

FISCAL IMPACT OF PROPOSED LEGISLATION

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office

Measure: SB 259 - A5

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Prescribes the process of adjudicating the reapportionment of Oregon's congressional districts. Establishes alternative deadlines for judicial review of the redistricting process. Allows the Oregon Supreme Court to decide whether to hear oral arguments in an elector's petition of a reapportionment plan.

Government Unit(s) Affected:

Oregon Judicial Department (OJD), Secretary of State (SOS), Department of Justice (DOJ), Legislative Assembly

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

Senate Bill 259, as amended by the -A5 amendments, modifies the A-engrossed version. The measure prescribes the process of adjudicating the reapportionment of Oregon's congressional districts and establishes alternative deadlines for judicial review of the redistricting process in 2021. It changes the candidacy filing deadlines for certain officeholders for the May 17, 2022 nominating (primary) election, pending approval of the final reapportionment maps. The measure allows SOS to adopt new administrative rules that revise and establish additional deadlines or filing dates to ensure the fair and orderly nomination or election of candidates, with respect to the revised deadlines adopted by the Oregon Supreme Court and the Legislative Assembly. The measure takes effect on passage and is repealed on January 2, 2023.

Oregon Judicial Department

The measure would have an indeterminate fiscal impact on the Oregon Judicial Department (OJD). As part of the judicial review of the redistricting process, the Oregon Supreme Court will need to appoint a special master and a special judicial panel, and the court will need approve congressional redistricting maps. The measure shortens the timeline for the redistricting process, including any legal challenges. Under ORS 188.125, a petition challenging congressional redistricting maps would normally be due by August 1 of the year after the decennial U.S. census, and the Oregon Supreme Court would approve final maps by December 15 of that year (i.e., 18 weeks total). Under the measure, however, a petition challenging congressional redistricting maps is not due until October 12, 2021, and the Oregon Supreme Court must review final maps by February 7, 2022 at the latest (i.e., 16 weeks total). The shortened timelines for decisions by the special judicial panel and the Oregon Supreme Court may result in necessary overtime for staff who support OJD judges. The amount of overtime expenses will likely depend on several factors, including the number of petitions filed, the amount of evidence received, the length and complexity of the judicial record developed by the special judicial panel, and whether the Oregon Supreme Court decides to hear oral arguments in a petition of a reapportionment plan.

Department of Justice

The measure would have a minimal fiscal impact on the Department of Justice (DOJ). DOJ would litigate the merits of any petition challenging a reapportionment plan before the special judicial panel or the Oregon Supreme Court on behalf of SOS. DOJ represents state agencies in court as part of its regular business, so the department would be able to absorb the impact of litigating a reapportionment plan.

Secretary of State

The measure would have a minimal fiscal impact on the Secretary of State (SOS or the Secretary). SOS will need to promulgate new administrative rules to ensure elections officials, candidates, and other stakeholders are informed of any changes in elections processes, thus ensuring compliance with the measure and with the Oregon Supreme Court’s decision in *State ex rel. Kotek v. Fagan*, 367 Or. 803 (2021). SOS would also be required to make minimal modifications to the Oregon Elections System for Tracking and Reporting (ORESTAR) to ensure certain candidates file only within the time period established by the measure. And while the Secretary would be named as the respondent in any petitions challenging a reapportionment plan, the Department of Justice would represent SOS in litigating the matter before the special judicial panel or the Oregon Supreme Court.

Legislative Assembly

The measure would not have a fiscal impact on the Legislative Assembly.