

Requested by Representative SALINAS

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 259**

1 On page 2 of the printed A-engrossed bill, delete lines 15 through 45.

2 Delete pages 3 and 4.

3 On page 5, delete lines 1 through 5 and insert:

4 **“SECTION 1. (1) Notwithstanding ORS 188.125, this section provides**  
5 **the exclusive method for an elector to file a petition with a circuit**  
6 **court on or before December 31, 2022, to:**

7 **“(a) Challenge a legislatively adopted reapportionment plan; or**

8 **“(b) Request a reapportionment of congressional districts.**

9 **“(2) An elector may file a petition in Marion County Circuit Court**  
10 **on or before October 12, 2021, to:**

11 **“(a) Challenge a legislatively adopted reapportionment plan; or**

12 **“(b) Request a reapportionment of congressional districts if:**

13 **“(A) The Legislative Assembly failed to pass a reapportionment of**  
14 **congressional districts by September 27, 2021; or**

15 **“(B) The Governor vetoed the reapportionment of congressional**  
16 **districts passed by the Legislative Assembly and the Legislative As-**  
17 **sembly did not override the veto.**

18 **“(3) The Secretary of State shall serve as respondent in any petition**  
19 **filed under subsection (2) of this section.**

20 **“(4) An elector may file a petition in Marion County Circuit Court**  
21 **on or before October 15, 2021, to intervene in a petition filed under**

1 subsection (2) of this section.

2 “(5)(a) A petition filed under subsection (2) or (4) of this section  
3 may include any materials from the legislative record relating to  
4 congressional reapportionment plans.

5 “(b) A petition filed under subsection (2) of this section must in-  
6 clude:

7 “(A) The legislatively adopted reapportionment plan that is being  
8 challenged and an explanation of the factual and legal defects in the  
9 plan.

10 “(B) If no legislatively adopted reapportionment plan was passed,  
11 the petitioner’s proposed reapportionment plan and an explanation of  
12 how the plan complies with all applicable statutes and the United  
13 States and Oregon Constitutions.

14 “(c) A petition to intervene filed under subsection (4) of this section  
15 must include an explanation of the factual and legal defects with as-  
16 sertions made in a petition filed under subsection (2) of this section.

17 “(6) On September 28, 2021, the Chief Justice of the Supreme Court  
18 shall appoint a special judicial panel. The panel shall consist of one  
19 state circuit court judge, senior judge or judge who is serving as a  
20 judge pro tempore under ORS 238.535 (1)(c) from each congressional  
21 district in this state. The Chief Justice shall also select one of the  
22 appointed judges to preside over the special judicial panel and to make  
23 all rulings on procedural and evidentiary matters before the panel.

24 “(7) Jurisdiction is vested in the special judicial panel described in  
25 subsection (6) of this section to decide any petitions filed under sub-  
26 sections (2) and (4) of this section. The panel may:

27 “(a) Consolidate some or all petitions filed under subsections (2) and  
28 (4) of this section.

29 “(b) Allow amicus curiae to file briefs and participate in oral argu-  
30 ments.

1       “(c) Request that the Chief Justice appoint a special master to re-  
2       ceive evidence and to prepare recommended findings of fact. Upon  
3       receiving such a request from the special judicial panel, the Chief  
4       Justice shall appoint a special master. A special master appointed by  
5       the Chief Justice under this paragraph must be a state circuit court  
6       judge, senior judge or judge who is serving as a judge pro tempore  
7       under ORS 238.535 (1)(c).

8       “(8) The special judicial panel shall employ the following standards  
9       in deciding upon a reapportionment plan:

10       “(a) For a legislatively adopted reapportionment plan, the panel  
11       must affirm the plan if the plan complies with all applicable statutes  
12       and the United States and Oregon Constitutions. If the panel finds  
13       that the legislatively adopted reapportionment plan does not comply  
14       with applicable statutes or the United States or Oregon Constitution,  
15       the panel may create its own reapportionment plan. A reapportion-  
16       ment plan adopted by the panel under this paragraph must comply  
17       with all applicable statutes and the United States and Oregon Consti-  
18       tutions.

19       “(b) If no legislatively adopted reapportionment plan was passed,  
20       the panel must consider all plans submitted by petitioners and  
21       intervenors but may create its own reapportionment plan. A reappor-  
22       tionment plan adopted by the panel under this paragraph must comply  
23       with all applicable statutes and the United States and Oregon Consti-  
24       tutions.

25       “(9)(a) On or before October 22, 2021, the special judicial panel shall  
26       set a schedule to receive written memoranda and supporting evidence  
27       in support of or in opposition to any petitions filed under subsection  
28       (2) of this section and a date to hear oral arguments on the petitions.

