

# Chapter 188

1991 EDITION

## Congressional and Legislative Districts; Reapportionment

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Note See note following 188.210

### CROSS REFERENCES

188.010

Apportionment, legislative, Const. Art. IV, §6

188.235

Districts, Const. Art. IV, §7

Senators, number, Const. Art. IV, §2

188.245

Representatives, number, Const. Art. IV, §2

**MISCELLANEOUS MATTERS**

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**GENERALLY**

**188.010 Criteria in apportionment for Legislative Assembly and Congress.** The Legislative Assembly or the Secretary of State, whichever is applicable, shall consider the following criteria when apportioning the state into congressional and legislative districts:

(1) 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.

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

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

(4) Two state House of Representative districts shall be wholly included within a single state senatorial district. [1979 c.667 §1; 1981 c.864 §2]

**188.015 Secretary of State to adopt rules.** The Secretary of State shall adopt rules the secretary considers necessary in carrying out the secretary's reapportionment duties under ORS 188.010 to 188.245 and section 6, Article IV of the Oregon Constitution. [1989 c.114 §1]

**CONGRESSIONAL DISTRICTS**

**188.110 Election of United States Representative in Congress.** One Representative to the Congress of the United States shall be elected in each congressional district at the general election every two years. [Formerly 250.300]

**188.120 Filling vacancy in election or office of U. S. Representative or Senator.**

(1) If a vacancy in election or office of Representative in Congress or United States Senator occurs before the 20th day before the general election, the Governor shall call a special election to fill that vacancy. If a vacancy in election or office of United States Senator occurs after the 21st day before the general election but on or before the general election, and if the term of that office is not regularly filled at that election, the Governor shall call a special election to fill the vacancy as soon as practicable after the general election.

(2) If a special election to fill the vacancy in election or office of Representative in Congress or United States Senator is called

before the 80th day after the vacancy occurs, each major political party shall select its nominee for the office and certify the name of the nominee to the Secretary of State. The Secretary of State shall place the name of the nominee on the ballot.

(3) If a special election to fill the vacancy in election or office of Representative in Congress or United States Senator is called after the 79th day after the vacancy occurs, a special primary election shall be conducted by the Secretary of State for the purpose of nominating a candidate of each major political party. A declaration of candidacy or nominating petition may be filed not later than the 10th day following the issuance of the writ of election. [Formerly 249.654; 1985 c.586 §1]

**188.130 Description of congressional districts.** (1) The State of Oregon is portioned into five congressional districts composed, respectively, of the following counties or parts thereof:

(a) First District: Clatsop, Columbia, Lincoln, Tillamook, Washington, Yamhill; and that portion of Multnomah County lying within census tracts 43, 43.99, 45, 46.01, 46.02, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60.01, 60.02, 61, 62, 63, 64.01, 64.02, 65.01, 65.02, 66.01, 66.02, 67.01, 67.02, 68.01, 68.02, 69, 70 and 71; and that portion of Polk County lying within census tracts 201 and 204; enumeration district 475 and blocks 102, 103, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 122, 123, 124, 125, 128, 129, 131, 132, 133, 134, 136, 137, 138, 139, 140, 142, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 167 and 236 and those portions of blocks 101, 121, 135, 141, 143 and 157 outside the City of Salem of census tract 53; enumeration district 483A of census tract 202.

(b) Second District: Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, Wheeler; and that portion of Jackson County lying within census tracts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 30; enumeration districts 806, 807A, 807B, 807C, 807D and 807E of census tract 27; enumeration districts 813 and 815 of census tract 28; and that portion of Josephine County lying within census county divisions 5, 40 and 45; enumeration districts 1, 2A, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14 and 15 and block numbering areas 9901, 9902 and 9903 of census county division 25, enumeration district 18 of census county division 37.

