

House Joint Resolution 25

Sponsored by Representative CHAICHI

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 requiring House of Representatives to be elected by closed-list proportional representation. Applies to elections for members of House of Representatives held on or after November 3, 2026.

Refers proposed amendment to people for their 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 creating new section 3b to be added to and made a part of Article IV, and by amending sections 3, 6, 7 and 8, Article IV, such sections to read:

Sec. 3. (1) The [*senators and representatives*] **Senators** shall be chosen by the electors of the respective counties or districts or subdistricts within a county or district into which the state may from time to time be divided by law.

(2)(a) The Representatives shall be chosen by the electors of the state as a whole under a closed-list proportional representation system established by the Legislative Assembly by law in accordance with the requirements set forth in this subsection.

(b) Each major political party and minor political party that operates in this state and that wishes to participate in elections for the House of Representatives shall internally produce and make publicly available a list of candidates numbered one through the total number of Representatives fixed by law under section 6 of this Article.

(c) At each general election, any elector of this state may vote for candidates for the House of Representatives by casting one vote for a single political party that has produced and made publicly available a list of candidates in the manner described in paragraph (b) of this subsection.

(d) Following the tallying of votes in the general election, Representatives shall be elected by:

(A) Determining the number of votes that are cast for each political party under paragraph (c) of this subsection;

(B) Awarding one elected Representative to each political party for each full vote share seat quotient received by the political party at the general election;

(C) Awarding any additional elected Representatives that are necessary to make the total number of elected Representatives equal to the number of Representatives fixed by law under section 6 of this Article by use of the D'Hondt method for allocating seats in party-list proportional representation systems; and

(D) Having the individuals who are elected as Representatives be those:

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 (i) Whose names are on the lists that are produced and made publicly available by poli-
2 tical parties under paragraph (b) of this subsection; and

3 (ii) Whose numerical position on the list corresponds with the number of seats received
4 by the party under this paragraph, such that the individuals whose names are first listed are
5 the individuals first elected by votes cast for the political party.

6 (e) As used in this subsection, a “vote share seat quotient” is calculated by:

7 (A) Dividing the number of votes cast for a political party by the total number of votes
8 cast for all political parties under paragraph (c) of this subsection; and

9 (B) Multiplying the result calculated under subparagraph (A) of this paragraph by the
10 number of Representatives fixed by law under section 6 of this Article.

11 [(2)(a)] (3)(a) If a vacancy occurs in the office of [*senator or representative from any county or*
12 *district or subdistrict*] **Senator or Representative**, the vacancy shall be filled as may be provided
13 by law.

14 (b) Except as provided in paragraph (c) of this subsection, a person who is appointed to fill a
15 vacancy in the office of [*senator or representative*] **Senator or Representative** must be an inhabitant
16 of the district the person is appointed to represent for at least one year next preceding the date of
17 the appointment.

18 (c) For purposes of an appointment occurring during the period beginning on January 1 of the
19 year a reapportionment becomes operative under section 6 of this Article, the person must have
20 been an inhabitant of the district for one year next preceding the date of the appointment or from
21 January 1 of the year the reapportionment becomes operative to the date of the appointment,
22 whichever is less.

23 (d) As used in this subsection, for a Representative, “inhabitant of the district” means
24 “inhabitant of the State of Oregon.”

25 **SECTION 3b. The amendment to section 3 of this Article by House Joint Resolution 25**
26 **(2023) applies to elections for the House of Representatives that occur on or after November**
27 **3, 2026.**

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

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

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

43 (b) If the Supreme Court determines that the reapportionment thus reviewed complies with
44 subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written
45 opinion on or before September 1 of the same year and the reapportionment becomes operative as

1 described in subsection (6) of this section.

2 (c) If the Supreme Court determines that the reapportionment does not comply with subsection
3 (1) of this section and all law applicable thereto, the reapportionment shall be void. In its written
4 opinion, the Supreme Court shall specify with particularity wherein the reapportionment fails to
5 comply. The opinion shall further direct the Secretary of State to draft a reapportionment of the
6 Senators [*and Representatives*] in accordance with the provisions of subsection (1) of this section and
7 all law applicable thereto. The Supreme Court shall file its order with the Secretary of State on or
8 before September 15. The Secretary of State shall conduct a hearing on the reapportionment at
9 which the public may submit evidence, views and argument. The Secretary of State shall cause a
10 transcription of the hearing to be prepared which, with the evidence, shall become part of the re-
11 cord. The Secretary of State shall file the corrected reapportionment with the Supreme Court on or
12 before November 1 of the same year.

