

Senate Joint Resolution 8

Sponsored by Senator BAERTSCHIGER JR (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 Redistricting Commission to adopt reapportionment plans for Senate, House of Representatives and United States Congress.

Refers proposed amendment to people for their approval or rejection at special election held on date of 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 creating a new section 6a to be added to and made a part of Article IV, and by amending section 6, Article IV, such sections to read:

Sec. 6. (1)(a) A Redistricting Commission shall be created no later than December 31, 2020, and in each year ending in the number 0 thereafter, to apportion legislative and congressional districts according to population. The reapportionment shall occur during the odd-numbered year next following an enumeration of the inhabitants by the United States Government.

(b) A Redistricting Commission shall consist of five members, to be appointed as follows:

(A) One member appointed by the Senate President;

(B) One member appointed by the Senate Minority Leader;

(C) One member appointed by the Speaker of the House of Representatives;

(D) One member appointed by the Minority Leader of the House of Representatives; and

(E) One member appointed by a majority vote of the members appointed under subparagraphs (A) to (D) of this paragraph. If no member can be agreed upon under this subparagraph, the member will be appointed by the Supreme Court.

(c) The member appointed under paragraph (b)(E) of this subsection shall serve as chair of the commission.

(d) In order to be eligible for appointment as a member of the Redistricting Commission under paragraph (b) of this subsection, an individual:

(A) May not be serving, or have served within the previous year, as an elected or appointed public official; and

(B) Shall agree not to run for election to the Legislative Assembly or to a statewide office for a period of two years following the adoption of a reapportionment plan under this section.

(e) Adoption of a reapportionment plan by the Redistricting Commission requires an affirmative vote by four or more members.

(f) The Redistricting Commission shall comply with state law governing public records and meetings. The records of the commission pertaining to reapportionment and all data

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 considered by the commission are public records that shall be posted in a manner that en-
 2 sures immediate and widespread public access.

3 (g) The Legislative Assembly shall appropriate to the Redistricting Commission sufficient
 4 moneys to ensure that the commission can fulfil its duties.

5 (h) The Governor shall make adequate office and meeting space available for the opera-
 6 tion of the commission.

7 (2)(a) *[At the odd-numbered year regular session of the Legislative Assembly next following an*
 8 *enumeration of the inhabitants by the United States Government,]* **A reapportionment plan adopted**
 9 **under this section shall ensure that** the number of Senators and Representatives **and members**
 10 **of the United States House of Representatives** *[shall be fixed by law and]* **are** apportioned among
 11 legislative districts according to population. A senatorial district shall consist of two representative
 12 districts. Any Senator whose term continues through the next odd-numbered year regular legislative
 13 session after the operative date of the reapportionment shall be specifically assigned to a senatorial
 14 district. The ratio of Senators and Representatives, respectively, to population shall be determined
 15 by dividing the total population of the state by the number of Senators and by the number of Rep-
 16 resentatives. A reapportionment by the *[Legislative Assembly]* **Redistricting Commission** becomes
 17 operative as described in subsection *[(6)]* **(8)** of this section.

18 (3)(a) **No later than May 1 of the odd-numbered year next following an enumeration of**
 19 **the inhabitants by the United States Government, the Redistricting Commission shall pres-**
 20 **ent to the Legislative Assembly proposed legislative and congressional reapportionment**
 21 **plans.**

22 (b) **Members of the Legislative Assembly may make suggestions to the Redistricting**
 23 **Commission on how the reapportionment plans should be modified. The commission shall**
 24 **consider any suggestion made by a member of the Legislative Assembly on or before June**
 25 **30.**

26 (c) **The Redistricting Commission may amend the proposed reapportionment plans pre-**
 27 **sented to the Legislative Assembly. Any amendment to the plans:**

28 (A) **Shall be made no later than July 1; and**

29 (B) **Must be approved by an affirmative vote of four or more members.**

30 *[(2)]* (4) This subsection governs judicial review and correction of a reapportionment enacted
 31 by the *[Legislative Assembly]* **Redistricting Commission.**

32 (a) Original jurisdiction is vested in the Supreme Court, upon the petition of any elector of the
 33 state filed with the Supreme Court on or before August 1 of the year in which the *[Legislative As-*
 34 *sembly]* **Redistricting Commission** enacts a reapportionment, to review any reapportionment so
 35 enacted.

36 (b) If the Supreme Court determines that the reapportionment thus reviewed complies with
 37 *[subsection (1)]* **subsections (1) to (3)** of this section and all law applicable thereto, it shall dismiss
 38 the petition by written opinion on or before September 1 of the same year and the reapportionment
 39 becomes operative as described in subsection *[(6)]* **(8)** of this section.

