

# Senate Joint Resolution 33

Sponsored by COMMITTEE ON RULES

## 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 establishing panel of special masters to create congressional redistricting plan following each federal decennial census.

Sets congressional redistricting criteria.

Refers proposed amendment to people for their approval or rejection at special election held on date of next primary 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 sections 34 and 35 to be added to and made a part of Article IV, such sections to read:

**SECTION 34. (1) In the year following the year in which the federal decennial census is taken under the direction of the United States Congress, a panel of special masters composed of retired judges shall adjust the boundaries of the congressional districts in accordance with the provisions of this section and section 35 of this Article.**

**(2)(a) On or before January 15 of the year following the year in which the federal decennial census is taken, the Legislative Assembly shall appoint pursuant to paragraph (b) of this subsection a panel of special masters composed of retired judges to adopt a plan of redistricting that adjusts the boundaries of the congressional districts.**

**(b)(A) In sufficient time to allow the appointment of the panel, the Supreme Court shall select by lot 24 retired judges who are willing to serve as special masters. A person is qualified to serve as a special master if the person is a retired Oregon state or federal judge, has never held elected partisan public office or political party office, has not changed the person's political party affiliation indicated on the person's voter registration records since the person's initial appointment or election to judicial office and during the 12 months immediately preceding appointment has not received income from the Legislative Assembly, the United States Congress, a committee of the Legislative Assembly or the United States Congress, a political party or a candidate for partisan public office or a political committee controlled by a candidate for partisan public office. A political party may not be represented by more than 12 of the 24 retired judges. The two largest political parties in the state shall be equally represented among the selected retired judges.**

**(B) Before commencing service as a special master, a person appointed to serve as a special master shall pledge in writing that the person will not run for election in any congressional district adjusted by the panel of special masters under this section and that the person will not accept Oregon state or federal public employment or public office, other than judicial employment, judicial office or a teaching position, for at least five years from the date of appointment as a special master.**

**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 (C) Not later than six business days before the deadline for appointment of the panel, the  
2 Speaker of the House of Representatives, the minority leader of the House of Represent-  
3 natives, the President of the Senate and the minority leader of the Senate shall each nomi-  
4 nate three retired judges from the pool of retired judges selected by the Supreme Court. A  
5 member of the Legislative Assembly who is authorized to make nominations under this  
6 subparagraph shall nominate retired judges who are not registered as members of the same  
7 political party as the member of the Legislative Assembly who is making the nomination. A  
8 retired judge may not be nominated by more than one member of the Legislative Assembly.

9 (D) If a member of the Legislative Assembly fails to nominate the required number of  
10 retired judges within the time period described in this section, the presiding officer of the  
11 appropriate house of the Legislative Assembly immediately shall draw by lot the remaining  
12 nominees for that member of the Legislative Assembly in accordance with the requirements  
13 of subparagraph (C) of this paragraph.

14 (E) Not later than four business days before the deadline for appointment of the panel,  
15 each member of the Legislative Assembly who is authorized to nominate a retired judge shall  
16 also be entitled to exercise a single peremptory challenge striking the name of any nominee  
17 of any other member of the Legislative Assembly.

18 (F) From the list of remaining nominees selected by authorized members of the Legisla-  
19 tive Assembly, the Speaker of the House of Representatives shall draw by lot the names of  
20 three persons to serve as special masters. If the drawing fails to produce at least one special  
21 master from each of the two largest political parties in the state, the drawing shall be con-  
22 ducted again until this requirement is met. If the list of remaining nominees does not include  
23 a retired judge from each of the two largest political parties, the drawing for the special  
24 master from the absent political party or parties shall be made from the original pool of 24  
25 retired judges selected by the Supreme Court, except that a retired judge whose name was  
26 struck under subparagraph (E) of this paragraph may not be appointed. In the event of a  
27 vacancy in the panel of special masters, the Speaker of the House of Representatives shall  
28 immediately draw by lot the name of a replacement who satisfies the composition require-  
29 ments for the panel under this section. The name of a replacement shall be drawn from the  
30 list of remaining nominees selected by authorized members of the Legislative Assembly or  
31 from the original pool of 24 retired judges, if necessary. A retired judge whose name was  
32 struck under subparagraph (E) of this paragraph may not be appointed to fill a vacancy.

