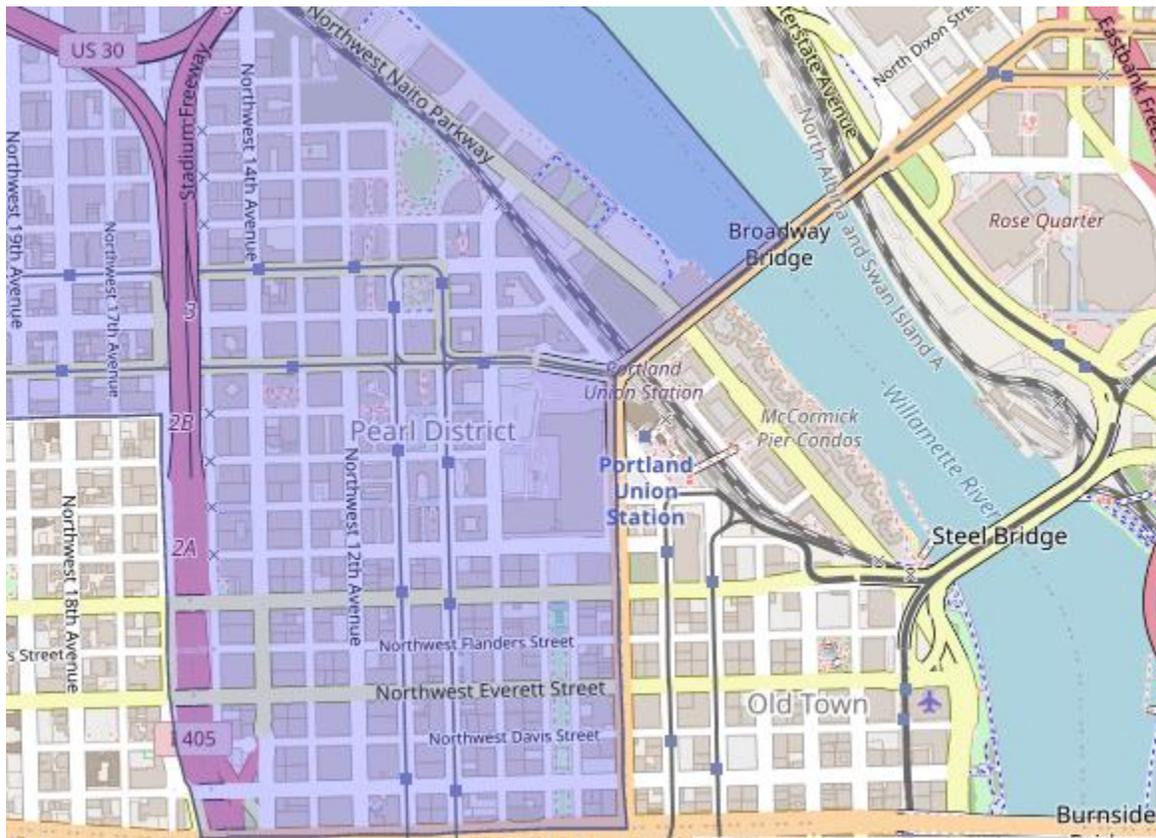


March 10, 2021

Dear Chair Taylor, Chair Salinas, and members of the House Special and Senate Redistricting Committees:

I am Chris Cobey, a resident of the Pearl District in Portland, and live in the 33rd House District (HD 33), 17th Senate District (SD 17), and First Congressional District (CD 1). I am writing in my individual, not representative, capacity. The three district maps for my neighborhood are on the committees' websites (available [here](#)).

My Neighborhood



Let me tell you about my neighborhood -- my "community of common interest" (ORS 188.010(1)(d)) -- and where it belongs in this year's redistricting.

I live in [the Pearl District](#) ("the Pearl") in Portland, a mile or so north of downtown. The Pearl has around 6,000 residents. On the House and Senate district maps, the Pearl is the distinctive "boot heel" -- or purple tooth, square intrusion, or appendage -- at the furthest eastern (right) edge of the House and Senate districts. The Pearl is also the far eastern (right) shark-fin-shaped projection on the Congressional district map (above the "d" in "Portland").

