



Contact: Rob Bovett
Oregon Association of County Clerks
1201 Court Street NE, Suite 300
Salem, OR 97301
rbovett@oregoncounties.org
541-270-7414

February 12, 2021

Members of the House and Senate Committees on Redistricting

Dear Committee Members,

Thank you for the opportunity to address the committee today on the subject of Redistricting and the impending 2021 redistricting process that the legislature will soon undertake. For the record, I am Nancy Blankenship, Deschutes County Clerk. I will be providing information on the role of County Clerks on behalf of the Oregon Association of County Clerks.

County Role in Redistricting Process

After a redistricting plan has been finalized, whether by the legislature, the Secretary of State or the Court, the state provides census block descriptions of newly created legislative and congressional boundaries. County election officials then develop precincts within the newly created legislative districts. Precincts must contain less than 10,000 registered voters and counties generally work to create as few precincts as possible with as few splits as possible. A split occurs where the jurisdiction (e.g. County, City, Special District) or elected zone boundary (e.g. Community College) does not follow a precinct line. Once the new precincts are established, the OCVR address library can be updated to reflect new precincts.

Throughout the state, counties have many partners that must reapportion their elected political zones based on the results of the census. These include community colleges, libraries, county commission districts, education service districts and public utilities districts. Other districts elect at-large, so the Elections office only needs to take into account the existing jurisdictional boundary when developing precincts. Those districts, however, still may need to reapportion the elected positions. It is also important to coordinate with other counties where these special districts cross county boundaries.

Timeline

- Typically, under the worst case scenario for Clerks, which unfortunately has historical precedent, counties will receive the redistricting plan on December 15, 2021. This year may be unlike others due to the pandemic.
- However, before that date, on September 8, 2021 (occurs every odd-numbered year), counties are required by statute to calculate the number of Precinct Committee Person (PCP) positions for every precinct in the county.
- Filings for PCPs, along with major party and nonpartisan candidates, begin on September 9, 2021 which may occur prior to the drawing of the new precinct boundaries.
- Another challenge that could be affected is the March 8, 2022 candidate filing deadline and if candidates will know by the deadline which district to file for and campaign in.

- Statute requires county election officials to have precincts finalized 30 days prior to an election. Military and overseas voters' ballots must be mailed 45 days prior to the election.
- Assuming that all jurisdictions and districts affected by redistricting are trying to accomplish the same tasks in a short period of time, the danger is a lack of coordination that could result in problems that have a decade-long effect.

Recommendations for Redistricting in 2021

In looking at past redistricting experiences, there are some lessons that county election officials believe would be helpful to keep in mind for the process. First, regardless of whether the final responsibility for redistricting rests with the legislature or the Secretary of State, the criteria for redistricting should be consistently followed and applied. In the event it is necessary to deviate from the criteria, it would be advisable to have a clearly articulated explanation for the deviation. As a reminder, ORS 188.010 states that each district, as nearly as practicable, shall be contiguous; of equal population; utilize existing geographic or political boundaries; not divide communities of common interest; and be connected by transportation links. In addition, no district shall be drawn for the purpose of favoring any political party, incumbent legislator or other person or be drawn in a way that dilutes the voting strength of any minority group.

Another consideration that could help the end result is to use boundaries that are not likely to change. For example, census tract lines often bisect tax lots, which is problematic and geographic features like creeks can often change. Many people are familiar with the story from Washington County from 2008, where a candidate for the Oregon House District 29 was forced to drop his candidacy because it turned out he technically did not live in the district, though for years he had been under the assumption that he did. In that situation, the boundary line for district 29 and district 26 that ran through the candidate's 115-acre farm was a dry creek bed and the candidate's residence was discovered to reside in district 26, while other parts of the property were located in district 29. Every county has a similar story. See example on the following page.

In addition, we would urge avoiding, whenever possible, dividing cities by federal and state legislative district lines, especially smaller cities. In the event that cities must be divided, **consideration of city council districts, city urban growth boundary, county boundary, school districts and other affected communities of interest should be taken into consideration before confusing divisions are adopted.** Finally, it would be helpful to allow county elections officials' time to provide feedback and clarification to the legislature on proposed changes as we may be able to provide answers that help avoid mistakes from being made.

Thank you for the opportunity to take part in this discussion today and please let me know if you have any questions.

Sincerely,

Nancy Blankenship
Deschutes County Clerk
OACC Legislative Committee Co-Chair

Here is an example of House District lines cutting through properties



