

Election fairness is a common topic of current discussion. Recently, Lane County voters rejected a ballot measure which would have changed the way some elections in Lane county are conducted. The national press is filled with stories about voter disenfranchisement, vote suppression, and gerrymandering. With that as background, on December 6 the League of Women Voters presented its study of how to make elections fairer by eliminating gerrymandering and supporting the goal that each person's vote gets equal weight.

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Candalynn Johnson, Director of the League's Redistricting Matters program, and Norman Turrell, Statewide President of the League, both laid out the history of how legislative districts are apportioned and a plan to amend the Constitution to remove some large part of the political aspects of reapportionment.

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Like 38 states, Oregon's process for setting legislative districts is vested in the State Legislative Assembly, by Article IV, Section 6 of the State constitution, and statutes enacted pursuant to that. The Legislature is directed to craft a plan for reapportionment and, usually, it is challenged, and the matter is referred to the State Supreme Court. The court may approve the plan, make changes, or send it back to the legislature. There are time limits on legislative action with respect to State legislative districts, but no specific limits on the apportionment of federal Congressional districts. If the Legislature does not act in a timely way, the Secretary of State draws a reapportionment map, which is likewise subject to review of the Supreme court.

There are both federal and state criteria limiting the reapportionment process. Under federal law all districts must have equal population. Oregon goes beyond that requirement to require that differences be less than one percent. Districts must be compact and contiguous and under federal law, "minority" populations are entitled to have their own district if possible.

Under Oregon law, the compact and contiguous requirement is further refined by requiring that districts respect geographic barriers, and local political boundaries. They must also maintain respect for communities of interest and have transportation connectivity.

Under federal court rulings districts must not be drawn to protect incumbents or favor political parties. That requirement is made explicit in statute in Oregon.

The current process has not worked well in Oregon. The last time the legislature succeeded in drawing district lines was in 2011, when the House of Representatives was evenly divided, and the Senate was unusually bipartisan. Before that, the last time the Legislature successfully completed a reapportionment was in 1911.

