

# House Joint Resolution 9

Sponsored by Representatives SMITH DB, OWENS (at the request of former Representative Carl Wilson) (Presession 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 to increase number of Senators serving in Legislative Assembly to 36 and modify Senate legislative districts to be coterminous with county boundaries.

Refers proposed amendment to people for approval or rejection at next regular general 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 section 7, Article IV, and by amending sections 2 and 6, Article IV, such sections to read:

**Sec. 2.** The Senate shall consist of *[sixteen, and the House of Representatives of thirty four members, which number shall not be increased until the year Eighteen Hundred and Sixty, after which time the Legislative Assembly may increase the number of Senators and Representatives, always keeping as near as may be the same ratio as to the number of Senators, and Representatives: Provided that the Senate shall never exceed thirty]* **thirty-six members, one member from each county of this state, and the House of Representatives shall consist of sixty members. The county from which a Senator is elected shall constitute the legislative district of the Senator.***[-]*

**Sec. 6.** (1) At the odd-numbered year regular session of the Legislative Assembly next following an enumeration of the inhabitants by the United States Government, the number of *[Senators and Representatives shall be fixed by law and apportioned among legislative districts according to population. [A senatorial district shall consist of two representative districts. Any Senator whose term continues through the next odd-numbered year regular legislative session after the operative date of the reapportionment shall be specifically assigned to a senatorial district. The ratio of Senators and Representatives, respectively, to population shall be determined by dividing the total population of the state by the number of Senators and by the number of Representatives.]* A reapportionment by the Legislative Assembly becomes operative as described in subsection *[(6)] (5)* of this section.

(2) This subsection governs judicial review and correction of a reapportionment enacted by the Legislative Assembly.

(a) Original jurisdiction is vested in the Supreme Court, upon the petition of any elector of the state filed with the Supreme Court on or before August 1 of the year in which the Legislative Assembly enacts a reapportionment, to review any reapportionment so enacted.

(b) If the Supreme Court determines that the reapportionment thus reviewed complies with subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written opinion on or before September 1 of the same year and the reapportionment becomes operative as described in subsection *[(6)] (5)* of this section.

(c) If the Supreme Court determines that the reapportionment does not comply with subsection

**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 (1) of this section and all law applicable thereto, the reapportionment shall be void. In its written  
2 opinion, the Supreme Court shall specify with particularity wherein the reapportionment fails to  
3 comply. The opinion shall further direct the Secretary of State to draft a reapportionment of the  
4 [Senators and] Representatives in accordance with the provisions of subsection (1) of this section  
5 and all law applicable thereto. The Supreme Court shall file its order with the Secretary of State  
6 on or before September 15. The Secretary of State shall conduct a hearing on the reapportionment  
7 at which the public may submit evidence, views and argument. The Secretary of State shall cause  
8 a transcription of the hearing to be prepared which, with the evidence, shall become part of the  
9 record. The Secretary of State shall file the corrected reapportionment with the Supreme Court on  
10 or before November 1 of the same year.

11 (d) On or before November 15, the Supreme Court shall review the corrected reapportionment  
12 to assure its compliance with subsection (1) of this section and all law applicable thereto and may  
13 further correct the reapportionment if the court considers correction to be necessary.

14 (e) The corrected reapportionment becomes operative as described in subsection [(6)] (5) of this  
15 section.

16 (3) This subsection governs enactment, judicial review and correction of a reapportionment if  
17 the Legislative Assembly fails to enact any reapportionment by July 1 of the year of the odd-  
18 numbered year regular session of the Legislative Assembly next following an enumeration of the  
19 inhabitants by the United States Government.

20 (a) The Secretary of State shall make a reapportionment of the [Senators and] Representatives  
21 in accordance with the provisions of subsection (1) of this section and all law applicable thereto.  
22 The Secretary of State shall conduct a hearing on the reapportionment at which the public may  
23 submit evidence, views and argument. The Secretary of State shall cause a transcription of the  
24 hearing to be prepared which, with the evidence, shall become part of the record. The reapportion-  
25 ment so made shall be filed with the Supreme Court by August 15 of the same year. The reappor-  
26 tionment becomes operative as described in subsection [(6)] (5) of this section.

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

30 (c) If the Supreme Court determines that the reapportionment thus reviewed complies with  
31 subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written  
32 opinion on or before October 15 of the same year and the reapportionment becomes operative as  
33 described in subsection [(6)] (5) of this section.

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

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

44 (f) The reapportionment becomes operative as described in subsection [(6)] (5) of this section.

45 (4) Any reapportionment that becomes operative as provided in this section is a law of the state

1 except for purposes of initiative and referendum.

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

10 [(6)(a)] (5)(a) Except as provided in paragraph (b) of this subsection, a reapportionment made  
11 under this section becomes operative on the second Monday in January of the next odd-numbered  
12 year after the applicable deadline for making a final reapportionment under this section.

13 (b) For purposes of electing [*Senators and*] Representatives to the next term of office that com-  
14 mences after the applicable deadline for making a final reapportionment under this section, a reap-  
15 portionment made under this section becomes operative on January 1 of the calendar year next  
16 following the applicable deadline for making a final reapportionment under this section.

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18 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**  
19 **people for their approval or rejection at the next regular general election held throughout**  
20 **this state.**

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