33 (3)(a) The panel of special masters shall give public notice of all meetings of the panel.  
34 The panel is a public body for purposes of any statutory provisions applicable to the meetings  
35 of public bodies. All meetings and sessions of the panel shall be electronically recorded. The  
36 panel shall establish procedures that restrict ex parte communications from members of the  
37 public and the Legislative Assembly concerning the merits of any redistricting plan.

38 (b) The panel shall establish and publish a schedule for receiving and considering pro-  
39 posed redistricting plans and public comment from any member of the Legislative Assembly  
40 or the public. The panel shall hold at least three public hearings throughout the state to  
41 consider redistricting plans. At least one of the hearings shall be held after the panel has  
42 submitted a proposed redistricting plan under paragraph (c) of this subsection but before  
43 adoption of the final redistricting plan.

44 (c) Before adopting a final redistricting plan, the panel shall submit a redistricting plan  
45 to the Legislative Assembly and allow members of the Legislative Assembly to comment on

1 the plan within a time set by the panel. The panel shall address in writing each change to  
2 the plan that is recommended by the Legislative Assembly and incorporated into the final  
3 redistricting plan.

4 (4) The final redistricting plan shall be approved by a resolution adopted unanimously by  
5 the panel of special masters. The panel shall file the final redistricting plan with the Sec-  
6 retary of State. The final redistricting plan takes effect on the date it is filed with the Sec-  
7 retary of State and shall remain in effect for succeeding elections until the next adjustment  
8 of boundaries required under this section.

9 (5) The Legislative Assembly shall appropriate moneys as necessary to provide the panel  
10 of special masters with equipment, office space and necessary personnel, including counsel  
11 and independent experts in the fields of redistricting and computer technology, to assist the  
12 panel.

13 (6) Except for judicial decrees, the provisions of this section are the exclusive means of  
14 adjusting the boundaries of congressional districts.

15 (7) Any action or proceeding alleging that the final redistricting plan adopted by a panel  
16 of special masters under this section does not conform with the requirements of this Con-  
17 stitution must be filed not later than 45 business days after the panel files the final redis-  
18 tricting plan with the Secretary of State. If any court finds the final redistricting plan to be  
19 in violation of a provision of this Constitution, the court may order that a new plan be  
20 adopted by a panel of special masters under this section. A court may order any remedy  
21 necessary to carry out the provisions of this section and section 35 of this Article.

22 **SECTION 35. (1) Each Representative in Congress shall be elected from a single-member**  
23 **district. Congressional districts shall be numbered consecutively commencing at the north-**  
24 **ern boundary of the state and ending at the southern boundary.**

25 (2) The population of all congressional districts shall be as nearly equal as practicable.  
26 The maximum population deviation between districts may not exceed federal constitutional  
27 standards.

28 (3) Every congressional district shall be contiguous.

29 (4) Congressional district boundaries shall conform to the geographic boundaries of cities  
30 and counties to the greatest extent practicable. Except as necessary to comply with sub-  
31 sections (1) to (3) of this section, a redistricting plan shall comply with the following criteria  
32 in descending order of importance:

33 (a) Highest possible number of counties undivided by district boundaries;

34 (b) Lowest possible number of county fragments created by district boundaries;

35 (c) Highest possible number of cities undivided by district boundaries; and

36 (d) Lowest possible number of city fragments created by district boundaries.

37 (5) Except as necessary to comply with subsections (1) to (4) of this section, every con-  
38 gressional district shall be as compact as practicable. To the extent practicable, a contiguous  
39 area of population may not be bypassed to incorporate an area of population more distant.

40 (6) A census block may not be fragmented unless required to satisfy the requirements  
41 of the United States Constitution.

42 (7) Consideration may not be given to the potential effects of a redistricting plan on  
43 incumbents or political parties. Except as required by federal law, data regarding the resi-  
44 dence of an incumbent or of any other candidate or the party affiliation or voting history  
45 of electors may not be used in the preparation of a congressional redistricting plan.

1        **PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the  
2        people for their approval or rejection at a special election held throughout this state on the  
3        same date as the next primary election.

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