

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE JOINT
RESOLUTION 56

By: Corn

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection proposed amendments to Sections 9A, 10A, 11A, 11B, 11C, 11D and 11E of Article V of the Constitution of the State of Oklahoma; modifying criteria for redistricting State Senate and House of Representatives; requiring certain criteria be given primacy; establishing specific number of members of the House; removing authority of Legislature to undertake certain redistricting; clarifying language; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 50TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendments to Sections 9A, 10A, 11A, 11B, 11C, 11D and 11E of Article V of the Constitution of the State of Oklahoma to read as follows:

Section 9A. The state shall be apportioned into forty-eight senatorial districts ~~in the following manner: the nineteen most populous counties, as determined by the most recent Federal Decennial Census, shall constitute nineteen senatorial districts with one senator to be nominated and elected from each district; the fifty-eight less populous counties shall be joined into twenty-nine two-county districts with one senator to be nominated and elected from each of the two-county districts~~ of substantial equality of population. In ~~apportioning~~ redistricting the State Senate, consideration shall be given to population, compactness, area, political units, historical precedents, economic and political

interests, and contiguous territory, ~~and other major factors~~, to the extent feasible provided that population is given primacy.

~~Each senatorial district, whether single county or multi-county, shall be entitled to one senator, who~~ senator nominated and elected shall hold office for four years; provided that any senator, serving at the time of the adoption of this amendment, shall serve the full time for which ~~he~~ such senator was elected. Vitalization of senatorial districts shall provide for one-half of the senators to be elected at each general election.

Section 10A. The House of Representatives shall ~~consist of the number of Representatives as determined by the formula and procedure set forth herein. The number of members of the House of Representatives to which each county shall be entitled shall be determined according to the following formula:~~

a. ~~The total population of the state as ascertained by the most recent Federal Decennial Census shall be divided by the number one hundred and the quotient shall be the ratio of representation in the House of Representatives, except as otherwise provided in this Article.~~

b. ~~Every county having a population less than one full ratio shall be assigned one Representative; every county containing an entire ratio but less than two ratios shall be assigned two Representatives; every county containing a population of two entire ratios but less than three ratios shall be assigned three Representatives; and every county containing a population of three entire ratios but less than four ratios shall be assigned four Representatives.~~

~~After the first four Representatives, a county shall qualify for additional representation on the basis of two whole ratios of population for each additional Representative~~ be apportioned into one hundred one house districts of substantial equality of population. In redistricting the House of Representatives,

consideration shall be given to population, compactness, area, political units, historical precedents, economic and political interests and contiguous territory, to the extent feasible provided that population is given primacy.

Each Representative nominated and elected shall hold office for two years.

Section 11A. A. ~~The apportionment~~ redistricting of the Legislature shall be accomplished by ~~the Legislature according to the provisions of this article, within ninety (90) legislative days after the convening of the first regular session of the Legislature following each Federal Decennial Census. If the Legislature shall fail or refuse to make such apportionment within the time provided herein, then such apportionment shall be accomplished by an~~ Apportionment a Redistricting Commission composed of ~~the Attorney General, Superintendent of Public Instruction and the State Treasurer of the State of Oklahoma according to the provisions of this article:~~

1. One member appointed by the President Pro Tempore of the Senate;

2. One member appointed by the Minority Leader of the Senate;

3. One member appointed by the Speaker of the House of Representatives;

4. One member appointed by the Minority Leader of the House of Representatives; and

5. One member appointed by the Ethics Commission.

The member appointed by the Ethics Commission shall be a registered Independent voter of this state and shall not have been registered to vote as a member of any political party at any time during the ten-year period preceding such member's appointment. No member of the Redistricting Commission may be a legislator of this state at the time of the member's appointment or at any time during the member's service as a member of the Redistricting Commission.

Members shall be appointed to the Redistricting Commission during the calendar year which ends in 0 and shall serve until December 31 of the next calendar year which ends in 9.

Redistricting of the Legislature shall be accomplished within six (6) months following publication of the results of each Federal Decennial Census and shall occur only once every ten (10) years.

B. The redistricting plan of the House of Representatives and the redistricting plan of the Senate shall be drawn with due consideration given to maximizing congruency of House and Senate boundaries.

Section 11B. Each order of apportionment rendered by the ~~Apportionment~~ Redistricting Commission shall be in writing and shall be filed with the Secretary of State and shall be signed by at least two members of the Commission.

Section 11C. Any qualified elector may seek a review of any ~~apportionment~~ redistricting order of the Commission, ~~or~~ ~~apportionment law of the legislature,~~ within sixty days from the filing thereof, by filing in the Supreme Court of Oklahoma a petition which must set forth a proposed ~~apportionment~~ redistricting plan more nearly in accordance with this Article. Any ~~apportionment~~ redistricting plan of either the Senate or the House of Representatives, as ordered by the Commission, ~~or apportionment law of the legislature,~~ from which review is not sought within such time, shall become final. The court shall give all cases involving ~~apportionment~~ redistricting precedence over all other cases and proceedings; and if said court ~~be~~ is not in session, it shall convene promptly for the disposal of the same.

Section 11D. Upon review, the Supreme Court shall determine whether or not the ~~apportionment~~ redistricting order of the Commission ~~or act of the legislature~~ is in compliance with the ~~formula as set forth in~~ provisions of this Article and, if so, it shall require the same to be filed or refiled as the case may be

with the Secretary of State ~~forthwith~~, and such ~~apportionment~~ redistricting order shall become final on the date of said writ. In the event the Supreme Court shall determine that the ~~apportionment~~ redistricting order of ~~said the~~ Commission ~~or legislative act~~ is not in compliance with the ~~formula~~ provisions of this Article for either the Senate or the House of Representatives ~~as set forth in this Article~~, it will remand the matter to the Commission with directions to modify its order to achieve conformity with the provisions of this Article.

Section 11E. The Supreme Court, upon petition of any qualified elector alleging failure of the Commission to timely act, is hereby vested with original jurisdiction to compel, and shall compel, the Commission to make the ~~apportionment~~ redistricting as herein provided. It shall also have exclusive jurisdiction of any review hereunder. If more than one petition ~~be~~ is filed, the court shall consolidate such proceedings for hearing and disposition, and shall file its opinion and issue its writ within sixty days from the timely filing of such last petition. In the event any action filed hereunder shall be abandoned or dismissed, any other qualified elector shall be allowed to intervene within ten days thereof.

SECTION 2. The Ballot Title for the proposed Constitutional amendments as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends several sections in Article V of the Constitution. It changes the way legislative districts are determined. It makes the one-man, one-vote principal the most important factor. It keeps the Legislature from determining legislative districts. It gives more time for drawing new legislative districts.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

50-2-2190

RWT

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