

## SB 259 A -A4, -A5 STAFF MEASURE SUMMARY

### House Committee On Rules

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**Prepared By:** Michael Lantz

**Meeting Dates:** 6/1, 6/2

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#### WHAT THE MEASURE DOES:

Modifies Oregon statutory deadlines for congressional redistricting and judicial review. Establishes filing deadlines for candidacy paperwork for the May 17, 2022 nominating election. Permits the Oregon Secretary of State to adopt rules revising and establishing additional deadlines or filing dates to ensure the fair and orderly nomination or election of candidates while implementing the revised deadlines adopted by the Oregon Supreme Court and Legislative Assembly. Makes findings. Sunsets on January 2, 2023. Declares emergency, effective on passage.

#### ISSUES DISCUSSED:

- Current process for congressional redistricting
- Delays to release of 2020 U.S. Census data
- Effects of amendments

#### EFFECT OF AMENDMENT:

-A4 Modifies certain dates in Section 1 of measure related to filing deadlines for elector petitions and later review of reapportionment plans by the Oregon Supreme Court. Requires Chief Justice of Oregon Supreme Court to appoint special Judicial panel by September 28, 2021. Directs special judicial panel and Oregon Supreme Court to set schedule for oral arguments and receipt of written memoranda and supporting evidence.

-A5 Modifies certain dates in Section 1 of measure related to filing deadlines for elector petitions and later review of reapportionment plans by the Oregon Supreme Court. Requires Chief Justice of Oregon Supreme Court to appoint special Judicial panel by September 28, 2021. Directs special judicial panel and Oregon Supreme Court to set schedule for oral arguments and receipt of written memoranda and supporting evidence. Clarifies that Oregon Supreme Court may decide whether to hear oral arguments.

#### BACKGROUND:

Federal law requires the United States Census Bureau to release the data used for redistricting to the states by March 31 of the year following the decennial census. (13 U.S.C.A. § 141). The Oregon State Constitution and state statute then require the Legislative Assembly to complete the redistricting of legislative and congressional districts respectively by July 1 of that same year (Or. Const. art. 4, § 6 and ORS 188.125). Related provisions specify the deadlines and processes by which redistricting can be completed should the Legislative Assembly fail to enact a plan or the enacted plan is challenged. Due to the COVID-19 pandemic, and other unanticipated events, the Census Bureau has announced that the release of the redistricting data will be delayed until August 2021. In response, the Oregon Supreme Court granted a request by the Legislative Assembly to modify the constitutional deadlines related to the redistricting of legislative districts on a one-time basis to account for the delays. (*State ex rel. Kotek v. Fagan*, 367 Or. 803 (2021)). However, the Supreme Court was not asked to modify the statutory deadlines related to the redistricting of congressional districts and did not address it in its opinion.

Senate Bill 259 A modifies certain statutory deadlines related to congressional redistricting, judicial review, and the May 2022 primary elections.