29       “(b) The special judicial panel shall decide whether to dismiss a  
30       petition filed under subsection (2) of this section that challenges a

1 **legislatively adopted reapportionment plan by November 24, 2021.**

2 **“(c) If the panel dismisses the petition under this subsection, a**  
3 **party to the action may appeal the decision by filing a notice of appeal**  
4 **with the Supreme Court on or before November 29, 2021.**

5 **“(10)(a) The special judicial panel shall decide all other petitions**  
6 **filed under subsection (2) of this section, including petitions challeng-**  
7 **ing a legislatively adopted reapportionment plan that the panel does**  
8 **not dismiss under subsection (9)(a) of this section, by November 24,**  
9 **2021.**

10 **“(b) A party to the action may appeal a decision reached under this**  
11 **subsection by filing a notice of appeal with the Supreme Court on or**  
12 **before November 29, 2021.**

13 **“(11) The Supreme Court shall:**

14 **“(a) On or before November 30, 2021, set a schedule to receive**  
15 **written memoranda and a date to hear oral arguments on any appeal**  
16 **brought under subsection (9) or (10) of this section;**

17 **“(b) Hear any appeal brought under subsection (9) or (10) of this**  
18 **section; and**

19 **“(c) Employ the following standards in deciding upon a reappor-**  
20 **tionment plan affirmed or adopted by the special judicial panel:**

21 **“(A) For a legislatively adopted reapportionment plan, the Supreme**  
22 **Court must affirm the plan if the plan complies with all applicable**  
23 **statutes and the United States and Oregon Constitutions. If the court**  
24 **finds that the legislatively adopted reapportionment plan does not**  
25 **comply with applicable statutes or the United States or Oregon Con-**  
26 **stitution, the court may create its own reapportionment plan. A re-**  
27 **apportionment plan adopted by the Supreme Court under this**  
28 **subparagraph must comply with all applicable statutes and the United**  
29 **States and Oregon Constitutions.**

30 **“(B) For a reapportionment plan that was adopted unanimously by**

1 the special judicial panel, the Supreme Court must affirm the plan if  
2 the plan complies with all applicable statutes and the United States  
3 and Oregon Constitutions. If the court finds that the unanimously  
4 adopted reapportionment plan does not comply with applicable stat-  
5 utes or the United States or Oregon Constitution, the court may cre-  
6 ate its own reapportionment plan. A reapportionment plan adopted by  
7 the Supreme Court under this subparagraph must comply with all ap-  
8 plicable statutes and the United States and Oregon Constitutions.

9 “(C) For a reapportionment plan that was created or adopted by the  
10 special judicial panel by a less than unanimous decision, the Supreme  
11 Court may, in its discretion, try the cause anew upon the record. This  
12 review must be based on the record created by the special judicial  
13 panel, but the Supreme Court may make its own determinations of law  
14 or underlying findings of fact. After conducting its review, the Su-  
15 preme Court may affirm the panel’s reapportionment plan, amend the  
16 panel’s reapportionment plan or adopt a new reapportionment plan.  
17 A reapportionment plan decided upon by the Supreme Court under this  
18 subparagraph must comply with all applicable statutes and the United  
19 States and Oregon Constitutions.

20 “(12) If a party to an action files a notice of appeal with the Su-  
21 preme Court under subsection (9) of this section:

22 “(a) The Supreme Court shall decide whether to approve the  
23 legislatively adopted reapportionment plan without any changes by  
24 January 3, 2022.

25 “(b) If the Supreme Court determines that the legislatively adopted  
26 reapportionment plan must be amended or substituted, by January 3,  
27 2022, the court shall direct the special judicial panel to make such  
28 changes.

29 “(c) The special judicial panel shall make any required changes and  
30 submit a revised reapportionment plan to the Supreme Court by Jan-

1 uary 24, 2022.

2 “(d) The Supreme Court shall review the reapportionment plan re-  
3 vised by the special judicial panel and approve a final reapportionment  
4 plan by February 7, 2022.

5 “(13) If a party to an action files a notice of appeal with the Su-  
6 preme Court under subsection (10) of this section:

7 “(a) The Supreme Court shall decide whether to approve a  
8 legislatively adopted reapportionment plan or a reapportionment plan  
9 that was unanimously adopted by the special judicial panel without  
10 any changes by January 3, 2022.

11 “(b) The Supreme Court shall decide whether to approve a less than  
12 unanimous decision of the special judicial panel without any changes  
13 by January 3, 2022.

14 “(c) If the Supreme Court determines that changes are required for  
15 a reapportionment plan approved by the special judicial panel, by  
16 January 3, 2022, the Supreme Court shall direct the panel to make  
17 such changes.

18 “(d) The special judicial panel shall make any required changes and  
19 submit a revised reapportionment plan to the Supreme Court by Jan-  
20 uary 24, 2022.

21 “(e) The Supreme Court shall review the reapportionment plan re-  
22 vised by the special judicial panel and approve a final reapportionment  
23 plan by February 7, 2022.

24 “(14) A final reapportionment plan resulting from a petition filed  
25 under subsection (2) or (4) of this section becomes operative on the  
26 later of:

27 “(a) January 1, 2022; or

28 “(b) The day after the reapportionment plan is approved and be-  
29 comes final under this section.

30 “(15) As used in this section, ‘elector’ and ‘legislatively adopted re-

1 **apportionment plan' have the meanings given those terms in ORS**  
2 **188.125."**

3 In line 29, delete "26" and insert "13".

4 In line 35, delete "25" and insert "12".

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