

House Joint Resolution 400

Sponsored by Representatives HUNT, D EDWARDS

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The constitutional amendment relates to redistricting. The constitutional amendment changes the date of state legislative reapportionment. (Flesch Readability Score: 78.2).

Proposes amendment to Oregon Constitution to change operative date of state legislative reapportionment plan to second Monday in January of next odd-numbered year after deadline for making plan. Provides exception for purpose of electing Senators and Representatives to reapportioned districts.

Specifies inhabitancy requirements for candidates and for filling vacancies. Provides exception to requirement that member of Legislative Assembly be inhabitant of district.

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. Sections 3, 6 and 8, Article IV of the Constitution of the State of Oregon, are amended to read:

Sec. 6. (1) At the 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 regular legislative session after the *[effective]* **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 *[shall become operative no sooner than September 1 of the year of reapportionment]* **becomes operative as described in subsection (6) 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 *[shall become operative on September 1]* **becomes operative as described in subsection (6) of this section.**

(c) If the Supreme Court determines that the reapportionment does not comply with subsection (1) of this section and all law applicable thereto, the reapportionment shall be void. In its written opinion, the Supreme Court shall specify with particularity wherein the reapportionment fails to

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

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

12 (e) The corrected reapportionment *[shall become operative upon November 15]* **becomes opera-**
 13 **tive as described in subsection (6) of this section.**

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

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

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

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

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

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

43 (f) The reapportionment *[shall become operative on December 15]* **becomes operative as de-**
 44 **scribed in subsection (6) of this section.**

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

except for purposes of initiative and referendum. *[A reapportionment shall not be operative before the date on which an appeal may be taken therefrom or before the date specified in this section, whichever is later.]*

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

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

(b) For purposes of electing Senators and Representatives to the next term of office that commences after the applicable deadline for making a final reapportionment under this section, a reapportionment made under this section becomes operative on January 1 of the calendar year next following the applicable deadline for making a final reapportionment under this section.

Sec. 3. (1) The senators and representatives 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) If a vacancy **occurs** in the office of senator or representative from any county or district or subdistrict *[shall occur, such]*, **the** vacancy shall be filled as may be provided by law.

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

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

Sec. 8. (1)(a) *[No person shall]* **Except as provided in paragraph (b) of this subsection, a person may not** be a Senator or Representative *[who]* **if the person** at the time of election:

(A) Is not a citizen of the United States; *[nor anyone who]* **and**

(B) Has not been for one year next preceding the election an inhabitant of the district from which the Senator or Representative may be chosen. *[However,]*

(b) For purposes of the general election next following the *[operative date of an]* **applicable deadline for making a final** apportionment under section 6 of this Article, the person must have been an inhabitant of the district from January 1 of the year following the **applicable deadline for making the final** reapportionment to the date of the election.

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

(3) *[No person shall]* **A person may not** be a Senator or Representative *[who]* **if the person** has

1 been convicted of a felony during:

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

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

6 (4) *[No person is]* **A person is not** eligible to be elected as a Senator or Representative if that
7 person has been convicted of a felony and has not completed the sentence received for the con-
8 viction prior to the date that person would take office if elected. As used in this subsection, "sen-
9 tence received for the conviction" includes a term of imprisonment, any period of probation or
10 post-prison supervision and payment of a monetary obligation imposed as all or part of a sentence.

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

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

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

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

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

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

25 (7)(a) *[No person shall]* **Except as provided in paragraph (b) of this subsection, a person**
26 **may not** be a Senator or Representative *[who]* **if the person** at all times during the term of office
27 of the person as a Senator or Representative is not an inhabitant of the district from which the
28 Senator or Representative may be chosen or **which the Senator or Representative** has been ap-
29 pointed to represent. A person *[shall]* **does** not lose status as an inhabitant of a district if the person
30 is absent from the district for purposes of business of the Legislative Assembly.

31 (b) Following the *[operative date of an]* **applicable deadline for making a final** apportionment
32 under section 6 of this Article, until the expiration of the term of office of the person, a person may
33 be an inhabitant of any district.

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