

# House Joint Resolution 16

Sponsored by Representative NOBLE (at the request of former Representative A. Richard Vial)

## 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 to modify legislative districts so that each legislative district elects, on nonpartisan basis, one Senator and two at-large Representatives, all to four year term. Directs that candidate with highest vote total is elected Senator and that candidates with second and third highest votes are elected Representatives. For legislative terms of office that commence on or after January 1, 2023, limits number of successive terms legislator may serve to two, without regard to legislative chamber in which legislator serves.

Refers proposed amendment to voters for their approval or rejection at next succeeding regular general 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 amending sections 2, 4, 6 and 7 of Article IV, such sections to read:

**Sec. 2.** *[The Senate shall consist of sixteen, and the House of Representatives of thirty four members, which number shall not be increased until the year Eighteen Hundred and Sixty, after which time the Legislative Assembly may increase the number of Senators and Representatives, always keeping as near as may be the same ratio as to the number of Senators, and Representatives: Provided that the Senate shall never exceed thirty and the House of Representatives sixty members.]* **(1) The Legislative Assembly shall consist of 30 districts, each represented by a Senator and two Representatives who are elected at large within the district and who are elected in a nonpartisan capacity. The number of candidates who initially run in a primary election for a legislative district and who advance to a general election in the legislative district shall be determined as prescribed by law. In the regular general election for the legislative district, the legislative candidate with the highest vote total shall be elected to the Senate and the candidates with the next two highest vote totals shall be elected to the House of Representatives.**

**(2) Notwithstanding subsection (1) of this section, if a candidate for a seat in the legislative district receives more than 50 percent of the total number of votes cast in the primary election for that legislative district, that candidate shall be elected as Senator from that legislative district in the next four year term of office and need not stand for election in the regular general election.**

**Sec. 4.** (1) *[The] Senators and Representatives* shall be elected for the term of four years[, and Representatives for the term of two years]. The term of each Senator and Representative shall commence on the second Monday in January following *[his] their* election, and shall continue for the full period of four years *[or two years, as the case may be,]* unless a different commencing day for such terms shall have been appointed by law.

(2) *[The Senators]* **Legislative districts** shall continue to be divided into two classes[, *in accordance with the division by lot provided for under the former provisions of this Constitution,*] so that

**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 one-half, as nearly as possible, of the number of [*Senators shall be elected*] **legislative districts shall**  
2 **conduct elections** biennially.

3 [*(3) Any Senator or Representative whose term, under the former provisions of this section, would*  
4 *have expired on the first Monday in January 1961, shall continue in office until the second Monday*  
5 *in January 1961.*]

6 **(3) For terms of office that commence on or after January 1, 2023, a legislator may not**  
7 **be elected to more than two successive terms of office determined without regard to the**  
8 **legislative chamber in which the legislator serves.**

9 **Sec. 6.** (1) At the odd-numbered year regular session of the Legislative Assembly next following  
10 an enumeration of the inhabitants by the United States Government, [*the number of Senators and*  
11 *Representatives shall be fixed by law and apportioned among*] legislative districts **shall be appor-**  
12 **tioned based on** [*according to*] population. A [*senatorial district shall consist of two representative*  
13 *districts*] **legislative district shall elect a Senator and two Representatives at large within the**  
14 **boundaries of the legislative district.** Any Senator or Representative whose term continues  
15 through the next odd-numbered year regular legislative session after the operative date of the re-  
16 apportionment shall be specifically assigned to a [*senatorial*] **legislative** district. The ratio of Sen-  
17 ators [*and Representatives, respectively,*] to population shall be determined by dividing the total  
18 population of the state by [*the number of Senators and by the number of Representatives*] **30 and**  
19 **assigning Representatives among legislative districts as prescribed in section 2 of this**  
20 **Article.** A reapportionment by the Legislative Assembly becomes operative as described in sub-  
21 section (6) of this section.

22 (2) This subsection governs judicial review and correction of a reapportionment enacted by the  
23 Legislative Assembly.

24 (a) Original jurisdiction is vested in the Supreme Court, upon the petition of any elector of the  
25 state filed with the Supreme Court on or before August 1 of the year in which the Legislative As-  
26 sembly enacts a reapportionment, to review any reapportionment so enacted.

27 (b) If the Supreme Court determines that the reapportionment thus reviewed complies with  
28 subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written  
29 opinion on or before September 1 of the same year and the reapportionment becomes operative as  
30 described in subsection (6) of this section.

