

1 Short Title: Oklahoma Constitution; specifying power of
redistricting; creating the Citizens' Independent Redistricting
2 Commission; providing for duties of the Commission and the
Secretary; ballot title; filing.

3 Subject(s): Constitution Oklahoma - Vote of the People
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1 STATE OF OKLAHOMA

2 1st Extraordinary Session of the 58th Legislature (2021)

3 HOUSE JOINT
4 RESOLUTION 1001

By: Fugate

5
6 AS INTRODUCED

7 A Joint Resolution directing the Secretary of State
8 to refer to the people for their approval or
9 rejection of proposed new sections to Article V of
10 the Constitution of the State of Oklahoma; providing
11 for House and Senate districts; specifying power of
12 redistricting; defining terms; creating the Citizens'
13 Independent Redistricting Commission; providing for
14 composition and qualification of the Commission;
15 providing for application and selection of
16 Commissioners; providing for funding of the
17 Commission; providing for duties of the Commission
18 and the Secretary; providing for redistricting
19 criteria; providing for judicial review; repealing
20 sections related to legislative apportionment;
21 providing ballot title; and directing filing.

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BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
1ST EXTRAORDINARY SESSION OF THE 58TH 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 amendment to the Constitution of the State of
Oklahoma by adding a new Section 12A to Article V thereof, to read
as follows:

1 Section 12A. The state shall be divided into forty-eight (48)
2 Senatorial districts. Each Senatorial district shall be entitled to
3 one Senator, who shall hold office for four (4) years; provided that
4 any Senator, serving at the time of the adoption of this amendment,
5 shall serve the full time for which he or she was elected.
6 Vitalization of Senatorial districts shall provide for one-half
7 (1/2) of the Senators to be elected at each General Election.

8 SECTION 2. The Secretary of State shall refer to the people for
9 their approval or rejection, as and in the manner provided by law,
10 the following proposed amendment to the Constitution of the State of
11 Oklahoma by adding a new Section 12B to Article V thereof, to read
12 as follows:

13 Section 12B. The state shall be divided into one hundred one
14 (101) districts for the House of Representatives. Each district
15 shall be entitled to one Representative. Each Representative
16 elected shall hold office for two (2) years.

17 SECTION 3. The Secretary of State shall refer to the people for
18 their approval or rejection, as and in the manner provided by law,
19 the following proposed amendment to the Constitution of the State of
20 Oklahoma by adding a new Section 12C to Article V thereof, to read
21 as follows:

22 Section 12C. A. The power to redistrict the State of
23 Oklahoma's House of Representatives and Senatorial districts is
24

1 henceforth vested in the Citizens' Independent Redistricting
2 Commission.

3 B. The power to redistrict Oklahoma's Federal Congressional
4 Districts is henceforth vested in the Citizens' Independent
5 Redistricting Commission.

6 SECTION 4. The Secretary of State shall refer to the people for
7 their approval or rejection, as and in the manner provided by law,
8 the following proposed amendment to the Constitution of the State of
9 Oklahoma by adding a new Section 12D to Article V thereof, to read
10 as follows:

11 Section 12D. A. Definitions.

12 1. "Federal Congressional Districts" shall refer to Oklahoma's
13 United States Congressional Districts.

14 2. "Groups" shall refer to the groups of candidates for
15 Commissioners that have been sorted by their partisan affiliation or
16 unaffiliation as determined by their registration or non-
17 registration with a party with ballot access at the time of the most
18 recent General Election.

19 3. "Affiliated" shall refer to citizens who, as of the date of
20 their application to serve as Commissioner, have been continuously
21 registered with the same party with ballot access for the last four
22 (4) years.

23 4. "Unaffiliated" shall refer to citizens who, as of the date
24 of their application to serve as Commissioner, have not been

1 registered with either of the two largest parties with ballot access
2 for any of the last four (4) years.

3 5. "Plan" shall refer to any proposed or approved Redistricting
4 Plan for the districts for Representatives in the U.S. Congress, for
5 Oklahoma State Representatives, or for Oklahoma State Senators.

6 6. "Pool" shall refer to a group of applicants selected by the
7 Panel.

8 7. "Panel" shall refer to the group of retired Judges or
9 Justices chosen by the Chief Justice of the Oklahoma Supreme Court
10 to oversee the creation of the Commission.