As recently as the late 1980s, the area now known as the Pearl was filled with [railroad freight yards and warehouses, and light industry](#). Starting then, the railyards were removed, and much of the area was redeveloped into new mixed-use buildings, containing stores, apartments, lofts, and condominiums, most in multi-story buildings, some as tall as 28 stories high. Some warehouses were repurposed into multi-unit living spaces, or offices. Streetcars were added then, which travel [from the Pearl primarily to downtown, South Portland, and East Portland -- a transportation link](#) (another of the redistricting criteria [ORS 188.010(1)(e)]). Three public parks were opened between 2002 and 2013. The Pearl's streets are a grid with downtown.

In this high-density, quintessentially urban, area, most households are rentals. The Pearl's workforce is Portland-based. Our public high school is located downtown.

Bikes are used disproportionately for transportation, both for commutes and for pleasure. Many Pearl residents walk to destinations, instead of driving, take public transit, or use vehicles from car-sharing programs. The population likely includes proportionately fewer families, smaller households, and more retirees. Retail in the Pearl tends to be restaurants and small shops, not anchor stores or large retailers, such as might be found in suburban or rural shopping malls. We are proud of the many art galleries in our area. Businesses in the district include Powell's bookstore.

The [Pearl District Neighborhood Association](#) is one of the largest and most active of Portland's 94 neighborhood associations, and is part of a coalition of neighborhood associations which includes downtown Portland. According to [the maps on the legislature's redistricting site](#), the Pearl is in three legislative districts (HD 33, SD 17, CD 1) which are among the fastest-growing in the state.

The Pearl's Treatment in Past Redistrictings

For at least the past 20 years, in redistrictings, the Pearl has been placed on the eastern border of all three legislative districts, such that the Pearl is *not* part of districts comprising the bulk of the City of Portland. The Pearl is one of the most urban areas in the state. Yet, its current Congressional district, for example, covers rural counties in the northwestern corner of the state, and includes locations such as Astoria, Arch Cape, and Sheridan.

The 2001 redistricting created the current district but, at that time, it was not as developed as it is today, creating, as it now has, a distinctive community of interest. For example, three of its primary parks were all developed after 2001.

Does the Pearl, a part of the city of Portland, have common interests with the remainder of its current districts? At last night's hearing, of the 14 testifying witnesses, I was the *only* witness from Portland or Multnomah County (7% of all live witnesses) -- when the portion of Multnomah County in these districts (an urban area) comprised about 29% of HD 33, and 8% of CD 1 [2020 general election voters](#), and 21% of the SD 17 [2018 general election voters](#).

Where The Pearl Should Go In The Upcoming Redistricting

How should the next redistricting change this? It's pretty straightforward -- unite the Pearl with the rest of Portland west of the Willamette River (a clear geographic boundary). The Pearl should not be lumped in with Cannon Beach, or suburban Washington County, from which it is separated by the [Tualatin Mountains](#) -- a clear geographic boundary (ORS 188.010(1)(c)). Fewer existing political boundaries (another redistricting criterion, at ORS 188.010(1)(c)), such as crossing the Multnomah County line, or even the Portland city limits -- would be disturbed if the Pearl was put in districts where it should be:

Within the city of Portland, west of the Willamette.

My Concerns About Legislative Control of the Redistricting Process

The legislature's efforts so far in the first aspect of its redistricting efforts -- public outreach for input -- have been outstanding.

However, there are two aspects to public involvement in redistricting, and the second aspect is at least as significant as the first -- what happens to that input? Who makes the final decisions on the maps to be implemented for the next ten years?

This is where the current Oregon democratic system is tragically and unfairly flawed. Those with the greatest personal, career, and partisan interests -- the legislators themselves -- make the final decisions. Legislators have a clear and obvious conflict of interest in redistricting.

