

SB 259 -3 STAFF MEASURE SUMMARY

Senate Committee On Rules

Prepared By: Michael Lantz

Meeting Dates: 4/29, 5/6

WHAT THE MEASURE DOES:

Requires the Oregon Secretary of State (SOS) to conduct a study and analyze specified reapportionment statutes as they relate to civic engagement. Provides the SOS must develop recommendations and submit report to interim legislative committees on rules by September 15, 2022. Repeals provisions on January 2, 2023.

ISSUES DISCUSSED:

- Effects of Census data release delays
- Recent Oregon Supreme Court decision
- Need to engage community groups in redistricting

EFFECT OF AMENDMENT:

-3 Replaces the measure. Modifies Oregon statutory deadlines for congressional redistricting and judicial review. Establishes filing deadlines for candidacy paperwork for the May 17, 2022 nominating election. Permits the Oregon Secretary of State to adopt rules revising and establishing additional deadlines or filing dates to ensure the fair and orderly nomination or election of candidates while implementing the revised deadlines adopted by the Oregon Supreme Court and Legislative Assembly. Makes findings. Sunsets on January 2, 2023. Declares emergency, effective on passage.

BACKGROUND:

Federal law requires the United States Census Bureau to release the data used for redistricting to the states by March 31 of the year following the decennial census. (13 U.S.C.A. § 141). The Oregon State Constitution and state statute then require the Legislative Assembly to complete the redistricting of legislative and congressional districts respectively by July 1 of that same year (Or. Const. art. 4, § 6 and ORS 188.125). Related provisions specify the deadlines and processes by which the district plan can be completed should the Legislature fail to enact a redistricting plan or challenged. Due to the Covid-19 pandemic, and other unanticipated events, the Census Bureau has announced that the release of the redistricting data will be delayed until August 2021. In response, the Oregon Supreme Court granted a request by the Legislative Assembly to modify the constitutional deadlines related to the redistricting of legislative districts on a one-time basis to account for the delays. (*State ex rel. Koteck v. Fagan*, 367 Or. 803 (2021)). However, the Court was not asked to modify the statutory deadlines related to the redistricting of congressional districts and did not address it in its opinion.

Senate Bill 259 is a placeholder measure requiring the Oregon Secretary of State to study and analyze civic engagement related to reapportionment and submit a report with recommendations to the Legislative Assembly.