

Governance Updates

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By Norman Turrill, Governance Coordinator

Redistricting (Norman Turrill)

This is fascinating. The [Census Bureau announced Friday](#) that it will not deliver to all states the data that is necessary for congressional and legislative redistricting until about Sept. 30, 2021. This means that neither the legislature (with a constitutional deadline of July 1) nor the Secretary of State (with a constitutional deadline of August 15) will be able to do legislative redistricting without something extraordinary happening. There is discussion in the legislature of requesting the Oregon Supreme Court for a [writ of mandamus](#) to delay the above deadlines that are in the Oregon Constitution.

Further, the congressional redistricting cannot be done without the legislature amending [ORS 188.125](#), because ORS 188.125 (as amended in 2013 and never used) specifies that a lawsuit challenging congressional redistricting must be filed by August 1. Such a lawsuit challenging congressional redistricting would have triggered the Chief Justice of the Oregon Supreme Court to appoint a panel of five state judges to do the redistricting. However, that now cannot happen.

The [Senate](#) redistricting committee this week heard from Legislative Counsel about census delays and potential legal remedies, and from the

PSU Population Research Center about Oregon's racial and ethnic makeup and population shifts. The [House](#) redistricting committee also heard this week about the data delays and potential legal remedies, but then heard from Legislative Policy and Research Office about potential alternative data sources for redistricting, and from National Conference of State Legislatures (NCSL) about how other states are adjusting to the census data delays.

The Oregon Constitution says, “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.” Since the constitutional deadlines for legislative redistricting will be passed before the census data arrives, if nothing else happens, this could mean that the legislature will have to wait until 2023 to do the job. Since filing for the 2022 elections begins in September, legislators may have to run in the current districts in 2022.

Alternative scenarios have emerged on how redistricting could happen this year. Since the Oregon Constitution does not explicitly require the use of census data, either the legislature or the SoS could draw “slapdash” maps based on other data such as DMV driver or utility records, thus meeting their constitutional deadlines. See this [House Redistricting hearing](#) for a discussion of such alternative data sources. Such maps would inevitably be challenged in the courts, which would likely result in the SoS being ordered to correct the maps. The SoS would then have up to Dec.1 to use the census data to redraw the district maps. Alternatively, there is nothing to prevent the legislature from passing new midterm redistricting bills for both congressional and legislative districts. Stay tuned!

Rules Committees

This week the Senate and House rules committees [met together](#) to hear from Secretary of State Shemia Fagan. Later in the week, House Rules heard [testimony from the League](#) and others on [HB 2226](#) and [HB 2687](#) about mailed ballots being accepted if postmarked by election day. See below for other bills in the House Rules committee.

Election Topics (Becky Gladstone)

Numerous volunteers cover elections issues. Please read here for developments this week for some elections bills, also privacy and emergency preparedness, time allowing. Earlier weekly reports list action on other bills being followed as they appear in committee public hearings. A number of these bills will be heard in concurrently convening hearings. Testimony will be submitted and presented, schedules allowing. Hearings are being postponed for weather.

[HB 2385](#) directs the DoR (Dept of Revenue) to develop, implement, and maintain software and a database related to online tax filing. This relates to League interest in expanding automatic voter registration, ensuring that any efficiency compatibility forecasting is considered, and to ensuring cybersecurity. We plan to testify to this bill, Feb. 17, 3.15pm in House Revenue.

[HB 2459](#) defines video conference “conversations” in statute to prohibit recording if participants aren’t informed of recording and provides for penalties. We plan to testify to this bill, Feb. 17, 3.15pm, in the House Judiciary subcommittee on Civil Law.

[HB 2679](#) allows voters 17 years old at primary election dates, and 18 at general elections to nominate in primaries, political parties allowing. LWVUS advice was reiterated that despite League positions not listing a specific age, a number of leagues have supported this concept, based on the League “Right to Vote” position. We hope the distinction is clear. See our review of current practice nationally, with League and other



organization's recommendations in [League testimony](#), presented Feb. 11 in House Rules.

[HJR 11](#) amends the Oregon constitution for same-day voter registration, by referral to voters. [League testimony](#) is on the record to be presented on Feb. 16, 1pm, after being postponed this week. Look at the linked references for Oregon's historical perspective explaining the imposition of this voter access blocking from 1984.

[SB 249](#) allows county clerks to begin opening and counting ballots upon receipt. We plan to submit testimony Feb. 18, at 1pm, in Senate Rules.

[SB 2560](#) addresses the challenge of making legislative meetings accessible for submission of testimony, written and oral, to strive for transparency and access. We plan to submit testimony, have heard that the bill will probably be heard in House Rules this coming week.