COMMENTS ON DRAFT EXPLANATORY STATEMENT FOR IP 57

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I am an elector of Oregon who offers comments on the Draft Explanatory Statement ("DES") for IP 57.

The DES is largely redundant with the ballot title summary. The certified ballot title reads:

> **Amends Constitution: Repeals legislative redistricting process; creates congressional/state redistricting commission; equal number of Democrats, Republicans, others**
>
> **Result of "Yes" Vote:** "Yes" vote repeals constitutional provisions requiring state legislative redistricting by legislature; creates commission to draw congressional/state legislative districts; equal number of Democrats, Republicans, others.
>
> **Result of "No" Vote:** "No" vote retains the current redistricting process, in which the elected legislature draws the boundaries of congressional and state legislative districts.
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> **Summary:** Amends Constitution. Oregon Constitution requires legislature to reapportion state legislative districts every ten years. Legislature also draws congressional districts. Measure repeals current state constitutional/legislative processes; creates twelve-member commission to draw both congressional and state legislative districts. Commission membership restricted based on length of residence/party affiliation, recent political

work, political contributions, or family members who engaged in certain political activity. Secretary of State randomly selects first six members from applicant group; other members chosen by first six. Four members must be registered with each of largest two political parties, four unaffiliated or from other parties. At least one member from each group must agree for commission to approve map or take other action. Changes redistricting criteria. Other provisions.

Since the ballot title and Explanatory Statement will appear in close proximity in the Voters' Pamphlet, voters can be provided with more information about the measure if the Explanatory Statement does more than repeat the ballot title summary and instead fills in information that the ballot title summary lacks, such as a description of the criteria that IP 57 requires the commission to apply when drawing district lines and a more comprehensive description of qualifications (and disqualifications) for commission membership.

1. THE EXPLANATORY STATEMENT SHOULD BETTER DESCRIBE THE MANDATORY CRITERIA FOR DRAWING DISTRICT LINES.

The ballot title summary is mostly about the process of selecting members for the 12-member commission and provides very little information about the criteria that the commission is directed to use in drawing district lines for seats in the Oregon Legislature and in the U.S. Congress. The entire presentation on such criteria is: "Changes redistricting criteria." The Explanatory Statement is similarly non-informative on the criteria: "The measure also lists the criteria that must be used, and that may not be used, by the commission when drawing state legislative and congressional districts."

The districting criteria and the independence of the commission from the Legislature are the two most important features of IP 57. The Explanatory Statement has effectively no information about the criteria. I suggest deleting the parts of the Explanatory Statement that repeat the description of the commission already provided in the ballot title summary and instead including this description of the criteria:

The measure requires that the commission apply specific criteria in drawing district lines:

> population equality
> geographic contiguousness
> avoiding the division of cities, counties, or communities of interest
> competitiveness, so that representation reflects the preferences of the voters
> not considering where officeholders or candidates reside or favor or discriminate against officeholders or candidates

The measure also requires that the lines comply with the U.S. Constitution and the federal Voting Rights Act, but such compliance is required regardless of the adoption of this measure and so is of less importance to mention.

2. THE EXPLANATORY STATEMENT SHOULD BETTER DESCRIBE THE QUALIFICATIONS FOR SERVING ON THE COMMISSION.

The ballot titles provides this information about the qualifications to serve on the commission:

> Commission membership restricted based on length of residence/party affiliation, recent political work, political contributions, or family members who engaged in certain political activity. * * * Four members must be registered with each of largest two political parties, four unaffiliated or from other parties.

This omits the most important required qualifications and disqualifications. It is also worded in a way that could be interpreted to mean that only persons who <u>have</u> recently engaged in political work, etc., can serve on the commission. It does not clearly state who is allowed and who is prohibited.

The DES is somewhat more informative:

> Under the measure, to be eligible to serve as a commissioner, an individual must be registered to vote in Oregon, have had the same political party affiliation (or no party affiliation) for three years prior to applying, and either have voted in at least two of the three most recent general elections or been a resident of Oregon for at least three years prior to applying. An individual is not eligible to serve if, within four years prior to applying, the individual or a listed close relative or cohabitant of the individual has either engaged in specified political work or made contributions of $2,700 or more in a calendar year to any candidate for federal or state office.

Of particular concern is the vague reference to "specified political work." That apparently refers to the prohibition on individuals who, within four years of the application process, was:

(A) A holder of or candidate for federal, state, county or other elective office for which the holder receives compensation other than for expenses;

(B) An officer, employee or paid consultant of a political party;

(C) (i) An officer, director or employee of a campaign committee of a candidate for or holder of a federal or state office; or

(ii) A paid contractor or member of the staff of a paid contractor of a campaign committee of a candidate for or holder of a federal or state office.

(D) A member of a political party central committee;

(E) A registered federal, state or local lobbyist;

(F) A paid congressional or legislative employee;

(G) A member of the staff of a holder of a federal or state office;

(H) A legislative or campaign contractor, or staff of the contractor, to a holder of a federal or state office;

(I) An individual who has contributed $2,700 or more in a calendar year to any single candidate for federal or state office; or

(J) A spouse, parent, child, sibling, in-law or cohabitating member of a household of an individual described in subparagraphs (A) to (I) of this paragraph;

The DES mentions the content of subsections (I) and (J) but none of the other requirements. Those other requirements are far more important than (I) and (J), as they prohibit choosing commission members with potential conflicts of interest that are far more central than merely being a contributor of $2,700 or more to a single candidate. I suggest changing the description of the qualifications to this:

> Under the measure, to be eligible to serve as a commissioner, an individual must be registered to vote in Oregon and have had the same Oregon political party affiliation (or no party affiliation) for three years. An individual is not eligible to serve if, within four years prior to applying, the person or close relative or cohabitant, has been:
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> (1) the holder or candidate for a compensated elective office;
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> (2) an officer, employee or paid consultant of a political party or a political campaign committee;
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> (3) a registered federal, state or local lobbyist;
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> (4) a paid congressional or legislative employee, or staff member of, or contractor to, a federal or state officeholder; or
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> (5) a contributor of $2,700 or more in a year to any single candidate for federal or state office.