

KATE BROWN
SECRETARY OF STATE



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ELECTIONS—(503) 986-1518

July 20, 2009

To All Interested Parties:

Secretary of State Kate Brown is responsible for the pre-election review of proposed initiative petitions for compliance with the procedural constitutional requirements established in the Oregon Constitution for initiative petitions. This review will be completed before approving the form of the cover and signature sheets for the purpose of circulating the proposed initiative petition to gather signatures.

The Secretary of State is seeking public input on whether proposed initiative petition (#50), satisfies the procedural constitutional requirements for circulation as a proposed initiative petition. Petition #50 was filed in our office on July 18, 2009, by Eugene Derfler, Nikki Whitty and Wayne Brady, for the General Election of November 2, 2010.

Enclosed is a copy of the text of this proposed initiative petition. If you are interested in providing comments on whether the proposed initiative petition meets the procedural constitutional requirements, please write to the secretary at the Elections Division. Your comments, if any, must be received by the Elections Division no later than August 10, 2009, in order for them to be considered in the review.

KATE BROWN
Secretary of State

BY:

Carla Corbin
Compliance Specialist

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In order to establish an independent, non-partisan commission to carry out reapportionment of legislative districts and to avoid partisan, self-interested action by legislators in drawing legislative district lines, the Constitution of the State of Oregon is amended by repealing section 6, Article IV, and by adopting the following new section 6 in lieu thereof:

SECTION 6. (1) In each year ending in the number one, Senators and Representatives shall be apportioned among legislative districts according to population and a redistricting plan adopted in the manner provided in this Section. A senatorial district shall consist of two representative districts. Any senator whose term continues through the next regular legislative session after the operative date of the redistricting plan 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.

(2) Not later than January 31 of each year ending in the number one, a Redistricting Commission shall be established to provide for the redistricting of state legislative districts.

(3)(a) The Commission shall be composed of one Senior Circuit Court Judge from each of the then-existing congressional districts.

(b) Each Commission member shall be chosen by the Chief Justice of the Oregon Supreme Court, subject to the approval of the majority of the members of the Supreme Court, from among the Senior Circuit Court Judges who reside in each congressional district. The appointments shall be subject to the following limitations:

(A) No more than one Commission member may reside in any one county.

(B) No Commission member may have served:

(i) In a partisan government elective office, or have served in a political party elective office as an officer (other than precinct committee person), during the 20 years previous to the person's appointment to the Commission; or

(ii) On a previous Commission.

(c) Any vacancy on the Commission shall be filled by the Chief Justice, subject to the approval of a majority of the members of the Supreme Court, from the congressional district in which the vacating Commissioner resided.

(d) As used in this section, "Senior Circuit Court Judge" means a person who has retired from the full-time office of Circuit Court Judge, but has continued in part-time judicial service, under the direction of the Oregon Supreme Court, within a retirement plan for judges.

(4)(a) The Commission is a part of the Judicial Department of state government for budgeting and administrative purposes.

(b) Notwithstanding paragraph (a) of this subsection, the Commission shall comply with all laws on the disclosure of records and the openness of meetings that apply to the Executive Department of state government.

(c) The Commission shall elect a chair from among its own members. The chair shall preside over the proceedings of the Commission and shall, subject to the approval of the Commission, select an executive director to assist the Commission in the execution of its duties. All additional staff support and services for the Commission shall be provided for

by the Office of the Secretary of State, provided that such staff support and services shall be under the direction of the Commission, its chair, and its executive director.

(5) An affirmative vote of a majority of Commission members is necessary for the adoption of any Preliminary or Final Redistricting Plan. In all other respects, the Commission may establish its own rules and procedures as necessary to accomplish its work. The Commission shall not be subject to statutory restrictions or directives affecting its decisions.

(6) The Commission or the Supreme Court, whichever is applicable, shall consider the following criteria when apportioning the state into legislative districts:

(a) Each district, as nearly as practicable, shall:

(A) Be contiguous;

(B) Be of equal population;

(C) Utilize existing geographic or political boundaries;

(D) Not divide communities of common interest; and

(E) Be connected by transportation links.

(b) No district shall be drawn for the purpose of favoring any political party, incumbent legislator or other person.

(c) No district shall be drawn for the purpose of affecting the voting strength of any language or ethnic minority group.

(d) Two state House of Representative districts shall be wholly included within a single state senatorial district.

(7) The Commission shall adopt a Preliminary Redistricting Plan as soon as practicable following the enumeration of the inhabitants of this state by the United States government, but not later than June 1. Upon adoption of the Preliminary Redistricting Plan, the Commission shall receive public comment and shall conduct at least one public hearing in each congressional district to receive public testimony regarding the Preliminary Redistricting Plan.

(8) After conducting public hearings, the Commission shall adopt a Final Redistricting Plan no later than September 1.

(9) Original jurisdiction is vested in the Oregon Supreme Court, upon the petition of any 15 electors of the state filed with the Supreme Court on or before October 1 of the year in which the Final Redistricting Plan is adopted, to review the Final Redistricting Plan.

(10) If, upon challenge properly filed with the Supreme Court, the Court determines that the Final Redistricting Plan conforms to the requirements of the United States Constitution and the Oregon Constitution, it shall dismiss the challenge and approve the plan. No error or errors by the Commission shall be grounds for modification of the Final Redistricting Plan unless the error or errors constitute a violation of this Constitution or of the United States Constitution. If any such violation is found, the Supreme Court may itself correct the Final Redistricting Plan, or take such other action as it deems necessary to remedy the violation. The Supreme Court shall render its final decision as to any challenge no later than December 31 of the same year the Final Redistricting Plan was adopted by the Commission.

(11) If the Commission does not adopt a Final Redistricting Plan by September 1, then the Commission shall be disbanded and the Supreme Court shall prepare the Final Redistricting Plan by December 31 of the same year the plan was due from the

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Commission. The Supreme Court may appoint one or more Senior Circuit Court Judges as special masters to assist with the Final Redistricting Plan. The Supreme Court shall conduct a hearing on the reapportionment at which the public may submit evidence, views and argument.

(12) A Final Redistricting Plan that is approved or prepared by the Supreme Court or for which no challenge is timely filed is not subject to revision by any Act of the Legislative Assembly.

(13) The reapportionment shall be operative on December 31 of the same year the plan was due from the Commission. Upon completion of this reapportionment process, the Commission shall be disbanded.

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

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

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