

HOUSE AMENDMENTS TO HOUSE JOINT RESOLUTION 39

By COMMITTEE ON ELECTIONS AND RULES

May 10

1 On page 1 of the printed joint resolution, delete lines 3 through 30 and delete pages 2 and 3.

2 On page 4, delete lines 1 through 42 and insert:

3 “**PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new sec-
4 tion 6a to be added to and made a part of Article IV, and by amending sections 3, 6 and 8, Article
5 IV, such sections to read:

6 “**Sec. 6.** (1) *[At the regular session of the Legislative Assembly next following an enumeration of*
7 *the inhabitants by the United States Government, the number of Senators and Representatives shall be*
8 *fixed by law and]* **In each year ending in the number one, Senators and Representatives shall**
9 **be** apportioned among legislative districts according to population **and a redistricting plan**
10 **adopted in the manner provided in this section.** A senatorial district shall consist of two rep-
11 resentative districts. Any Senator whose term continues through the next regular legislative session
12 after the *[effective]* **operative** date of the *[reapportionment]* **redistricting plan** shall be specifically
13 assigned to a senatorial district. The ratio of Senators and Representatives, respectively, to popu-
14 lation shall be determined by dividing the total population of the state by the number of Senators
15 and by the number of Representatives. *[A reapportionment by the Legislative Assembly shall become*
16 *operative no sooner than September 1 of the year of reapportionment.]*

17 “**(2) Not later than January 31 of each year ending in the number one, a commission shall**
18 **be established to provide for the redistricting of state legislative districts.**

19 “**(3)(a) The commission shall be composed of five members.**

20 “**(b) Four members shall be appointed by the Supreme Court. A person is eligible to be**
21 **appointed as a member of the commission by the Supreme Court if the person:**

22 “**(A) Is a retired state judge or a federal judge who has served in a federal court in this**
23 **state and has retired or taken senior status;**

24 “**(B) Has never held a partisan public office;**

25 “**(C) Is a member of one of the two largest political parties in this state; and**

26 “**(D) Has not changed the person’s political party affiliation indicated in the person’s**
27 **voter registration records during the five years immediately preceding appointment.**

28 “**(c) One member shall be appointed by the four members appointed by the Supreme**
29 **Court. A person is eligible under this paragraph if, during the three years immediately pre-**
30 **ceding appointment, the person:**

31 “**(A) Has not held a public office;**

32 “**(B) Has not held the position of an officer of a political party; and**

33 “**(C) Has not held the position of a compensated lobbyist.**

34 “**(d) A person appointed to the commission under this subsection, before commencing**
35 **service on the commission, shall pledge in writing that during the person’s service as a**

1 member of the commission and for at least five years after the date the person's service as
2 a member of the commission is concluded the person will not seek, accept or hold:

3 "(A) A public office;

4 "(B) The position of an officer of a political party; or

5 "(C) The position of a compensated lobbyist.

6 "(e) The terms of office of members of the commission expire upon the last filing of a
7 redistricting plan under this section or upon discharge of the members by the Supreme Court
8 under paragraph (a) of subsection (10) of this section.

9 "(4)(a) The Supreme Court shall identify qualified persons willing to serve as members
10 of the commission. From the list of qualified persons, the court shall appoint at random four
11 persons to serve as members of the commission. If the court appoints a panel in which more
12 than two members are registered to vote as members of one of the two largest political
13 parties in this state, then the court shall excuse one member of the panel by lot and ran-
14 domly appoint and excuse new members until a panel is appointed consisting of two members
15 belonging to each of the two largest political parties in this state.

16 "(b) The four members of the commission appointed by the Supreme Court under para-
17 graph (a) of this subsection shall identify qualified persons willing to serve as the fifth
18 member of the commission. From the list of qualified persons, the four members shall ap-
19 point the fifth member by an affirmative vote of three-fourths of the members.

20 "(5)(a) The commission is a public body for purposes of any statutory provisions appli-
21 cable to the meetings of public bodies.

22 "(b) The commission shall give public notice of all meetings of the commission not less
23 than five calendar days prior to the meeting.

