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PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 165
SECRETARY OF STATE
ELECTIONS DIVISION

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& LEGISLATIVE COUNSEL

FILING CAPTION: Establishes process and guidance for mass transit redistricting.

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ADOPT: 165-008-0150

RULE TITLE: Mass Transit District Reapportionment Process

NOTICE FILED DATE: 11/22/2021

RULE SUMMARY: This rule outlines the process for redrawing district lines in Oregon's mass transit districts.

RULE TEXT:

(1) The purpose of this rule is to establish the procedure by which the Secretary of State will divide mass transit districts into subdistricts, pursuant to ORS 267.090. The Secretary of State, as the chief elections officer for the State of Oregon, has the responsibility to adopt rules that the Secretary considers necessary to facilitate and assist in achieving a maximum degree of correctness, impartiality and efficiency in administration of the election laws. This rule is intended to carry out the Secretary's responsibilities by describing the process applicable to the redistricting of mass transit districts. Under the Secretary of State's authority, this process requires significant engagement by the affected transit districts.

(2) As used in this rule, "mass transit district" means a mass transit district established under ORS 267.010 to 267.394.

(3) A mass transit district must submit to the Secretary of State's office a map, containing proposed subdistricts, that:

(a) Complies with the Oregon and United States Constitutions;

(b) Complies with Oregon statutory law, including ORS 267.090(2);

(c) Ensures that each subdistrict, as nearly as practicable:

(A) Is contiguous;

(B) Is of equal population;

(C) Utilizes existing geographic or political boundaries;

(D) Do not divide communities of interest; and

(E) Is connected by transportation links;

(d) Is consistent with the diversity, equity and inclusion and accessibility values of the Secretary of State, as outlined in the agency's mission, vision, and values.

(4) Each mass transit district must engage the public in drafting a proposed map. Each district must develop a written description of the district's public engagement process and provide the description to the Secretary of State.

(5) The proposed map and description of the public engagement process must be submitted to the Secretary of State no

later than May 16 of the even-numbered year following legislative reapportionment.

(6) The Secretary of State will review proposed maps for compliance with the requirements contained in this rule.

(a) If the Secretary of State determines that a proposed map complies with the requirements of this rule and that the mass transit district conducted an appropriate public engagement process, the Secretary of State will approve the map and divide the mass transit subdistricts accordingly.

(b) If the Secretary of State does not make the determinations described in subsection (6)(a) of this rule, the Secretary of State may provide further instruction and guidance to the mass transit district and request that the district resubmit a map with changes identified by the Secretary.

(7) Notwithstanding any other provision of this rule, the Secretary of State reserves the right to decline to adopt a proposed map submitted by a mass transit district and to divide the districts into subdistricts in a manner consistent with subsection (3) of this rule.

STATUTORY/OTHER AUTHORITY: ORS 246.150, ORS 267.090 (2)

STATUTES/OTHER IMPLEMENTED: ORS 267.090 (2)