11 8. "Census Block" shall refer to a census block used by the
12 United States Bureau of the Census in the most recent Federal
13 Decennial Census.

14 9. "Immediate family member" shall refer to, with respect to an
15 individual, a father, stepfather, mother, stepmother, son, stepson,
16 daughter, stepdaughter, brother, stepbrother, sister, stepsister,
17 husband, wife, father-in-law, or mother-in-law.

18 B. The Citizens' Independent Redistricting Commission ("the
19 Commission")

20 1. Composition. The Commission shall consist of nine (9)
21 Commissioners: three Commissioners for each Group representing one
22 of the two largest parties with ballot access at the time of the
23 most recent General Election based on total registration, and three
24 Commissioners for the Group representing those that are unaffiliated

1 with either of the state's two largest political parties with ballot
2 access at the time of the most recent General Election.

3 2. Qualifications. Each Commissioner shall possess all the
4 following qualifications:

5 a. be a citizen who has been continuously domiciled in
6 Oklahoma for five (5) years immediately preceding the
7 date of appointment to the Commission and whose
8 registered political affiliation has not changed in
9 the four (4) years immediately preceding the date of
10 appointment to the Commission,

11 b. has not held, and does not have an immediate family
12 member who has held, partisan elective office at the
13 federal, state or political subdivision level in this
14 state in the five (5) years immediately preceding the
15 date of appointment to the Commission,

16 c. has not registered, and does not have an immediate
17 family member who has registered, as a federal, state
18 or local lobbyist in the five (5) years immediately
19 preceding the date of appointment to the Commission,

20 d. has not held office or served, and does not have an
21 immediate family member who has held office or served,
22 as a paid staff member for a political party in the
23 five (5) years immediately preceding the date of
24 appointment to the Commission,

- 1 e. has not been nominated, and does not have an immediate
2 family member who has been nominated, as a candidate
3 for elective office by a political party in the five
4 (5) years immediately preceding the date of
5 appointment to the Commission, and
- 6 f. has not been and does not have an immediate family
7 member who has been an employee or paid consultant of
8 the Oklahoma State Legislature or U.S. Congress in the
9 five (5) years immediately preceding the date of
10 appointment to the Commission.

11 3. Failure to Possess Qualifications:

- 12 a. If it is found during the work of the Commission that
13 a member did not possess at the time of selection to
14 the Commission all of the qualifications in paragraph
15 2 of this subsection, that member shall be removed and
16 replaced with a member from the same Group using the
17 process described in paragraph 5 of this subsection.
- 18 b. If it is found after the completion of the
19 Commission's activities that any member did not
20 possess all of the qualifications in paragraph 2 of
21 this subsection, this shall not create a sufficient
22 cause of action to challenge any Plan.

23 4. Application and Selection of Commissioners.
24

1 a. No later than December 1 of the year 2030, or October
2 1 of each subsequent year ending in zero, the Chief
3 Justice of the Oklahoma Supreme Court shall appoint
4 the director or an employee of its Administrative
5 Office or, if no director or employee of such office
6 is able and willing to serve in this capacity, then
7 another public employee to serve as a Special Master
8 to act as a disinterested party to oversee the
9 application process and the training of Commissioners,
10 and to report the Commission's progress to the Panel.
11 The Special Master shall possess all the
12 qualifications in paragraph 2 of this subsection.

13 b. No later than December 15 of 2030, and no later than
14 December 1 of each subsequent year ending in zero, the
15 Chief Justice of the Oklahoma Supreme Court shall
16 designate a Panel to review the applications. The
17 Panel shall consist of three (3) Judges or Justices
18 who have retired from the Oklahoma Supreme Court or
19 the Oklahoma Court of Criminal Appeals or the Oklahoma
20 Court of Civil Appeals, and who are able and willing
21 to serve on the Panel, selected by random drawing. If
22 fewer than three state appellate Judges or Justices
23 who are able and willing to serve have been
24 identified, then the Chief Justice shall appoint a

1 retired Oklahoma Federal District Court Judge who
2 accepts such appointment.

