

Process Committee Recommendation on a State Controller Administered Redistricting Commission

Approved 10/10/06

The process of redistricting blends politics, geography and technology leading to apportionment of districts that allows citizens equal representation in the state legislature and in Congress.

Article IV, section 6 of the Oregon Constitution and ORS 188.010 outline deadlines, criteria, and responsibilities for redistricting. In years ending in “1,” the legislature prepares plans for legislative and congressional districts and submits them for approval like any other piece of legislation. As with legislative enactments, redistricting plans are subject to the veto authority of the Governor.

If the legislature either fails to enact a legislative redistricting plan by July 1st, or if its plan or a portion of the plan is successfully challenged in court, the responsibility for drawing legislative district lines, or for correcting a specific problem area, falls to the Secretary of State. There is no corresponding timeline for congressional redistricting. If the legislature and Governor do not agree to a new congressional plan, the existing plan is in effect until a case is filed in federal court to reapportion the population of congressional districts.

Only two times in the past six redistricting cycles (since 1951), have the legislature and governor agreed to the same legislative and congressional plans. But these efforts require the legislature to expend a great deal of time and money, hire specialized staff, acquire new equipment and technology, and hold numerous field hearings around the state for public comment. All this for a product that is ultimately rejected.

The committee’s recommendation is to establish a process that is staffed by skilled professionals, overseen by an elected official with no personal political stake in the outcome, and may be less costly to execute. What’s even more critical, however, is to deliver plans that are fair and that can be agreed to and implemented in a timely fashion to meet the interests of the citizens of Oregon.

Recommendation

Establish a redistricting commission responsible for preparing legislative and congressional district plans, administered by the State Controller, a new position also recommended by this committee.

At a minimum, the redistricting commission should have no more than five members; they should submit their plan to the legislature for consideration, approval or modification by June 1st; and the commission should extensively solicit input from the public on any proposed plans.

More specifically, a commission could be structured as follows:

1. Five members appointed by the State Controller, subject to adopted criteria, by December 1st of the '00 year. When considering appointments to the commission, the State Controller must consult with political parties and representatives of non-affiliated voters.
2. A person holding elected public office or political party office, or a person elected or appointed to public office or political party office, may not be a member of the commission. A commission member may not have held an elected public office or a political party office within two years of the date of the member's appointment to the commission.
3. The commission will prepare legislative and congressional plans. The commission will use criteria outlined in ORS 188.010 to draw the legislative plan and criterion from ORS 188.010 (1)-(3) and any federal criteria to draw the congressional plan.
4. Staff will be provided by the State Controller.
5. The commission must submit their plans to the Legislative Assembly no later than June 1st.
6. No later than June 30th the Legislative Assembly may amend the commission plans with approval of 3/5 vote of both chambers. Pending legal challenges, if the legislature does not amend the plans by June 30th, the plans are effective January 1st of the following year.
7. Court challenges to the redistricting plans may be filed in federal court (congressional plan) and state supreme court (state plan) after June 30th.
8. Legal challenges to the legislative plan are to be resolved by the Supreme Court no later than November 15th and the plan will be effective January 1st of the following year.