

Senate Joint Resolution 11

Sponsored by Senator KNOPP; Representative ZIKA (Pre-session filed.)

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 independent redistricting commission to adopt redistricting plans for Senate, House of Representatives and United States Congress.

Refers proposed amendment to people for their approval or rejection at special election held on same date as 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 repealing sections 6 and 7, Article IV, and by adopting the following new sections 6 and 7 in lieu thereof, and by creating a new section 6a to be added to and made a part of Article IV, such sections to read:

SECTION 6. (1) The Citizens Redistricting Commission shall be created no later than December 31 in each year ending in the number zero.

(2)(a) By August 15 in each year ending in the number nine, the Secretary of State shall initiate an application process that promotes a diverse and qualified applicant pool and is open to all registered voters in this state.

(b) The Secretary of State shall remove individuals with conflicts of interest from the applicant pool, including:

(A) Applicants who were or are related to a family member who was, in the ten years immediately preceding the date of application:

(i) Appointed or elected to, or ran as a candidate for, a federal or state office.

(ii) An officer, employee or paid consultant of a political party or of the campaign committee of a candidate for elective federal or state office.

(iii) An elected or appointed member of a political party central committee.

(iv) A registered federal, state or local lobbyist.

(v) A paid congressional or legislative employee.

(vi) A contributor of \$2,000 or more to any congressional, state or local candidate for elective public office in any year, with the dollar amount to be adjusted every 10 years by the cumulative change in the Consumer Price Index, or its successor.

(B) Staff and consultants to persons under a contract with, and any person with an immediate family relationship with, the Governor, a member of the Legislative Assembly or a member of Congress. As used in this subsection, "immediate family" means someone with whom the individual has a bona fide relationship established through blood or legal relation, including parents, children, siblings and in-laws.

(3)(a) The Secretary of State shall establish an applicant review panel, consisting of three qualified independent auditors, that is responsible for the screening of the applicants. The

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 panel shall include:

2 (A) One member who is registered with the largest political party in this state, based on
3 party registration;

4 (B) One member who is registered with the second largest political party in this state,
5 based on party registration; and

6 (C) One member who is not registered with either of the two largest political parties in
7 this state.

8 (b) The Secretary of State shall randomly draw names from a pool of all qualified inde-
9 pendent auditors until the names of three qualified independent auditors have been drawn.
10 After the drawing, the Secretary of State shall notify the three qualified independent audi-
11 tors whose names have been drawn that they have been selected to serve on the panel. If
12 any of the three qualified independent auditors decline to serve on the panel, the Secretary
13 of State shall resume the random drawing until three qualified independent auditors who
14 meet the requirements of this subdivision have agreed to serve on the panel.

15 (c) Members of the panel are subject to the conflict of interest provisions described in
16 subsection (2)(b) of this section.

17 (d) As used in this subsection, "qualified independent auditor" means an auditor who is
18 currently employed by the Department of Administrative Services and has been a practicing
19 independent auditor for at least 10 years prior to appointment to the applicant review panel.

20 (4) The commission shall consist of 14 members, selected pursuant to subsections (5) to
21 (10) of this section and appointed by the Governor. The Governor shall appoint:

22 (a) Five members who are registered with the largest political party in this state;

23 (b) Five members who are registered with the second largest political party in this state;
24 and

25 (c) Four members who are not registered with either of the two largest political parties
26 in this state.

27 (5) No later than March 15 in each year ending with the number zero, after removing
28 applicants with conflicts of interest from the applicant pool as described in subsection (2)(b)
29 of this section, the Secretary of State shall publicize the names of the applicants remaining
30 in the applicant pool and provide copies of their applications to the applicant review panel.

31 (6)(a) The applicant review panel shall select commission members in a manner that
32 produces a commission that is independent from legislative influence and reasonably repre-
33 sentative of this state's diversity.

34 (b) To qualify for service on the commission, for at least five years immediately preced-
35 ing the date of an applicant's appointment, the applicant must be:

36 (A) Continuously registered to vote in this state; and

37 (B) Registered with the same political party or unaffiliated with a political party.

38 (c) Each commission member must have voted in two of the last three statewide general
39 elections immediately preceding the member's application.

40 (d) The applicant review panel shall select from the applicant pool 60 qualified applicants
41 who possess the most relevant analytical skills, ability to be impartial and appreciation for
42 the diverse demographics and geography of this state. The panel shall sort the selected ap-
43 plicants into three subpools of 20, including:

44 (A) Twenty applicants who are registered with the largest political party in this state;

45 (B) Twenty applicants who are registered with the second largest political party in this

1 state; and

2 (C) Twenty applicants who are not registered with either of the two largest political
3 parties in this state.