3 c. Application to serve as a member of the Commission
4 shall be filed with, and on a form developed by, the
5 Special Master indicating thereon evidence of his or
6 her qualifications as provided by this subsection.
7 The form must request information sufficient to allow
8 the Panel to adequately review and assess each
9 candidate's qualifications and experience to serve on
10 the Commission. The form shall include language that
11 requires the applicant to affirmatively declare that
12 the information submitted is accurate and shall also
13 contain an advisory that providing false information
14 may lead to perjury charges. The Special Master shall
15 advertise the opportunity to apply as a member of the
16 Commission in the major news outlets in Oklahoma,
17 including print, television, radio and social media
18 outlets. Such advertising shall be at a level to
19 reasonably expose registered voters in Oklahoma to the
20 opportunity to serve on the Commission.

21 d. No later than January 31 of the redistricting year
22 ending in one, the Special Master shall notify the
23 Panel that the application deadline is closed and
24 submit the applications to the Panel.

1 e. All decisions of the Panel regarding the selection of
2 applicants pursuant to this subsection require the
3 affirmative approval of all three (3) members of the
4 Panel.

5 f. In one or more public meetings conducted on or before
6 February 7 of the redistricting year ending in one,
7 after reviewing the applications of the applicants,
8 the Panel shall identify Pools of twenty (20)
9 applicants who are affiliated with the state's largest
10 political party, twenty (20) applicants who are
11 affiliated with the state's second largest political
12 party, and twenty (20) applicants who are unaffiliated
13 with either of the two largest political parties, or
14 such lesser number as there are available, and who in
15 the view of the Panel best demonstrate:

16 (1) experience in organizing, representing,
17 advocating for, adjudicating the interests of, or
18 actively participating in groups, organizations,
19 or associations in Oklahoma, and

20 (2) relevant analytical skills, the ability to be
21 impartial, and the ability to promote consensus
22 on the Commission. The Panel shall achieve
23 geographic balance by ensuring, to the extent
24 practicable, that there are no fewer than three

1 (3) applicants from each current Congressional
2 District within each Pool. The Panel shall also,
3 to the extent practicable, ensure that each Pool
4 reflects the state's diversity. If there are not
5 sufficient numbers of applicants to allow for
6 three (3) Commissioners and one (1) Alternate to
7 be selected from any group, as required by this
8 section, then the Fallback Mechanism shall take
9 effect.

10 g. No later than February 7 of the redistricting year
11 ending in one, from the Pools of applicants identified
12 in subparagraph f of this paragraph, the Panel shall
13 choose by lot, in random drawing, nine (9) applicants
14 to serve on the Commission as follows:

15 (1) three Commissioners who are unaffiliated with
16 either of the state's two largest political
17 parties,

18 (2) three Commissioners who are affiliated with the
19 state's largest political party, and

20 (3) three Commissioners who are affiliated with the
21 state's second largest political party,

22 h. after the initial nine Commissioners have been
23 appointed pursuant to subparagraph g of this
24 paragraph, from the remaining Pools of applicants

1 identified in subparagraph f of this paragraph, the
2 Panel shall choose by lot one Commissioner from each
3 Pool to serve as Alternates in order to fill vacancies
4 on the Commission.

5 5. Removal of a member and vacancies on the Commission shall be
6 subject to the following:

7 a. a commissioner's office shall become vacant upon the
8 occurrence of any of the following:

9 (1) death or mental incapacity of the Commissioner,

10 (2) the Secretary of State's receipt of the
11 Commissioner's written resignation,

12 (3) the Commissioner ceases to be qualified to serve
13 as a Commissioner under paragraph 2 of this
14 subsection, or

15 (4) after written notice and an opportunity for the
16 Commissioner to respond, a vote of two-thirds
17 (2/3) of the Commissioners finding substantial
18 neglect of duty, gross misconduct in office, or
19 inability to discharge the duties of office,

20 b. any vacancy in the Commission shall be filled within
21 seven (7) days from the time the Commission is
22 notified of the vacancy. The vacancy shall be filled
23 by the Alternate from the corresponding Group chosen
24 in subparagraph h of paragraph 4 of this subsection.

1 If more alternates are needed, they may be selected by
2 the Panel from the applicants previously selected in
3 subparagraph f of paragraph 4 this subsection.

4 6. Prohibitions. A Commissioner shall waive his or her right
5 to run for any elected office in a district created by the work of
6 the Commission on which the member served.

7 7. Compensation. The Commissioners shall be compensated for
8 their service in the same manner as the current per diem and travel
9 reimbursement for members of the State Legislature.

10 8. Funding.