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

16 (e) The corrected reapportionment becomes operative as described in subsection (6) of this sec-
17 tion.

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

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

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

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

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

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

1 (f) The reapportionment becomes operative as described in subsection (6) of this section.

2 (4) Any reapportionment that becomes operative as provided in this section is a law of the state
3 except for purposes of initiative and referendum.

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

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

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

19 **Sec. 7.** A senatorial district, when more than one county shall constitute the same, shall be
20 composed of contiguous counties, and no county shall be divided in creating such senatorial dis-
21 tricts. Senatorial [*or representative*] districts comprising not more than one county may be divided
22 into subdistricts from time to time by law. Subdistricts shall be composed of contiguous territory
23 within the district; and the ratios to population of senators [*or representatives, as the case may be,*]
24 elected from the subdistricts, shall be substantially equal within the district.

25 **Sec. 8.** (1)(a) Except as provided in paragraph (b) of this subsection, a person may not be a
26 Senator or Representative if the person at the time of election:

27 (A) Is not a citizen of the United States; and

28 (B) Has not been for one year next preceding the election an inhabitant of the district from
29 which the Senator or Representative may be chosen.

30 (b) For purposes of the general election next following the applicable deadline for making a final
31 apportionment under section 6 of this Article, the person must have been an inhabitant of the dis-
32 trict from January 1 of the year following the applicable deadline for making the final reapportion-
33 ment to the date of the election.

34 (2) Senators and Representatives shall be at least twenty one years of age.

35 (3) A person may not be a Senator or Representative if the person has been convicted of a felony
36 during:

37 (a) The term of office of the person as a Senator or Representative; or

38 (b) The period beginning on the date of the election at which the person was elected to the of-
39 fice of Senator or Representative and ending on the first day of the term of office to which the
40 person was elected.

41 (4) A person is not eligible to be elected as a Senator or Representative if that person has been
42 convicted of a felony and has not completed the sentence received for the conviction prior to the
43 date that person would take office if elected. As used in this subsection, "sentence received for the
44 conviction" includes a term of imprisonment, any period of probation or post-prison supervision and
45 payment of a monetary obligation imposed as all or part of a sentence.

1 (5) Notwithstanding sections 11 and 15, Article IV of this Constitution:

2 (a) The office of a Senator or Representative convicted of a felony during the term to which the
3 Senator or Representative was elected or appointed shall become vacant on the date the Senator
4 or Representative is convicted.

5 (b) A person elected to the office of Senator or Representative and convicted of a felony during
6 the period beginning on the date of the election and ending on the first day of the term of office to
7 which the person was elected shall be ineligible to take office and the office shall become vacant
8 on the first day of the next term of office.

9 (6) Subject to subsection (4) of this section, a person who is ineligible to be a Senator or Rep-
10 resentative under subsection (3) of this section may:

11 (a) Be a Senator or Representative after the expiration of the term of office during which the
12 person is ineligible; and

13 (b) Be a candidate for the office of Senator or Representative prior to the expiration of the term
14 of office during which the person is ineligible.

15 (7)(a) Except as provided in paragraph (b) of this subsection, a person may not be a Senator or
16 Representative if the person at all times during the term of office of the person as a Senator or
17 Representative is not an inhabitant of the district from which the Senator or Representative may
18 be chosen or which the Senator or Representative has been appointed to represent. A person does
19 not lose status as an inhabitant of a district if the person is absent from the district for purposes
20 of business of the Legislative Assembly.

21 (b) Following the applicable deadline for making a final apportionment under section 6 of this
22 Article, until the expiration of the term of office of the person, a person may be an inhabitant of
23 any district.

24 **(8) As used in this section, for a Representative, “inhabitant of the district” means “in-**
25 **habitant of the State of Oregon.”**

26
27 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**
28 **people for their approval or rejection at the next regular general election held throughout**
29 **this state.**