 (c) Approval of the final redistricting maps described in subsection (7) of this section
26 requires seven or more affirmative votes, including at least one vote cast by a member reg-
27 istered with the largest political party in this state, one vote cast by a member registered
28 with the second largest political party in this state and one vote cast by a member who is
29 not registered with either of the two largest political parties in this state.

30 (3)(a) The commission shall comply with state law governing public records and meetings.
31 When drawing state legislative and congressional district lines, the commission shall hold
32 at least one public hearing in each congressional district in this state prior to proposing final
33 redistricting maps.

34 (b)(A) In addition to the hearings required under paragraph (a) of this subsection, the
35 commission shall, to the extent practicable, hold a public hearing in each congressional dis-
36 trict in this state after final redistricting maps are proposed, but before the date by which
37 the commission is required to approve final maps under subsection (7) of this section. The
38 approval of a final redistricting map may not be delayed by the impracticability of holding
39 one or more of the hearings required under this subparagraph.

40 (B) If it is not practicable to conduct a public hearing in each congressional district in
41 this state under subparagraph (A) of this paragraph, all hearings conducted under this par-
42 agraph shall be conducted with the use of videoconferencing or comparable technologies that
43 permit active participation throughout this state.

44 (c) Prior to holding the hearings under paragraphs (a) and (b) of this subsection, the
45 commission shall provide appropriate public notice of the time and location of each hearing.

1 (d) The records of the commission pertaining to redistricting and all data considered by
2 the commission are public records that must be posted in a manner that ensures immediate
3 and widespread public access.

4 (4) Each redistricting map establishing districts for the Senate, House of Representatives
5 or Congress that is created under this section must:

6 (a) Comply with requirements of the United States Constitution and the federal Voting
7 Rights Act of 1965 (42 U.S.C. 1971 et seq.), as amended, or its successors, and any other
8 federal law.

9 (b) Be drawn so that the districts are geographically contiguous.

10 (c) Achieve population equality per member elected as nearly as is practicable.

11 (5) Redistricting maps establishing districts for the Senate, House of Representatives and
12 Congress that are created under this section may not:

13 (a) Consider the place of residence of any incumbent or political candidate;

14 (b) Favor or discriminate against an incumbent, a political candidate or a political party;
15 or

16 (c) Include a district for the purpose of diluting the voting strength of any language or
17 ethnic minority group.

18 (6)(a) To the extent practicable, redistricting maps establishing districts for the Senate,
19 the House of Representatives and Congress that are created under this section shall:

20 (A) Keep county boundaries intact;

21 (B) Keep city boundaries intact;

22 (C) Respect communities of interest;

23 (D) Keep school district boundaries intact;

24 (E) Keep census tract boundaries intact; and

25 (F) Establish district boundaries that follow permanent and easily recognizable ge-
26 ographic features, such as rivers or controlled-access highways.

27 (b) In establishing redistricting maps under this subsection, the factors listed in para-
28 graph (a) of this subsection must be weighted in importance in the order in which they are
29 listed.

30 (c)(A) As used in this subsection, a “community of interest” means a contiguous popu-
31 lation that shares common social and economic interests that should be included within a
32 single district for purposes of its effective and fair representation. Examples of such shared
33 interests are those common to an urban area, a rural area, an industrial area or an agri-
34 cultural area, and those common to areas in which the people share similar living standards,
35 use the same transportation facilities, have similar work opportunities or have access to the
36 same media of communication relevant to the election process.

37 (B) As used in this subsection, a “community of interest” does not mean a relationship
38 with a political party, incumbent or political candidate.

39 (7)(a) On or before July 1 in 2021, and in each year ending in the number one thereafter,
40 the commission shall approve and certify to the Secretary of State three final maps that
41 separately set forth the district boundary lines for the Senate, the House of Representatives
42 and Congress.

43 (b) A final map that is approved and certified under this subsection may not be amended
44 by the Legislative Assembly or be subject to initiative or referendum, but shall otherwise be
45 a law of the state.

1 (c) The commission shall issue, with each of the three final maps that are approved and
2 certified under this subsection, a report that includes an explanation of the basis on which
3 the commission established the districts and achieved compliance with the criteria listed in
4 subsections (4) to (6) of this section and definitions of the terms and standards used in
5 drawing each final map.

6 (8)(a) Original jurisdiction is vested in the Supreme Court, upon the petition of any
7 elector of this state filed with the Supreme Court on or before August 15 of the year in which
8 the commission approves redistricting maps under subsection (7) of this section, to review
9 any redistricting map so created.

10 (b) If the Supreme Court determines that the redistricting maps approved by the com-
11 mission comply with subsections (4) to (6) of this section and all law applicable thereto, it
12 shall approve the final maps by written opinion on or before October 15 of the same year.

13 (c)(A) If the Supreme Court determines that the redistricting maps approved by the
14 commission do not comply with subsections (4) to (6) of this section and all law applicable
15 thereto, the maps shall be void. The Supreme Court shall return the maps by November 1
16 to the commission accompanied by a written opinion specifying with particularity how the
17 redistricting maps fail to comply. The opinion shall further direct the commission to correct
18 the redistricting maps in those particulars, and in no others, and to file the corrected re-
19 districting maps with the Supreme Court on or before December 1 of the same year.

20 (B) On or before December 15, the Supreme Court shall review the corrected redistricting
21 maps to ensure their compliance with subsections (4) to (6) of this section and all law appli-
22 cable thereto and may further correct the redistricting maps if the court considers cor-
23 rection to be necessary. The Supreme Court shall approve the final maps by written opinion
24 on or before December 15.

25 (d) The final redistricting maps become operative as described in subsection (11) of this
26 section.

