



STATE OF OREGON
Legislative Counsel Committee

November 9, 2006

To: Marjorie Taylor, Administrator, Public Commission on the Oregon Legislature
From: Ted W. Reutlinger, Senior Deputy Legislative Counsel *TR*
Subject: LC 1583—State Controller / Redistricting Commission

You asked for a draft creating the new office of State Controller. Among other things, you asked that the State Controller be assigned the duty of appointing a commission to prepare redistricting plans for state legislative and congressional districts. You asked that the redistricting provisions be based on Senate Joint Resolution 22 (2003).

I have prepared the draft as a revision to the Oregon Constitution because the draft seems to contain more than a single amendment to the Constitution. Under section 2, Article XVII, a revision to the Constitution must be approved by two-thirds of the members of each house of the Legislative Assembly.

With respect to the redistricting provisions, please consider the following:

1. The State Controller is directed to appoint a commission to adopt both state legislative and congressional redistricting plans. LC 1583 treats state legislative and congressional redistricting plans as separate plans and not as a single plan. For example, the commission could present the Legislative Assembly with a state legislative redistricting plan and a congressional redistricting plan on different dates, or prepare one plan and fail to prepare the other.
2. The Legislative Assembly may amend either plan prepared by the commission on a three-fifths vote of the members of each house.
3. If the commission does not adopt a state legislative or congressional redistricting plan by June 1, the Oregon Supreme Court must adopt a plan by July 1. The court could be required to prepare a state legislative plan, a congressional plan, or both. This results in the Oregon Supreme Court preparing a plan for a federal office. Historically, congressional redistricting plans have been considered and adopted by federal courts.
4. LC 1583 allows the Legislative Assembly to enact laws providing for the reconvening of a commission for the purpose of modifying a redistricting plan adopted by the commission, the Legislative Assembly or the court. The Legislative Assembly must approve a law that provides for the reconvening of the commission by a three-fifths vote of the members of each house. I read LC 1583 to require a single three-fifths vote to adopt a law reconvening a commission. If the commission reconvenes, LC 1583 does not set any time limits for action by the commission.

5. LC 1583 sets rules for appeal of a state legislative redistricting plan to the Oregon Supreme Court. LC 1583 does not set rules for the appeal of a congressional redistricting plan. Presumably, a congressional redistricting plan would be appealed to federal court as has been the practice following previous censuses.

Encl.