24 "(c) All meetings and sessions of the commission shall be electronically recorded.

25 "(d) The commission shall hold at least three public hearings throughout the state for
26 receiving and considering proposed redistricting plans and public comment from any member
27 of the Legislative Assembly or the public.

28 "(6) The commission shall adopt a redistricting plan as soon as practicable following an
29 enumeration of the inhabitants by the United States Government, but not later than May 1.
30 An affirmative vote of at least three members of the commission is necessary for adoption
31 of the redistricting plan. The redistricting plan adopted by the commission may not provide
32 for a number of legislative districts that is different from the number established by the
33 Legislative Assembly. The commission shall submit the redistricting plan to the Legislative
34 Assembly no later than the next business day after adopting the plan.

35 "(7) After submission of the redistricting plan by the commission, the Legislative As-
36 sembly has until July 1 to amend the plan submitted by the commission. If the Legislative
37 Assembly acts to amend the redistricting plan, an affirmative vote of two-thirds of the
38 members of each house is necessary for adoption of the amendment.

39 "(8) The redistricting plan adopted by the commission or the plan as amended by the
40 Legislative Assembly shall be final upon adoption of the amendment or the expiration of the
41 time provided for legislative amendment under subsection (7) of this section, whichever oc-
42 curs first. The final plan constitutes the districting law applicable to this state for legislative
43 elections and becomes operative October 1.

44 "(9) If the commission fails to adopt a redistricting plan within the time limitations pro-
45 vided in subsection (6) of this section, the Legislative Assembly shall adopt a redistricting

1 plan by July 1. The plan adopted by the Legislative Assembly under this subsection is final,
2 constitutes the districting law applicable to this state for legislative elections and becomes
3 operative October 1.

4 “(10)(a) If the Legislative Assembly does not adopt a redistricting plan within the time
5 limitations provided in subsection (9) of this section, the Supreme Court shall discharge the
6 members of the commission and appoint new members of the commission as provided in
7 subsections (3) and (4) of this section. The commission appointed under this subsection shall
8 adopt a redistricting plan by September 1. The plan adopted by the commission is final,
9 constitutes the districting law applicable to this state for legislative elections and becomes
10 operative October 1.

11 “(b) If the commission fails to adopt a redistricting plan under paragraph (a) of this
12 subsection, the Supreme Court shall adopt a redistricting plan by October 1. The redistricting
13 plan becomes operative December 15.

14 “(11) The Legislative Assembly may enact laws providing for the reconvening of a com-
15 mission for the purpose of modifying a districting law adopted under this section. A law
16 providing for the reconvening of the commission must be adopted by an affirmative vote of
17 two-thirds of the members of each house of the Legislative Assembly. An affirmative vote
18 of at least three members of the commission is necessary to adopt any modification of the
19 redistricting plan. Any modification adopted by the commission may be amended by an af-
20 firmative vote of two-thirds of the members of each house of the Legislative Assembly. The
21 districting law shall include the modifications, with any amendment adopted by the Legisla-
22 tive Assembly, and becomes operative on the date specified by the commission or the Legis-
23 lative Assembly, as appropriate.

24 “(12) The Legislative Assembly may enact laws implementing subsections (2) to (13) of
25 this section. The laws may set additional standards to govern the commission. A vacancy on
26 the commission shall be filled by the Supreme Court or, if the position vacated was subject
27 to appointment pursuant to paragraph (b) of subsection (4) of this section, the four members
28 appointed by the Supreme Court in the manner specified in this section for selection of
29 members of the commission. The Legislative Assembly shall enact laws appropriating moneys
30 to enable the commission to carry out its duties under this section.

31 “(13) Legislative districts may not be changed or established except pursuant to this
32 section. A redistricting plan adopted by the commission or the Legislative Assembly, or any
33 amendment adopted by the Legislative Assembly, is not subject to veto by the Governor.

