



ISSUE BRIEF

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April 1998 (updated Jan. 2000)

Basics about Redistricting

What is redistricting? Redistricting is the redrawing of legislative and congressional district lines following the decennial U.S. Census. The lines are redrawn so that districts are of very nearly equal population as required by the Oregon and United States Constitutions.

Is redistricting the same as reapportionment? Although the terms redistricting and reapportionment are often used interchangeably, technically reapportionment means the reallocation of a fixed number of seats to a set of geographic areas, i.e. reapportioning 435 seats in the U.S. House of Representatives among the 50 states according to state population. Redistricting is defining new boundaries for representative districts based on population.

Will Oregon gain or lose a Congressional seat after the 2000 Census? Oregon is not anticipated to either gain or lose a congressional seat based on current population projections. Based on 1999 Census Bureau population estimates, Arizona and Texas would gain two seats, and California, Colorado, Florida, Georgia, Montana, and Nevada would each gain one. The states losing two seats are projected to be New York and Pennsylvania, and those losing one would be Connecticut, Illinois, Mississippi, Ohio, Oklahoma, and Wisconsin. (note: these estimates change each year – Georgia is close to gaining a second new seat while Montana is close to not getting the additional seat indicated here)

Who does redistricting and when is it done? The Oregon legislature is responsible for both legislative and congressional redistricting. As legislative enactments, redistricting plans are subject to the veto authority of the Governor. The 71st Legislative Assembly (2001 session) will be responsible for redistricting following the 2000 Census. The Census Bureau is required by federal law to provide population counts to states by April 1 of the year following the census.

Responsibilities, deadlines, and criteria for redistricting are contained in Article IV(6) of the Oregon Constitution and ORS 188.010. The attached flowchart shows the constitutional deadlines for redrawing *legislative* district lines. Note that if the legislature fails to enact a legislative redistricting plan by July 1 of the year following the U.S. Census, or if their plan is successfully challenged in court, the responsibility for drawing legislative district lines falls to the Secretary of State. Also note that each segment of the timeline—from submission of plans through challenges and review—is quite short.

There is no corresponding timeline for *congressional* redistricting because there are no statutory or constitutional deadlines for the legislature to complete the congressional redistricting plan. The practical deadline is in time for candidate filing for the 2002 primary election.

What are the criteria for drawing district lines?

ORS 188.010 lists criteria to be used by either the legislature or the Secretary of State in redistricting of both legislative and congressional districts. The criteria to be considered include contiguity, equal population, use of existing geographic or political boundaries, not dividing communities of interest, and connection by transportation links. The criteria also require that no district shall be drawn for the purpose of favoring any political party, incumbent legislator, or other person; and no district shall be drawn for the purpose of diluting the voting strength of any language or ethnic minority group.

While all the criteria are significant, equalizing of population is the basic purpose of redistricting. Redistricting is based on total population not just on voting-age population. A few states have laws that specify a maximum population deviation between districts. ORS 188.010 specifies that each district “as nearly as practicable shall” be of equal population, and court decisions have not specified a maximum deviation. Generally, however, the smaller the deviation, the less prone to challenge a plan is considered to be. As a result of redistricting in 1991, the maximum deviation in Oregon legislative districts was less than $\pm 1\%$. For Congressional districts the deviation was only plus or minus a few people in districts over 500,000 population, essentially 0% deviation.

What is the history of legislative redistricting and court challenges in Oregon?

In 1961 the legislature enacted a redistricting plan that was challenged and overturned because of underrepresentation in Multnomah and Lane Counties. The Supreme Court approved adjustments made by the Secretary of State.

In 1971 the legislature did not enact a legislative plan; therefore, responsibility for preparing a plan fell to the Secretary of State.

In 1981 the legislature enacted a legislative redistricting plan that was challenged and overturned because one district was left without a Senator for two years. The Supreme Court approved adjustments made by the Secretary of State.

In 1991 the legislature did not enact a legislative redistricting plan; therefore, responsibility for preparing a plan fell to the Secretary of State. After court challenges and minor modifications, the Secretary of State’s legislative district plan was approved by the Supreme Court.

How will the population of a legislative district change?

Legislative House districts drawn in 1991 contained approximately 47,370 persons and, according to population projections, a district will contain approximately 56,750 persons in 2001.