4 (7)(a) No later than May 15 in each year ending in the number zero, the applicant review
5 panel shall present its subpools of recommended applicants to the Secretary of the Senate
6 and the Chief Clerk of the House of Representatives.

7 (b) The members of the panel may not communicate with any member of the Legislative
8 Assembly or the United States Congress, or their agents, about any matter related to the
9 nomination process or applicants prior to the presentation of the pool of recommended ap-
10 plicants to the Secretary of the Senate and the Chief Clerk of the House of Representatives.

11 (8) No later than June 30 in each year ending in the number zero, the President of the
12 Senate, Minority Leader of the Senate, Speaker of the House of Representatives, and Mi-
13 nority Leader of the House of Representatives may each select up to two applicants to be
14 removed from each subpool of 20, for a total of eight possible selections per subpool. After
15 the legislative leaders have made their selections, the Secretary of the Senate and the Chief
16 Clerk of the House of Representatives shall jointly present the pool of remaining names to
17 the Secretary of State.

18 (9) No later than July 5 in each year ending in the number zero, the Secretary of State
19 shall randomly draw eight names from the remaining applicants presented under subsection
20 (8) of this section to serve on the Citizens Redistricting Commission, including:

21 (a) Three names from the remaining subpool of applicants registered with the largest
22 political party in this state;

23 (b) Three names from the remaining subpool of applicants registered with the second
24 largest political party in this state; and

25 (c) Two names from the remaining subpool of applicants who are not registered with ei-
26 ther of the two largest political parties in this state.

27 (10)(a) No later than August 15 in each year ending in the number zero, the eight mem-
28 bers of the commission selected under subsection (9) of this section shall review the re-
29 maining names in the subpools of applicants and select, without the use of formulas or
30 specific ratios, six additional appointees with the relevant analytical skills and ability to be
31 impartial that reflect the diversity of this state, including but not limited to racial, ethnic,
32 geographic and gender diversity, as follows:

33 (A) Two appointees from the remaining subpool of applicants registered with the largest
34 political party in this state;

35 (B) Two appointees from the remaining subpool of applicants registered with the second
36 largest political party in this state; and

37 (C) Two appointees from the remaining subpool of applicants who are not registered with
38 either of the two largest political parties in this state.

39 (b) Approval of the six appointees requires five or more affirmative votes of the com-
40 mission, including at least two votes cast by commission members with each of the two
41 largest political parties in this state and one cast by a commission member who is not reg-
42 istered with either of the two largest political parties in this state.

43 (11) The commission shall select, by a majority vote, one member to serve as the chair
44 and one member to serve as vice chair. The chair and vice chair may not be of the same
45 party.

1 (12)(a) In the event of substantial neglect of duty or gross misconduct in office by a
2 commission member, or if a commission member is unable to discharge the duties of his or
3 her office, the Governor may remove a commission member, provided the Governor:

4 (A) Serves the commission member with written notice;

5 (B) Provides the commission member with an opportunity to respond; and

6 (C) Obtains concurring votes from two-thirds of the members of the Senate.

7 (b) The Governor may refer an incident of substantial neglect of duty or gross miscon-
8 duct in office by a commission member to the Attorney General for criminal prosecution or
9 to the appropriate administrative agency for investigation.

10 (13)(a) If a commission membership becomes vacant, the commission shall fill the va-
11 cancy within 30 days by selecting an appointee from the same subpool of applicants from
12 which the vacating member was selected.

13 (b) If none of the applicants in the applicable subpool are available for service, the Sec-
14 retary of State shall establish a new subpool for that political party category as provided in
15 this section.

16 (14)(a) Commission members may not hold elected public office at the federal, state,
17 county or city level in this state for a period of 10 years beginning on the date of appoint-
18 ment.

19 (b) Commission members may not hold appointive federal, state or local public office, or
20 serve as a paid employee of the United States Congress, the Legislative Assembly, or any
21 individual member of the Legislative Assembly, or register as a federal, state or local
22 lobbyist in this state, for a period of five years beginning on the date of appointment.

23 (15) Commission members shall serve a term of office that expires upon the appointment
24 of the first member of the succeeding commission.

25 (16)(a) The commission shall hire commission staff, legal counsel, and consultants as
26 needed. The commission shall establish clear criteria for the hiring and removal of these
27 individuals, communication protocols and a code of conduct. The commission shall, to the
28 extent applicable, apply the conflicts of interest listed in subsection (2)(b) of this section to
29 the hiring of staff.

30 (b) The Secretary of State shall provide support functions to the commission until the
31 commission staff and office are fully functional.

32 (c) Any individual employed by the commission shall be exempt from the civil service
33 requirements of Article X of this Constitution.