34 “[2] (14) This subsection governs judicial review and correction of a [*reapportionment enacted*
35 *by the Legislative Assembly*] **redistricting plan adopted by the commission or adopted or**
36 **amended by the Legislative Assembly under this section.**

37 “(a) Original jurisdiction is vested in the Supreme Court, upon the petition of any elector of the
38 state filed with the Supreme Court on or before [*August*] **October 1** of the year in which the [*Leg-*
39 *islative Assembly enacts a reapportionment*] **redistricting plan is adopted**, to review any [*reappor-*
40 *tionment so enacted*] **redistricting plan so adopted.**

41 “(b) If the Supreme Court determines that the [*reapportionment thus reviewed*] **redistricting plan**
42 **complies with [subsection (1)] subsections (1) to (13) of this section and all law applicable thereto,**
43 **it shall dismiss the petition by written opinion on or before [September] November 1** of the same
44 **year, and the [*reapportionment shall become*] **redistricting plan becomes operative [on September]**
45 **November 1.****

1 “(c) If the Supreme Court determines that the [reapportionment] **redistricting plan** does not
2 comply with [subsection (1)] **subsections (1) to (13)** of this section and all law applicable thereto,
3 the [reapportionment] **redistricting plan** shall be void. **The Supreme Court shall correct the re-**
4 **districting plan as the court determines is necessary. The corrected redistricting plan be-**
5 **comes operative December 15.** [In its written opinion, the Supreme Court shall specify with
6 particularity wherein the reapportionment fails to comply. The opinion shall further direct the Secretary
7 of State to draft a reapportionment of the Senators and Representatives in accordance with the pro-
8 visions of subsection (1) of this section and all law applicable thereto. The Supreme Court shall file its
9 order with the Secretary of State on or before September 15. The Secretary of State shall conduct a
10 hearing on the reapportionment at which the public may submit evidence, views and argument. The
11 Secretary of State shall cause a transcription of the hearing to be prepared which, with the evidence,
12 shall become part of the record. The Secretary of State shall file the corrected reapportionment with the
13 Supreme Court on or before November 1 of the same year.]

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

17 “[(e) The corrected reapportionment shall become operative upon November 15.]

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

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

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 reappor-
31 tionment and the record made by the Secretary of State.]

32 “[(c) If the Supreme Court determines that the reapportionment thus reviewed complies with sub-
33 section (1) of this section and all law applicable thereto, it shall dismiss the petition by written opinion
34 on or before October 15 of the same year and the reapportionment shall become operative on October
35 15.]

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 Court
38 shall return the reapportionment by November 1 to the Secretary of State accompanied by a written
39 opinion specifying with particularity wherein the reapportionment fails to comply. The opinion shall
40 further direct the Secretary of State to correct the reapportionment in those particulars, and in no
41 others, and file the corrected reapportionment with the Supreme Court on or before December 1 of the
42 same year.]

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

1 “[(f) *The reapportionment shall become operative on December 15.*]

2 “[(4)] **(15)** Any [*reapportionment*] **redistricting plan** that becomes operative as provided in this
3 section is a law of the state except for purposes of initiative and referendum. A [*reapportionment*
4 *shall*] **redistricting plan may** not be operative before the date on which an appeal may be taken
5 therefrom or before the date specified in this section, whichever is later.

6 “[(5)] **(16)** Notwithstanding section 18, Article II of this Constitution, after the convening of the
7 next regular legislative session following the [*reapportionment*] **operative date of a redistricting**
8 **plan**, a Senator whose term continues through that legislative session is subject to recall by the
9 electors of the district to which the Senator is assigned and not by the electors of the district ex-
10 isting before the latest [*reapportionment*] **redistricting plan**. The number of signatures required on
11 the recall petition is 15 percent of the total votes cast for all candidates for Governor at the most
12 recent election at which a candidate for Governor was elected to a full term in the two represen-
13 tative districts comprising the senatorial district to which the Senator was assigned.

14 “**SECTION 6a. (1) A commission established under section 6 of this Article in the year**
15 **2011 may not use the legislative redistricting plan adopted in 2001 as a baseline for adopting**
16 **a new redistricting plan.**

17 “**(2) This section is repealed January 1, 2014.**”
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