40 (c) If the Supreme Court determines that the reapportionment does not comply with *[subsection*
 41 *(1)]* **subsections (1) to (3)** of this section and all law applicable thereto, the reapportionment shall
 42 be void. In its written opinion, the Supreme Court shall specify with particularity wherein the re-
 43 apportionment fails to comply. The opinion shall further direct the Secretary of State to draft a re-
 44 apportionment of the Senators and Representatives in accordance with the **substantive** provisions
 45 of *[subsection (1)]* **subsections (1) to (3)** of this section and all law applicable thereto. The Supreme

1 Court shall file its order with the Secretary of State on or before September 15. The Secretary of
 2 State shall conduct a hearing on the reapportionment at which the public may submit evidence,
 3 views and argument. The Secretary of State shall cause a transcription of the hearing to be prepared
 4 which, with the evidence, shall become part of the record. The Secretary of State shall file the
 5 corrected reapportionment with the Supreme Court on or before November 1 of the same year.

6 (d) On or before November 15, the Supreme Court shall review the corrected reapportionment
 7 to assure its compliance with *[subsection (1)]* **the substantive provisions of subsections (1) to (3)**
 8 of this section and all law applicable thereto and may further correct the reapportionment if the
 9 court considers correction to be necessary.

10 (e) The corrected reapportionment becomes operative as described in subsection *[(6)]* **(8)** of this
 11 section.

12 *[(3)]* **(5)** This subsection governs enactment, judicial review and correction of a reapportionment
 13 if the *[Legislative Assembly]* **Redistricting Commission** fails to enact any reapportionment by July
 14 1 of the year of the odd-numbered year *[regular session of the Legislative Assembly]* next following
 15 an enumeration of the inhabitants by the United States Government.

16 (a) The Secretary of State shall make a reapportionment of the Senators and Representatives
 17 **and members of Congress** in accordance with the **substantive** provisions of *[subsection (1)]* **sub-**
 18 **sections (1) to (3)** of this section and all law applicable thereto. The Secretary of State shall con-
 19 duct a hearing on the reapportionment at which the public may submit evidence, views and
 20 argument. The Secretary of State shall cause a transcription of the hearing to be prepared which,
 21 with the evidence, shall become part of the record. The reapportionment so made shall be filed with
 22 the Supreme Court by August 15 of the same year. The reapportionment becomes operative as de-
 23 scribed in subsection *[(6)]* **(8)** of this section.

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

27 (c) If the Supreme Court determines that the reapportionment thus reviewed complies with
 28 *[subsection (1)]* **the substantive provisions of subsections (1) to (3)** of this section and all law
 29 applicable thereto, it shall dismiss the petition by written opinion on or before October 15 of the
 30 same year and the reapportionment becomes operative as described in subsection *[(6)]* **(8)** of this
 31 section.

32 (d) If the Supreme Court determines that the reapportionment does not comply with *[subsection*
 33 *(1)]* **the substantive provisions of subsections (1) to (3)** of this section and all law applicable
 34 thereto, the reapportionment shall be void. The Supreme Court shall return the reapportionment by
 35 November 1 to the Secretary of State accompanied by a written opinion specifying with particularity
 36 wherein the reapportionment fails to comply. The opinion shall further direct the Secretary of State
 37 to correct the reapportionment in those particulars, and in no others, and file the corrected reap-
 38 portionment with the Supreme Court on or before December 1 of the same year.

39 (e) On or before December 15, the Supreme Court shall review the corrected reapportionment
 40 to assure its compliance with *[subsection (1)]* **the substantive provisions of subsections (1) to (3)**
 41 of this section and all law applicable thereto and may further correct the reapportionment if the
 42 court considers correction to be necessary.

43 (f) The reapportionment becomes operative as described in subsection *[(6)]* **(8)** of this section.

44 *[(4)]* **(6)** Any reapportionment that becomes operative as provided in this section is a law of the
 45 state except for purposes of initiative and referendum.

1 [(5)] (7) Notwithstanding section 18, Article II of this Constitution, after the convening of the
2 next odd-numbered year regular legislative session following the reapportionment, a Senator whose
3 term continues through that legislative session is subject to recall by the electors of the district to
4 which the Senator is assigned and not by the electors of the district existing before the latest re-
5 apportionment. The number of signatures required on the recall petition is 15 percent of the total
6 votes cast for all candidates for Governor at the most recent election at which a candidate for
7 Governor was elected to a full term in the two representative districts comprising the senatorial
8 district to which the Senator was assigned.

9 [(6)(a)] (8)(a) Except as provided in paragraph (b) of this subsection, a reapportionment made
10 under this section becomes operative on the second Monday in January of the next odd-numbered
11 year after the applicable deadline for making a final reapportionment under this section.

12 (b) For purposes of electing Senators and Representatives **and members of the United States**
13 **House of Representatives** to the next term of office that commences after the applicable deadline
14 for making a final reapportionment under this section, a reapportionment made under this section
15 becomes operative on January 1 of the calendar year next following the applicable deadline for
16 making a final reapportionment under this section.

17 **SECTION 6a. (1) In determining whether the Redistricting Commission has complied with**
18 **all relevant statutory laws relating to reapportionment, the Supreme Court shall, to the de-**
19 **gree practicable, consider references to requirements imposed on the Legislative Assembly**
20 **under ORS chapter 188 to be references to requirements imposed on the Redistricting Com-**
21 **mission.**

22 (2) This section is repealed on January 2, 2023.

23
24 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**
25 **people for their approval or rejection at a special election held throughout this state on the**
26 **same date as the next primary election.**