1. *Please heed the many voices of your constituents and groups which have already testified on this subject, and put an independent redistricting commission (IRC) on the state ballot at the first opportunity, and let the voters decide how redistricting should be done.* Last night alone, both testifying incumbent County commissioners endorsed an IRC, as did several other witnesses in live or written testimony.

[HR 1](#), passed just last week by the US House of Representatives, includes a requirement that states implement IRCs to draw Congressional districts (see sections 2401-2415). [HJR 7](#), of which two members of the House Special Redistricting Committee are sponsors, calls for an IRC. HJR 7 should receive a hearing to see what support there is for putting the concept of an IRC on the ballot for Oregon voters to decide. If the Legislative Assembly doesn't do this, it is quite likely that the voters will accomplish it by another ballot initiative, as they attempted to do in 2020, until stopped by the current state administration.

The long-standing conflict of interest of legislators in drawing their own districts does the image of legislators no favors. The conflict arises for themselves as individual elected officials, for others serving as legislators, and for their political party, membership in which determines power in the Legislative Assembly.

Conflicts of interest are significant to Oregonians and apparently, to the Legislative Assembly. On the Oregon Legislative Information System (OLIS), a standard bit of information about every bill provides an opportunity for a legislator to disclose conflicts of interest (example [here](#), last unshaded heading in left column). And not just actual ones, as the form uses the term “Potential conflicts of interest” (emphasis added). OLIS discloses 79 bills so far this session that have been introduced on this subject. Conflicts of interest are not a foreign or little-understood concept to our legislators.

Yet, on the clear at least potential, if not actual, conflict of interest of drawing their own districts, our legislators are curiously silent. This ethical opacity, on this subject, has yet to be explained by them. I would welcome an explanation from any legislator as to why the current system of legislators drawing their own district lines is neither an actual or potential conflict of interest. “Trust us,” in this context, as a response, is a threadbare, conclusory, and unsatisfactory rationale.

2. *For this redistricting, why not implement -- now -- a device that you have endorsed and used dozens of times before in the legislative process -- a citizens' advisory committee (CAC)?*

So far, there has never been any legislative consideration of a CAC on this subject. In this year's Regular Session, legislators had introduced at least 199 bills which included the concept of an “advisory committee.” It is passing strange that the legislature would heartily endorse the use of citizens committees so broadly -- it's mentioned more than 550 times in our statutes -- **except** here, where an advisory committee would intrude on legislators' exercise of powers that are an obvious conflict of interest, as former State Senator Chris Edwards and others have said. Members of these redistricting committees have collectively sponsored, in this regular session of the Legislative Assembly, 40 bills which include CACs. One can only assume the legislature finds citizens' committees a useful vehicle -- why not for redistricting?

3. *Don't use bad data in drawing these maps. Wait for the Census Bureau numbers -- the best data -- which have always been used in Oregon redistrictings going back decades.*

4. *In light of the intense pressures to fairly complete redistricting in this cycle pending the receipt of late Census Bureau data, please give serious thought to moving the date of the 2022 primary election from May to August or September 2022. I have yet to hear of a person who has expressed enthusiasm for a longer campaign period. Such a move would allow a pilot project on the concept of perhaps permanently moving the even-year primary election later in the calendar.*

A final comment: A prior witness in these hearings represented that the current redistricting process has been “voter-approved” by “65%” of the electorate, though the witness did not say to which election this reference applied. The original version of section 6 of Art. IV of the Oregon constitution, which was substantially amended and

expanded by the voters in the 1952 general election, was proposed in response to the fact that *the Oregon Legislative Assembly had refused to redistrict itself at all since 1911 -- for the preceding 41 years*. The process suggested was to require the legislature to undertake this fundamental act of a representative democracy -- to adjust the districts to account for population shifts since it has last been redistricted more than a generation before. (See pp. 79-82 of the November 1952 general election Voters' Pamphlet, available [here](#).) There was no consideration given at that time to an independent redistricting commission -- a concept which has found [increasing favor](#) with voters across the country.

Thank you for your time, work, and attention. I am available to discuss any statements in this letter (cecobey@gmail.com; phone: 650 743 5653).

Chris Cobey (pronouns: *he/him/his*)