34 (d) The commission shall require that at least one of the legal counsel hired by the
35 commission has demonstrated extensive experience and expertise in implementation and
36 enforcement of the federal Voting Rights Act of 1965 (42 U.S.C. 1971 et seq.).

37 (e) The commission shall make hiring, removal, or contracting decisions related to staff,
38 legal counsel and consultants by nine or more affirmative votes, including at least three
39 votes cast by members registered with each of the two largest political parties in this state
40 and three votes cast by members who are not registered with either of the two largest poli-
41 tical parties in this state.

42 (17) Notwithstanding any other provision of law, no employer shall discharge, threaten
43 to discharge, intimidate, coerce or retaliate against any employee by reason of that
44 employee's attendance or scheduled attendance at any meeting of the commission.

45 (18) The Legislative Assembly shall take all steps necessary to ensure that a complete

1 and accurate computerized database is available to the commission for redistricting, and that
 2 procedures are in place to provide ready public access to redistricting data and computer
 3 software for drawing maps.

4 (19) Members of the first commission shall be compensated at the rate of \$300 for each
 5 day the member is engaged in commission business. For members of each succeeding com-
 6 mission, the rate of compensation shall be adjusted in each year ending in nine according to
 7 the cumulative change in the Consumer Price Index or its successor. Members of the appli-
 8 cant review panel and the commission are eligible for reimbursement of personal expenses
 9 incurred in connection with the duties performed pursuant to this section. A member's res-
 10 idence is deemed to be the member's post of duty for purposes of reimbursement of expenses.

11 SECTION 6a. (1) Notwithstanding the calendar deadlines regarding the formation and
 12 establishment of the Citizens Redistricting Commission that are set forth in section 6 of this
 13 Article, the commission shall be formed and established in 2020 in a manner adopted by the
 14 Secretary of State by administrative rule. The timeframe adopted by the secretary under
 15 this section shall:

16 (a) Ensure that the commission is created by no later than December 31, 2020; and

17 (b) Apart from the calendar deadlines, to the degree practicable, follow the requirements
 18 for formation and establishment of the commission that are set forth in section 6 of this
 19 Article.

20 (2) This section is repealed on January 2, 2023.

21 SECTION 7. (1) The Citizens Redistricting Commission shall:

22 (a) Conduct an open and transparent process enabling full public input, including con-
 23 sideration of and comment on the drawing of district lines;

24 (b) Draw district lines according to the redistricting criteria specified in this section; and

25 (c) Conduct all business of the commission with integrity and fairness.

26 (2)(a) Nine members of the commission constitutes a quorum.

27 (b) Official action by the commission requires an affirmative vote by nine or more
 28 members.

29 (c) Approval of the final redistricting maps described in subsection (8) of this section
 30 requires nine or more affirmative votes, including at least three votes cast by members
 31 registered with each of the two largest political parties in this state and three cast by
 32 members who are not registered with either of the two largest political parties in this state.

33 (d) Commission members shall act impartially and in a manner that reinforces public
 34 confidence in the integrity of the redistricting process.

35 (3)(a) The commission shall comply with state law governing public records and meetings.
 36 The commission shall provide not less than 14 days' public notice for each meeting held for
 37 the purpose of receiving public comment, except that meetings held in August in the year
 38 ending in the number one may be held with three days' notice.

39 (b) The records of the commission pertaining to redistricting and all data considered by
 40 the commission are public records that will be posted in a manner that ensures immediate
 41 and widespread public access.

42 (c) Commission members and staff may not discuss, or initiate or receive communi-
 43 cations about, redistricting matters outside of a public hearing. This paragraph does not
 44 prohibit communication between commission members, staff, legal counsel, and consultants
 45 retained by the commission that is otherwise permitted by Oregon public records law and

1 **Oregon public meetings law or their successors outside of a public hearing.**

2 **(4) The commission shall use a mapping process to establish single-member districts for**
 3 **the Senate, the House of Representatives and the United States Congress to:**

4 **(a) Comply with provisions of the United States Constitution and the federal Voting**
 5 **Rights Act (42 U.S.C. 1971 et seq.).**

6 **(b) Achieve population equality as nearly as is practicable, so that each senatorial district**
 7 **and House of Representatives district has a population that is as equal as is practicable to**
 8 **the populations of other districts represented by the same office, except where deviation is**
 9 **required to comply with the federal Voting Rights Act or allowable by law.**

10 **(c) Be geographically contiguous.**

11 **(d) Respect the geographic integrity and minimize the division of a city, county, city and**
 12 **county, local neighborhood or contiguous population that shares common social and eco-**
 13 **nomic interests that should be included within a single district for purposes of its effective**
 14 **and fair representation. Common social and economic interests are those common to an ur-**
 15 **ban area, a rural area, an industrial area or an agricultural area and those common to areas**
 16 **in which the people share similar living standards, use the same transportation facilities,**
 17 **have similar work opportunities or have access to the same media of communication rele-**
 18 **vant to the election process. Common social and economic interests do not include relation-**
 19 **ships with political parties, incumbents or political candidates.**