Oregon’s population is forecasted to increase 19% between 1990 and 2000. But the rate of growth varies widely by county. Counties growing faster than the statewide average will receive greater representation when the districts are redrawn in 2001. Population projections indicate that the counties with highest growth rates are Deschutes (48%), Jefferson (35%), and Washington (34%). Although population growth in counties such as Multnomah and Clackamas will exceed Deschutes and Jefferson in absolute terms, Multnomah’s projected 12% growth rate is less than the 19% state average so it will lose representation and Clackamas’s 20% will only slightly exceed the state average. The four counties with the lowest growth rates are Sherman (1%), Coos (5%), Union (5%), and Grant (6%).

- Is Oregon affected by U.S. Supreme Court decisions originating in other states?* Congressional district lines drawn following the 1990 Census were found to be unconstitutional by the U.S. Supreme Court in four states: North Carolina, Louisiana, Georgia, and Texas. The Court held that creation of particular districts focused too much on race and not enough on traditional redistricting principles like compactness, contiguity, communities of interest, or political subdivisions. The Court's opinion indicated that states should continue to make efforts to safeguard rights of minority voters but the Court did not give explicit guidelines. No Oregon legislative or congressional districts were challenged on such racial gerrymandering grounds, but all states will need to keep the rulings in mind during redistricting following the 2000 Census.
- How are racial categories reported?* Persons filling out census forms in 2000 will be able to identify themselves in more than one race category. This is a new aspect of the 2000 census. In previous decades, only one race could be selected. The six racial categories are:
- (1) American Indian and Alaskan Native
 - (2) Asian
 - (3) Black or African American
 - (4) Native Hawaiian and Other Pacific Islander
 - (5) White
 - (6) Some other race.
- The two ethnic origin categories are Hispanic and non-Hispanic.
- How does Oregon's redistricting process differ from other states?* States vary in the process they use. According to the National Conference of State Legislatures, 36 states follow a traditional model with legislatures adopting redistricting plans within their regular legislative process. Oregon falls within the group using a traditional process. In thirteen states, independent commissions draw new legislative district lines (**Alaska, Arkansas, Colorado, Hawaii, Idaho, Maine, Missouri, Montana, New Jersey, Ohio, Pennsylvania, Vermont, and Washington**). Six of these states also have commissions draw their congressional district lines (**Hawaii, Idaho, Maine, Montana, New Jersey, and Washington**). In some of these states, the commission plan must be submitted to the legislature for approval. In several additional states, commissions serve back-up roles if the legislature does not adopt a plan. In **Iowa**, a non-partisan Legislative Service Bureau develops new district maps based on certain criteria for the legislature's approval or rejection, without amendment. A second plan is submitted if the first is rejected, and so on with a third plan, except that the third plan can be amended by the legislature. The Bureau is directed to not consider any political data or incumbent residences.
- A number of states, not including Oregon, are required to submit their redistricting plans for federal court review because of previous federal Voting Rights Act violations.

Oregon Legislative Policy, Research and Constitutions Division
2001 Redistricting DEADLINES
Article 4, Section 6, Oregon Constitution

April 1
U.S. Census Data becomes available

July 1
Deadline for Legislature to enact redistricting plan

If Legislature enacts plan

August 1
Deadline to petition Supreme Court to review legislative plan

If no petition is filed, plan takes effect September 1

If a petition is filed

September 1
Deadline for Supreme Court to dismiss petition if plan meets legal requirements

If petition is dismissed, plan takes effective September 1

If petition is not dismissed

September 15
Supreme Court directs Secretary of State to correct plan

November 1
Secretary of State returns corrected plan to Supreme Court

November 15
Supreme Court must complete review and make necessary corrections

Plan takes effect November 15

If Legislature fails to enact plan

August 15
Secretary of State must prepare and file plan with Supreme Court

September 15
Deadline to petition Supreme Court to review Secretary of State's plan

If no petition is filed, plan takes effect September 15

If a petition is filed

October 15
Deadline for Supreme Court to dismiss petition if plan meets legal requirements

If petition is dismissed, plan takes effect October 15

If petition is not dismissed

November 1
Supreme Court directs Secretary of State to correct plan

December 1
Secretary of State must file corrected plan with Supreme Court

December 15
Supreme Court must complete review and make necessary corrections

Plan takes effect December 15