



STATE OF OKLAHOMA

1st Session of the 51st Legislature (2007)

FLOOR SUBSTITUTE  
FOR  
SENATE BILL NO. 990

By: McMullen

FLOOR SUBSTITUTE

An Act directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding new Section 11F to Article V; which relate to legislative apportionment; creating short title; defining terms; establishing preparation for redistricting; creating Independent Redistricting Commission; providing for composition and qualification of commission members; providing for appointments; designating chair; providing for selection of vice-chair; providing for filling of vacancies; providing for a quorum to conduct business; establishing duties and powers of Commission; providing for mapping process; making certain maps confidential; providing for public comment; making section self-executing; providing for office space and expenses; providing for travel reimbursement; prohibiting employees of the State Election Board from taking certain action; establishing criteria for judicial redistricting; repealing Sections 11A, 11B, 11C, 11D and 11E of the Constitution of the State of Oklahoma; providing ballot title; and directing filing.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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 amendment to the Constitution of the State of Oklahoma by adding a new Sections 11F to Article V thereof, to read as follows:

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A. This act shall be known and may be cited as the "Development of Effective Mechanisms for Obtaining Citizen's Rights to Accurately Choose for Yourself (DEMOCRACY) Act".

B. As used in this act, unless the context requires otherwise:

1. "Appointed member" shall be defined as retired judges appointed to the four positions reserved for appointment by the statewide elected officials. The Secretary of the State Election Board and the chairs or designees of the two most prominent political parties are not included in the definition of an "appointed member";

2. "Competitive district" shall be defined as a district in which two hypothetically identical candidates of the two most prominent political parties in Oklahoma running evenly financed and competent campaigns would achieve a tie if such an election were held;

3. "Equal population" shall be defined as a population as close to the ideal as is practicable, given the ability to meet other neutral redistricting criteria but not to exceed a total range of ten points around the ideal population;

4. "Prominent political party" shall be defined as a political party whose gubernatorial candidate comes in first or second in the number of votes received among party candidates in the most recent general election. The term shall exclude unaffiliated or independent candidates; and

5. "Retired judge" shall be defined as a former member of the Oklahoma Supreme Court, Oklahoma Court of Criminal Appeals, Oklahoma Court of Civil Appeals or any federal court at or above the United States

District Court, Circuit Court of Appeals, U.S. Supreme Court, who was not removed from office.

C. On the first Monday in March of each year that ends in the number one (1), an Independent Redistricting Commission shall be established and shall convene to begin the process of providing for the redistricting of Congressional, state legislative, and judicial districts. The Independent Redistricting Commission shall consist of seven (7) members. No more than three appointed members shall be members of one of the two most prominent political parties in Oklahoma. Each member shall have been an Oklahoma resident for at least seven (7) years. No appointed member shall reside in the same county as any other appointed member. Each appointed member shall be a registered Oklahoma voter who has been continuously registered with the same political affiliation for ten (10) or more years immediately preceding appointment, who is committed to applying the provisions of this section in an independent and impartial fashion and to upholding public confidence in the integrity of the redistricting process. Within the five (5) years previous to appointment, members shall not have served as a registered lobbyist.

D. The chair of the Independent Redistricting Commission shall be the Secretary of the State Election Board and shall be a nonvoting member. The six voting members shall be retired judges, three of which were appointed as judges by a governor or a President of the United States of the most prominent political party in the State of Oklahoma. The other three were appointed as judges by a governor or a President of the United States of the second most prominent political party in the State of