27 (9)(a) Notwithstanding section 1, Article III or any other provision of this Constitution,
28 if the commission does not approve a final map by the date established under subsection (7)
29 of this section, the Supreme Court shall establish boundary lines for the relevant districts
30 using the criteria set forth in subsections (4) to (6) of this section. The Supreme Court may
31 employ special masters for the purpose of complying with this subsection. The Supreme
32 Court shall approve the final maps by written opinion on or before December 15.

33 (b) The final redistricting maps established and approved by the Supreme Court under
34 this subsection become operative as described in subsection (11) of this section.

35 (10)(a) Any Senator whose term continues through the next odd-numbered year regular
36 legislative session following the operative date of the approved final map for senatorial dis-
37 tricts shall be specifically assigned to a senatorial district.

38 (b) Notwithstanding section 18, Article II of this Constitution, after the convening of the
39 next odd-numbered year regular legislative session following the operative date of the ap-
40 proved final map for senatorial districts, a Senator whose term continues through that leg-
41 islative session is subject to recall by the electors of the district to which the Senator is
42 assigned and not by the electors of the district existing before the latest redistricting. The
43 number of signatures required on the recall petition is 15 percent of the total votes cast for
44 all candidates for Governor at the most recent election at which a candidate for Governor
45 was elected to a full term in the representative districts constituting the senatorial district

1 to which the Senator was assigned.

2 (11)(a) Except as provided in paragraph (c) of this subsection, an approved final map es-
3 tablishing districts for the Senate or House of Representatives made under this section be-
4 comes operative on the second Monday in January of the next odd-numbered year after the
5 applicable deadline for approving the map set forth in this section.

6 (b) Except as provided in paragraph (c) of this subsection, an approved final map estab-
7 lishing districts for Congress made under this section becomes operative on January 1 of the
8 next odd-numbered year after the applicable deadline for approving the map set forth in this
9 section.

10 (c) For purposes of electing Senators, Representatives and members of Congress to the
11 next term of office that commences after the applicable deadline for approving the maps set
12 forth in this section, an approved final map made under this section becomes operative on
13 January 1 of the calendar year next following the applicable deadline for approving the maps
14 set forth in this section.

15 **Sec. 3.** (1) The senators and representatives shall be chosen by the electors of the respective
16 counties or districts or subdistricts within a county or district into which the state may from time
17 to time be divided by law.

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

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

23 (c) For purposes of an appointment occurring during the period beginning on January 1 of the
24 year [*a reapportionment*] **an approved final redistricting map** becomes operative under section [6]
25 7 of this Article, the person must have been an inhabitant of the district for one year next preceding
26 the date of the appointment or from January 1 of the year the [*reapportionment*] **approved final**
27 **redistricting map** becomes operative to the date of the appointment, whichever is less.

28 **Sec. 8.** (1)(a) Except as provided in paragraph (b) of this subsection, a person may not be a
29 Senator or Representative if the person at the time of election:

30 (A) Is not a citizen of the United States; and

31 (B) Has not been for one year next preceding the election an inhabitant of the district from
32 which the Senator or Representative may be chosen.

33 (b) For purposes of the general election next following the applicable deadline for [*making a*
34 *final apportionment under section 6*] **approving final redistricting maps under section 7** of this
35 Article, the person must have been an inhabitant of the district from January 1 of the year following
36 the applicable deadline for [*making the final reapportionment*] **approving final redistricting maps**
37 to the date of the election.

38 (2) Senators and Representatives shall be at least twenty one years of age.

39 (3) A person may not be a Senator or Representative if the person has been convicted of a felony
40 during:

41 (a) The term of office of the person as a Senator or Representative; or

42 (b) The period beginning on the date of the election at which the person was elected to the of-
43 fice of Senator or Representative and ending on the first day of the term of office to which the
44 person was elected.

45 (4) A person is not eligible to be elected as a Senator or Representative if that person has been

1 convicted of a felony and has not completed the sentence received for the conviction prior to the
2 date that person would take office if elected. As used in this subsection, “sentence received for the
3 conviction” includes a term of imprisonment, any period of probation or post-prison supervision and
4 payment of a monetary obligation imposed as all or part of a sentence.

5 (5) Notwithstanding sections 11 and 15, Article IV of this Constitution:

6 (a) The office of a Senator or Representative convicted of a felony during the term to which the
7 Senator or Representative was elected or appointed shall become vacant on the date the Senator
8 or Representative is convicted.

9 (b) A person elected to the office of Senator or Representative and convicted of a felony during
10 the period beginning on the date of the election and ending on the first day of the term of office to
11 which the person was elected shall be ineligible to take office and the office shall become vacant
12 on the first day of the next term of office.

13 (6) Subject to subsection (4) of this section, a person who is ineligible to be a Senator or Rep-
14 resentative under subsection (3) of this section may:

15 (a) Be a Senator or Representative after the expiration of the term of office during which the
16 person is ineligible; and

17 (b) Be a candidate for the office of Senator or Representative prior to the expiration of the term
18 of office during which the person is ineligible.

19 (7)(a) Except as provided in paragraph (b) of this subsection, a person may not be a Senator or
20 Representative if the person at all times during the term of office of the person as a Senator or
21 Representative is not an inhabitant of the district from which the Senator or Representative may
22 be chosen or which the Senator or Representative has been appointed to represent. A person does
23 not lose status as an inhabitant of a district if the person is absent from the district for purposes
24 of business of the Legislative Assembly.

25 (b) Following the applicable deadline for *[making a final apportionment under section 6]* **ap-**
26 **proving final redistricting maps under section 7** of this Article, until the expiration of the term
27 of office of the person, a person may be an inhabitant of any district.

28
29 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**
30 **people for their approval or rejection at a special election held throughout this state on the**
31 **same date as the next primary election.**