(c) Third District: That portion of Clackamas County lying within census tracts 201, 202, 203.01, 203.02, 204.01, 208, 209, 210,

211, 212, 216.01 and 216.02; block group 3 of census tract 204.02; block group 3 of census tract 213; blocks 304, 305, 306, 307, 308, 309, 312, 315, 316 and 317 of census tract 214; blocks 101, 102, 103, 104 and 105 of census tract 222.01; and that portion of Multnomah County lying within census tracts 1, 2, 3.01, 3.02, 4.01, 4.02, 5.01, 5.02, 6.01, 6.02, 7.01, 7.02, 8.01, 8.02, 9.01, 9.02, 10, 11.01, 11.02, 12.01, 12.02, 13.01, 13.02, 14, 15, 16.01, 16.02, 17.01, 17.02, 18.01, 18.02, 19, 20, 21, 22.01, 22.02, 23.01, 23.02, 24.01, 24.02, 25.01, 25.02, 26, 27.01, 27.02, 28.01, 28.02, 29.01, 29.02, 29.03, 30, 31, 32, 33.01, 33.02, 34.01, 34.02, 35.01, 35.02, 36.01, 36.02, 36.03, 37.01, 37.02, 38.01, 38.02, 38.03, 39.01, 39.02, 40.01, 40.02, 40.99, 41.01, 41.02, 41.99, 42, 44, 44.99, 72, 73, 74, 75, 76, 77, 78, 79, 80.01, 80.02, 81, 82.01, 82.02, 83.01, 83.02, 84, 85, 86, 87, 88, 89, 90, 91, 92.01, 92.02, 93, 94, 95, 96.01, 96.02, 97.01, 97.02, 98.01, 98.02, 99, 100, 101, 102, 103, 104.02, 104.03, 104.04 and 105.

(d) Fourth District: Coos, Curry, Douglas, Lane; and that portion of Benton County lying within census tracts 103, 104 and 105; enumeration district 567 of census tract 1; enumeration district 566 of census tract 2; enumeration district 553 of census tract 3; enumeration districts 532, 533 and 534 of census tract 102; and that portion of Jackson County lying within census tract 29; enumeration district 808 of census tract 27; enumeration districts 812 and 814 of census tract 28; and that portion of Josephine County lying within enumeration districts 7A and 8 of census county division 25; enumeration districts 16 and 17 of census county division 37; and that portion of Linn County lying within census tracts 303, 304, 305, 308 and 309; enumeration district 569A of census tract 201; enumeration districts 563 and 564 of census tract 301; enumeration districts 550, 552, 553, 554A, 554B, 555, 556, 557, 558A, 559 and 560 of census tract 302; and that portion of Marion County lying within enumeration districts 356 and 360B of census tract 106.

(e) Fifth District: That portion of Benton County lying within census tracts 4, 5, 6, 7, 8, 9, 10, 11 and 101; enumeration districts 552 and 569 and block groups 1, 2 and 3 of census tract 1; enumeration districts 535, 562, 563, 564 and 565 and block group 1 of census tract 2; enumeration districts 554, 555, 556 and 557 and block group 1 of census tract 3; enumeration districts 526, 527, 528, 529, 530 and 531 of census tract 102; and that portion of Clackamas County lying within census tracts 205.01, 205.02, 206, 207, 215, 217, 218, 219, 220, 221.01, 221.02, 222.02, 223, 224, 225, 226, 227.01, 227.02, 228, 229, 230, 231, 232, 233, 234.01, 234.02, 235, 236, 237, 238, 239, 240, 241, 242 and 243; block groups 1 and 2 of census tract 204.02; block groups 1 and 2

of census tract 213; block groups 1 and 2 and blocks 320 and 321 of census tract 214; block group 2 and blocks 106, 107 and 108 of census tract 222.01; and that portion of Linn County lying within census tracts 202, 203, 204, 205, 206, 207, 208, 306 and 307; enumeration districts 565, 567, 568A and 568B and block group 1 of census tract 201; enumeration districts 561, 562A and 562B of census tract 301; enumeration districts 551 and 558C and block groups 1 and 2 of census tract 302; and that portion of Marion County lying within census tracts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 101, 102, 103, 104, 105, 107 and 108; enumeration districts 354, 355, 357, 358, 359, 360A, 361, 362 and 363 and block group 1 of census tract 106; and that portion of Polk County lying within census tracts 51, 52 and 203; blocks 106, 126, 130, 202, 203, 204, 205, 206 and 917 and those portions of blocks 101, 121, 135, 141, 143 and 157 in the City of Salem of census tract 53; enumeration districts 476A, 476B, 476C, 477, 478, 479, 480, 481, 483B, 483C, 483D, 484A and 484B of census tract 202.