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Oklahoma. Appointments shall be made no earlier than the first day of January in years ending in the number one (1) and shall be made in the following order: By the first Friday in January in years ending in the number one (1), the Governor of Oklahoma shall appoint one retired judge as a member of the Independent Redistricting Commission. The Oklahoma Lieutenant Governor shall have seven (7) calendar days following the appointment by the Governor to appoint one retired judge as a member of the Independent Redistricting Commission. The Oklahoma Attorney General shall have seven (7) calendar days following the appointment by the Lieutenant Governor to appoint one retired judge as a member of the Independent Redistricting Commission. The State Treasurer shall have seven (7) calendar days following the appointment by the Attorney General to appoint a retired judge as a member of the Independent Redistricting Commission. The State Auditor and Inspector shall have seven (7) calendar days following the appointment of the State Treasurer to appoint a retired judge as a member of the Independent Redistricting Commission. The Superintendent of Public Instruction shall have seven (7) calendar days following the appointment by the State Auditor and Inspector to appoint a retired judge as a member of the Independent Redistricting Commission. Those making appointments shall strive for political balance and fairness. Any official who fails to make an appointment within the specified time period shall forfeit the appointment privilege. In the event an official fails to make an appointment within the specified time period, his or her appointment privilege shall reside with the Supreme Court of the State of Oklahoma, which shall fill any existing vacancies no earlier than the Ryan McMullen

third Friday in February and no later than the last day in February of years ending in the number one (1).

E.. At a meeting called by the Secretary of the State Election Board, the six voting members of the Independent Redistricting Commission shall select by majority vote one of their members to serve as vice-chair.

F. After having been served written notice and provided with an opportunity for a response, a member of the Independent Redistricting Commission may be removed by the Governor, with the concurrence of two-thirds (2/3) vote of the Senate and two-thirds (2/3) vote of the House, for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office.

G. If any of the six appointed members do not complete the term of office for any reason, a replacement shall be appointed by the current holder of the office designated to make the original appointment. All appointments shall comply with the requirements established in this act. If the appointment of a replacement commissioner is not made within thirty (30) days of the vacancy, the Supreme Court of the State of Oklahoma shall make the appointment based on the same requirements used in selecting the original commissioner, striving for political balance and fairness. The newly appointed commissioner shall serve out the remainder of the original term.

H. Four commissioners, excluding the chair, constitute a quorum. Four or more affirmative votes are required for any official action.

I. A commissioner, other than the chair, during the commissioner's term of office and for ten (10) years thereafter, shall be ineligible for Ryan McMullen

registration as a lobbyist, shall be ineligible to file as a candidate for the Oklahoma Legislature and shall voluntarily waive his or her right to file as a candidate for the United States House of Representatives.

J. The Independent Redistricting Commission shall establish judicial, legislative, and congressional districts. The commencement of the mapping process for both the Congressional and legislative districts shall be the creation of districts of equal population distribution in a grid-like pattern across the state. Adjustments to the grid shall then be made as necessary to accommodate the goals as set forth below, in order of priority:

1. Districts shall comply with the United States Constitution and all applicable aspects of federal law;

2. The Independent Redistricting Commission shall maximize the number of competitive districts created, where to do so would create no significant detriment to the aforementioned laws. A minimal number of districts may be drawn to be significantly uncompetitive in order to maximize the number of competitive districts;

3. Congressional districts shall have perfectly equal population to the extent practicable and state legislative districts shall have equal population to the extent practicable;

4. District boundaries shall respect communities of interests and historical district boundaries to the extent practicable;

5. Districts shall be geographically compact and contiguous to the extent practicable; and

6. To the extent practicable, district lines shall use visible geographic features, cities, town and county boundaries, and undivided census tracts.

K. The Independent Redistricting Commission shall be responsible for establishing the lines for District Judges and District Attorneys and shall use the following criteria, in order of priority to establish said districts:

1. Judicial districts shall be drawn along county political boundaries;

2. District boundaries shall be drawn in such a way as to strive for comparable population and caseloads among districts;

3. Judicial districts and District Attorney districts should be drawn along the same lines where possible;

4. District boundaries shall respect communities of interests and historical district boundaries to the extent practicable;

L. The Independent Redistricting Commission shall review Judicial districts and District Attorney districts in all years ending in 1 and shall adjust said districts in accordance with the criteria in this section.