31 (c) If the Supreme Court determines that the reapportionment does not comply with subsection  
32 (1) of this section and all law applicable thereto, the reapportionment shall be void. In its written  
33 opinion, the Supreme Court shall specify with particularity wherein the reapportionment fails to  
34 comply. The opinion shall further direct the Secretary of State to draft a reapportionment of the  
35 Senators and Representatives in accordance with the provisions of subsection (1) of this section and  
36 all law applicable thereto. The Supreme Court shall file its order with the Secretary of State on or  
37 before September 15. The Secretary of State shall conduct a hearing on the reapportionment at  
38 which the public may submit evidence, views and argument. The Secretary of State shall cause a  
39 transcription of the hearing to be prepared which, with the evidence, shall become part of the re-  
40 cord. The Secretary of State shall file the corrected reapportionment with the Supreme Court on or  
41 before November 1 of the same year.

42 (d) On or before November 15, the Supreme Court shall review the corrected reapportionment  
43 to assure its compliance with subsection (1) of this section and all law applicable thereto and may  
44 further correct the reapportionment if the court considers correction to be necessary.

45 (e) The corrected reapportionment becomes operative as described in subsection (6) of this sec-

1 tion.

2 (3) This subsection governs enactment, judicial review and correction of a reapportionment if  
 3 the Legislative Assembly fails to enact any reapportionment by July 1 of the year of the odd-  
 4 numbered year regular session of the Legislative Assembly next following an enumeration of the  
 5 inhabitants by the United States Government.

6 (a) The Secretary of State shall make a reapportionment of the Senators and Representatives in  
 7 accordance with the provisions of subsection (1) of this section and all law applicable thereto. The  
 8 Secretary of State shall conduct a hearing on the reapportionment at which the public may submit  
 9 evidence, views and argument. The Secretary of State shall cause a transcription of the hearing to  
 10 be prepared which, with the evidence, shall become part of the record. The reapportionment so made  
 11 shall be filed with the Supreme Court by August 15 of the same year. The reapportionment becomes  
 12 operative as described in subsection (6) of this section.

13 (b) Original jurisdiction is vested in the Supreme Court upon the petition of any elector of the  
 14 state filed with the Supreme Court on or before September 15 of the same year to review any re-  
 15 apportionment and the record made by the Secretary of State.

16 (c) If the Supreme Court determines that the reapportionment thus reviewed complies with  
 17 subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written  
 18 opinion on or before October 15 of the same year and the reapportionment becomes operative as  
 19 described in subsection (6) of this section.

20 (d) If the Supreme Court determines that the reapportionment does not comply with subsection  
 21 (1) of this section and all law applicable thereto, the reapportionment shall be void. The Supreme  
 22 Court shall return the reapportionment by November 1 to the Secretary of State accompanied by a  
 23 written opinion specifying with particularity wherein the reapportionment fails to comply. The  
 24 opinion shall further direct the Secretary of State to correct the reapportionment in those partic-  
 25 ulars, and in no others, and file the corrected reapportionment with the Supreme Court on or before  
 26 December 1 of the same year.

27 (e) On or before December 15, the Supreme Court shall review the corrected reapportionment  
 28 to assure its compliance with subsection (1) of this section and all law applicable thereto and may  
 29 further correct the reapportionment if the court considers correction to be necessary.

30 (f) The reapportionment becomes operative as described in subsection (6) of this section.

31 (4) Any reapportionment that becomes operative as provided in this section is a law of the state  
 32 except for purposes of initiative and referendum.

33 (5) Notwithstanding section 18, Article II of this Constitution, after the convening of the next  
 34 odd-numbered year regular legislative session following the reapportionment, a Senator **or Repre-**  
 35 **sentative** whose term continues through that legislative session is subject to recall by the electors  
 36 of the district to which the Senator **or Representative** is assigned and not by the electors of the  
 37 district existing before the latest reapportionment. The number of signatures required on the recall  
 38 petition is 15 percent of the total votes cast for all candidates for Governor at the most recent  
 39 election at which a candidate for Governor was elected to a full term in the [*two representative*  
 40 *districts comprising the senatorial*] **legislative** district to which the Senator **or Representative** was  
 41 assigned.

42 (6)(a) Except as provided in paragraph (b) of this subsection, a reapportionment made under this  
 43 section becomes operative on the second Monday in January of the next odd-numbered year after  
 44 the applicable deadline for making a final reapportionment under this section.

45 (b) For purposes of electing Senators and Representatives to the next term of office that com-

1 mences after the applicable deadline for making a final reapportionment under this section, a reap-  
2 portionment made under this section becomes operative on January 1 of the calendar year next  
3 following the applicable deadline for making a final reapportionment under this section.

4 **Sec. 7.** A [senatorial] **legislative** district, when more than one county shall constitute the same,  
5 shall be composed of contiguous counties, and no county shall be divided in creating such  
6 [senatorial] **legislative** districts. [*Senatorial or representative districts comprising not more than one*  
7 *county may be divided into subdistricts from time to time by law. Subdistricts shall be composed of*  
8 *contiguous territory within the district; and the ratios to population of senators or representatives, as*  
9 *the case may be, elected from the subdistricts, shall be substantially equal within the district.*]

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11 **PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the  
12 people for their approval or rejection at the next regular general election held throughout  
13 this state.  
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