(2) The census county divisions, census tracts, block numbering areas, enumeration districts, block groups and blocks referred to in this section are those which were employed by the United States Department of Commerce, Bureau of the Census, in compiling the 1980 decennial census. [Formerly 250.295; 1981 c.864 §1]

Note: Section 3, chapter 864, Oregon Laws 1981, provides:

Sec. 3. The census county divisions, census tracts, block numbering areas, enumeration districts, block groups and blocks referred to in ORS 188.130 were employed by the United States Department of Commerce, Bureau of the Census, in compiling the 1980 decennial census. The attached maps showing the census county divisions, census tracts, block numbering areas, enumeration districts, block groups and blocks were prepared by the Bureau of the Census. Copies of these are also filed in the office of the Secretary of State as a matter of public record and reference.

## LEGISLATIVE DISTRICTS

188.210 [Formerly 171.025; see note following]

Note: Chapter 482, Oregon Laws 1961, including the apportionments under 182.210 and 188.220, was held unconstitutional in In Re Legislative Apportionment, (1961) 228 Or 562, 364 P2d 1004. A reapportionment drafted by the Secretary of State was approved by the Supreme Court in In Re Legislative Apportionment, (1961) 228 Or 575, 365 P2d 1042, and became law upon filing with the Governor on October 27, 1961. Pertinent portions of that draft were printed in the 1961 through 1969 Replacement Parts of ORS chapter 171, but thereafter have been omitted.

After adjournment of the 1971 Regular Session of the Oregon Legislative Assembly, the Secretary of State, pursuant to section 6 (3), Article IV, Oregon Constitution, made a reapportionment, which became law upon filing with the Governor on July 30, 1971. The Supreme

Court reviewed that reapportionment in Hovet v. Myers, (1971) 260 Or 152, 489 P2d 684, and returned it to the Secretary of State with instructions to correct it in certain particulars and file the corrected reapportionment with the Governor. The corrected reapportionment became law upon filing with the Governor on October 14, 1971. It is set forth as chapter 1, Oregon Laws 1971 Special Session, and pertinent sections thereof were compiled as 188.230 and 188.240.

Chapter 261, Oregon Laws 1981, including the Senatorial apportionment under ORS 188.230, as amended by section 1 thereof, and the House reapportionment in section 3 thereof, was held unconstitutional in McCall v. Legislative Assembly, 291 Or 663 (1981). A reapportionment drafted by the Secretary of State was approved by the Supreme Court in In the Matter of the Apportionment of Senators and Representatives under Article IV, §6, Oregon Constitution, SC 28054, SC 27946, (October 27, 1981) and became law upon filing with the Governor on October 29, 1981.

After adjournment of the 1991 Regular Session of the Legislative Assembly, the Secretary of State, pursu-

ant to section 6 (3), Article IV, Oregon Constitution, made a reapportionment which was submitted by the Secretary of State to the Oregon Supreme Court on August 14, 1991, for review. Petitions have been filed with the Supreme Court challenging the Secretary of State's plan. The Supreme Court has until October 15, 1991, to decide whether the plan is acceptable or whether the challenges have merit.

The text of the reapportionment plan in effect prior to the 1991 plan (ORS 188.235 and 188.245) has been deleted. It is no longer in effect. The 1991 plan as approved by the Oregon Supreme Court will be set forth in the 1993 Edition of ORS.

**188.220** [Formerly 171.035; see note under 188.210]

**188.230** [Formerly 171.037; see note under 188.210]

**188.235** [See note under 188.210]

**188.240** [Formerly 171.038; see note under 188.210]

**188.245** [See note under 188.210]

**MISCELLANEOUS MATTERS**

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