M. Party registration and voting history data shall be excluded from the initial phase of the mapping process, but shall be used to modify maps for compliance with the above goals. The places of residence of incumbents or candidates for Congressional and legislative districts shall not be identified or considered. The residence of incumbent judges and

district attorneys may be taken into account by the Independent Redistricting Commission;

N. Any and all draft maps of Congressional districts, legislative districts, and judicial districts shall remain confidential until such time when the Independent Redistricting Commission shall establish a final draft of district boundaries. At such time as a final draft is approved by a majority of commissioners, excluding the chair, the draft shall be presented to the public for comment, which comments shall be taken for at least fifteen (15) days and no more than thirty (30) days. The Independent Redistricting Commission may take public comment into account for final revisions. The Independent Redistricting Commission shall then establish final district boundaries by a majority vote of commissioners no later than the first Friday in December of years ending in the number one (1). In the event of failure to achieve majority, the Oklahoma Supreme Court shall draw Congressional and legislative districts in accordance with this act.

O. The provisions regarding this section are self-executing. The Independent Redistricting Commission shall certify to the Secretary of State the establishment of legislative and congressional districts.

P. The Secretary of the State Election Board shall make adequate office space available for the Independent Redistricting Commission. In years ending in the number eight (8) or nine (9) after the year 2007, the Secretary of the State Election Board shall submit to the Legislature a recommendation for an appropriation for adequate redistricting expenses and shall make available adequate office space for the operation of the Ryan McMullen

Independent Redistricting Commission. The Legislature shall make the necessary appropriation by a majority vote. If the Legislature fails to make the necessary appropriation, half of the requested appropriation shall be taken from the operating budget of the Oklahoma House of Representatives and half shall be taken from the operating budget of the Oklahoma Senate to be used for the Independent Redistricting Commission. Unused monies shall be returned to the General Revenue Fund of the State of Oklahoma.

Q. The Independent Redistricting Commission, with fiscal oversight from the Secretary of the State Election Board, shall have procurement and contracting authority and may hire staff and consultants for the purposes of this section, including legal representation.

R. The Independent Redistricting Commission shall have standing in legal actions regarding the redistricting plan and the adequacy of resources provided for the operation of the Independent Redistricting Commission. The Independent Redistricting Commission shall have sole authority to determine whether the Oklahoma Attorney General or counsel hired or selected by the Independent Redistricting Commission shall represent the people of Oklahoma in the legal defense of a redistricting plan.

S. Members of the Independent Redistricting Commission are eligible for reimbursement of mileage and expenses pursuant to the State Travel Reimbursement Act. No other compensation shall be provided to members of the Independent Redistricting Commission.

T. Employees of the Secretary of the State Election Board shall not influence or attempt to influence the district-mapping decisions of the Independent Redistricting Committee.

U. Each commissioner's duties established by this section expire upon the appointment of the first member of the next Independent Redistricting Commission. The Independent Redistricting Commission shall not meet or accrue expenses after the redistricting plan is completed, except if litigation or any government approval of the plan is pending, or to revise districts if required by court decisions or if the number of Congressional or legislative districts is changed.

SECTION 2. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the repeal of Sections 11A, 11B, 11C, 11D and 11E of the Constitution of the State of Oklahoma which relates to legislative apportionment.

SECTION 3. The Ballot Title for the proposed Constitutional amendments as set forth in SECTIONS 1 and 2 of this act 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 the Oklahoma Constitution. It amends Article 5.

This Article deals with legislative apportionment. Section 11 of Article 5 provides for Legislative Apportionment. This measure would repeal the current Legislative Apportionment procedure. If this

measure passes, it would create an Independent Redistricting  
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Commission which would control the redistricting and apportionment of legislative, Congressional and judicial districts.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES \_\_\_\_\_

AGAINST THE PROPOSAL - NO \_\_\_\_\_

SECTION 4. The Chief Clerk of the House of Representatives, immediately after the passage of this act, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 3 hereof, with the Secretary of State and one copy with the Attorney General.