

Senate Joint Resolution 14

Sponsored by Senator SMITH DB (Presession 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The measure asks voters to change the number of Senators in the Oregon Senate from 30 to 36 with each Senator from a county. The measure asks voters to say yes or no to this change at the next general election. (Flesch Readability Score: 62.2).

Proposes an amendment to the Oregon Constitution to increase the number of Senators serving in Legislative Assembly to 36 and to modify Senate legislative districts to be coterminous with county boundaries.

Refers the proposed amendment to the people for approval or rejection at the next 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 repealing section 7, Article IV, and by amending sections 2 and 6, 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]* **thirty-six members, one member from each county of this state,** and the House of Representatives sixty members. **The county from which a Senator is elected shall constitute the legislative district of the Senator.**[-]

Sec. 6. (1) At the odd-numbered year regular session of the Legislative Assembly next following an enumeration of the inhabitants by the United States Government, the number of *[Senators and] Representatives shall be fixed by law and apportioned among legislative districts according to population. [A senatorial district shall consist of two representative districts. Any Senator whose term continues through the next odd-numbered year regular legislative session after the operative date of the reapportionment shall be specifically assigned to a senatorial district. The ratio of Senators and Representatives, respectively, to population shall be determined by dividing the total population of the state by the number of Senators and by the number of Representatives.]* A reapportionment by the Legislative Assembly becomes operative as described in subsection *[(6)] (5)* of this section.

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

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

(b) If the Supreme Court determines that the reapportionment thus reviewed complies with subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written

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 opinion on or before September 1 of the same year and the reapportionment becomes operative as
2 described in subsection [(6)] (5) of this section.

3 (c) If the Supreme Court determines that the reapportionment does not comply with subsection
4 (1) of this section and all law applicable thereto, the reapportionment shall be void. In its written
5 opinion, the Supreme Court shall specify with particularity wherein the reapportionment fails to
6 comply. The opinion shall further direct the Secretary of State to draft a reapportionment of the
7 [Senators and] Representatives in accordance with the provisions of subsection (1) of this section
8 and all law applicable thereto. The Supreme Court shall file its order with the Secretary of State
9 on or before September 15. The Secretary of State shall conduct a hearing on the reapportionment
10 at which the public may submit evidence, views and argument. The Secretary of State shall cause
11 a transcription of the hearing to be prepared which, with the evidence, shall become part of the
12 record. The Secretary of State shall file the corrected reapportionment with the Supreme Court on
13 or before November 1 of the same year.

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

17 (e) The corrected reapportionment becomes operative as described in subsection [(6)] (5) of this
18 section.

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

23 (a) The Secretary of State shall make a reapportionment of the [Senators and] Representatives
24 in accordance with the provisions of subsection (1) of this section and all law applicable thereto.
25 The Secretary of State shall conduct a hearing on the reapportionment at which the public may
26 submit evidence, views and argument. The Secretary of State shall cause a transcription of the
27 hearing to be prepared which, with the evidence, shall become part of the record. The reapportion-
28 ment so made shall be filed with the Supreme Court by August 15 of the same year. The reappor-
29 tionment becomes operative as described in subsection [(6)] (5) of this section.

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

33 (c) If the Supreme Court determines that the reapportionment thus reviewed complies with
34 subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written
35 opinion on or before October 15 of the same year and the reapportionment becomes operative as
36 described in subsection [(6)] (5) of this section.

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

44 (e) On or before December 15, the Supreme Court shall review the corrected reapportionment
45 to assure its compliance with subsection (1) of this section and all law applicable thereto and may

1 further correct the reapportionment if the court considers correction to be necessary.

2 (f) The reapportionment becomes operative as described in subsection [(6)] (5) of this section.

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

5 *[(5) Notwithstanding section 18, Article II of this Constitution, after the convening of the next*
6 *odd-numbered year regular legislative session following the reapportionment, a Senator whose term*
7 *continues through that legislative session is subject to recall by the electors of the district to which the*
8 *Senator is assigned and not by the electors of the district existing before the latest reapportionment.*
9 *The number of signatures required on the recall petition is 15 percent of the total votes cast for all*
10 *candidates for Governor at the most recent election at which a candidate for Governor was elected to*
11 *a full term in the two representative districts comprising the senatorial district to which the Senator*
12 *was assigned.]*

13 [(6)(a)] (5)(a) Except as provided in paragraph (b) of this subsection, a reapportionment made
14 under this section becomes operative on the second Monday in January of the next odd-numbered
15 year after the applicable deadline for making a final reapportionment under this section.

16 (b) For purposes of electing [*Senators and*] Representatives to the next term of office that com-
17 mences after the applicable deadline for making a final reapportionment under this section, a reap-
18 portionment made under this section becomes operative on January 1 of the calendar year next
19 following the applicable deadline for making a final reapportionment under this section.

20
21 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**
22 **people for their approval or rejection at the next regular general election held throughout**
23 **this state.**