20 **(e) Encourage geographical compactness so that nearby areas of population are not by-**
 21 **passed for more distant areas of population.**

22 **(f) Compose each Senate district of two whole and adjacent House districts.**

23 **(5) The commission may not consider the place of residence of any incumbent or political**
 24 **candidate, or favor or discriminate against an incumbent or political candidate or a political**
 25 **party when establishing districts under this section.**

26 **(6) Districts for the Senate, the House of Representatives and the United States Congress**
 27 **shall be numbered consecutively commencing at the northern boundary of the state and**
 28 **ending at the southern boundary.**

29 **(7)(a) The commission shall establish and implement an open hearing process for public**
 30 **input and deliberation, including:**

31 **(A) Public notice;**

32 **(B) Public outreach to solicit broad public participation;**

33 **(C) Public hearings to receive public comment before the commission draws any redis-**
 34 **tricting maps;**

35 **(D) Public hearings following the drawing and display of any redistricting maps; and**

36 **(E) Other activities as appropriate to further increase opportunities for the public to**
 37 **observe and participate in the review process.**

38 **(b) On or before July 1 of each year ending in the number one, the commission shall**
 39 **display the redistricting maps for public comment in a manner designed to achieve the widest**
 40 **public access reasonably possible and shall accept public comment for a minimum of a 14-day**
 41 **period, beginning on the first day of public display of the first preliminary statewide maps**
 42 **of districts for the Senate, House of Representatives or United States Congress. The com-**
 43 **mission shall not display any other map for public comment during the 14-day period.**

44 **(c) Public comment shall be taken for at least seven days from the date of public display**
 45 **of any subsequent preliminary statewide maps and for at least three days from the date of**

1 public display of any final statewide maps.

2 (8) No later than August 15 in 2021, and in each year ending in the number one there-
3 after, the commission shall approve and certify to the Secretary of State three final maps
4 that separately set forth the district boundary lines for the Senate, the House of Represen-
5 tatives and the United States Congress.

6 (9)(a) Each certified final map shall be subject to referendum in the same manner that
7 a statute is subject to referendum pursuant to section 1 of this Article.

8 (b) The commission shall issue, with each of the three final maps, a report that includes
9 an explanation of the basis on which the commission established the districts and achieved
10 compliance with the criteria listed in subsection (4) of this section and definitions of the
11 terms and standards used in drawing each final map.

12 (c) The date of certification of a final map to the Secretary of State shall be deemed the
13 enactment date for purposes of section 28 of this Article.

14 (10) If the commission does not approve a final map by at least the requisite votes or if
15 electors disapprove a certified final map in a referendum, the Secretary of State shall im-
16 mediately petition the Supreme Court for an order directing the appointment of special
17 masters to adjust the boundary lines of that map in accordance with the criteria described
18 in subsection (4) of this section. Upon its approval of the masters' map, the court shall cer-
19 tify the resulting map to the Secretary of State as the certified final map for the type of
20 district it depicts.

21 (11)(a) In each year ending in nine, there shall be included in the state budget amounts
22 for funding for the Secretary of State and the Citizens Redistricting Commission that are
23 sufficient to meet the estimated expenses of each of those officers or entities in implement-
24 ing the redistricting process required by this section for a three-year period, including but
25 not limited to adequate funding for a statewide outreach program to solicit broad public
26 participation in the redistricting process, including the solicitation of applicants.

27 (b) The Governor shall make adequate office and meeting space available for the opera-
28 tion of the commission.

29 (c) The Legislative Assembly shall make the necessary appropriation in the Program
30 Change Bill, and the appropriation shall be available during the entire three-year period.

31 (d) The appropriation made shall be equal to the greater of \$3,000,000, or the amount
32 expended pursuant to this subsection in the immediately preceding redistricting process, as
33 each amount is adjusted by the cumulative change in the Consumer Price Index, or its suc-
34 cessor, since the date of the immediately preceding appropriation made pursuant to this
35 subdivision.

36 (e) The Legislative Assembly may make additional appropriations in any year in which
37 it determines that the commission requires additional funding in order to fulfill its duties.

38 (12) The commission, with fiscal oversight from the office of the State Treasurer, shall
39 have procurement and contracting authority and may hire staff and consultants, exempt
40 from the civil service requirements of Article X of this Constitution, for the purposes of this
41 section, including legal representation.

42
43 **PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the
44 people for their approval or rejection at a special election held throughout this state on the
45 same date as the next primary election.