11 a. There is hereby created in the State Treasury a
12 revolving fund for the Citizens' Independent
13 Redistricting Commission to be designated as the
14 "Citizens' Independent Redistricting Commission
15 Revolving Fund". The fund shall be a continuing fund,
16 not subject to fiscal year limitations, and shall
17 consist of all monies apportioned to the fund or
18 monies received by the Commission as prescribed by
19 law. All monies accruing to the credit of said fund
20 are hereby appropriated and may be budgeted and
21 expended by the Oklahoma Redistricting Commission to
22 perform duties as prescribed by law. Expenditures
23 from said fund shall be made upon warrants issued by
24 the State Treasurer against claims filed as prescribed

1 by law with the Director of the Office of Management
2 and Enterprise Services for approval and payment.

3 b. On or before February 25 each year, the Commission
4 shall receive an appropriation by the Legislature
5 sufficient to enable the Commission to perform its
6 duties as set forth in this Article.

7 9. Record Keeping. All Commission votes must be taken by roll
8 call and published on the Commission's website, along with meeting
9 transcripts or minutes including details of any Plan voted on.

10 10. Public Notice. The Commission shall provide the public at
11 least forty-eight (48) hours' notice for all public meetings and
12 hearings. The Commission shall make each notice which is required
13 to be posted and published under this section available in any
14 language in which the state or any jurisdiction in the state is
15 required to provide election materials under federal law. All
16 meetings and hearings except for executive session shall be
17 livestreamed over the Internet, and transcripts made publicly
18 available via electronic archive. The Commissioners shall not
19 discuss redistricting matters with members of the public outside of
20 an open meeting of the Commission, except that a Commissioner may
21 communicate about redistricting matters with members of the public
22 to gain information relevant to the performance of his or her duties
23 if such communication occurs in writing available to the public or
24 at a previously publicly noticed forum or town hall open to the

1 general public. This paragraph does not prohibit communication
2 between Commissioners and staff, legal counsel, or consultants
3 retained by the Commission.

4 C. Duties of the Commission and the Secretary:

5 1. After the Commissioners are appointed, the Commission shall:

6 a. select a Secretary. The Special Master shall nominate
7 a Secretary. The nominee must meet all the criteria
8 of paragraph 2 of subsection B of this section, and be
9 approved by a majority vote of Commissioners. If the
10 Commissioners cannot reach the needed votes, the
11 Special Master shall make another nomination.

12 2. The Secretary. The duties of the Secretary include the
13 following:

14 a. assist in the running and convening of Commission
15 meetings, including the drafting of Plans and
16 approving expenditures necessary for the Commission to
17 fulfill its duties,

18 b. publicize and hold regional field hearings in each
19 Congressional District to seek public input relevant
20 to redistricting,

21 c. gather precinct-level shapefiles and data on voter
22 registration and election returns for general and
23 primary elections for the preceding decade, and make
24

1 the data available for public download by the date of
2 the first public hearing,

3 d. disaggregate and reaggregate the electoral data to
4 correspond to the Census Block that will be used to
5 assemble Districts,

6 e. gather information from the Department of Corrections
7 about the home address of state and federal inmates,

8 f. begin analyzing election returns from recent Primary
9 and General Elections to help ensure that the
10 Commission's redistricting Plans will not have the
11 effect of denying or abridging the right to vote on
12 account of race, ethnicity, or membership in a
13 language minority group,

14 g. hire and manage staff to assist in the Commission and
15 Secretary's duties,

16 h. assist the Special Master in training Commissioners,
17 and

18 i. develop and maintain a website that creates a public
19 Plan drawing system and allows members of the public
20 to:

21 (1) monitor and comment on the Commission's work,

22 (2) access the data sets and utilize the tools
23 necessary to draw Plans,

24 (3) view prior district maps for comparison, and

1 (4) submit proposed Plans and maps indicating
2 communities of interest.

3 3. Data Preparation. After the United States Bureau of the
4 Census releases the Federal Decennial Census Data, the Commission
5 shall:

- 6 a. add the data gathered under subparagraph e of
7 paragraph 2 of this subsection to the Federal
8 Decennial Census data so that incarcerated people are
9 counted in their home communities,
- 10 b. update the analysis begun under subparagraph f of
11 paragraph 2 of this subsection,
- 12 c. promptly post on the Commission's website Federal
13 Decennial Census data, electoral data, and boundary
14 maps in digitally readable format, at district and
15 precinct levels of detail for general and primary
16 elections for each Plan submitted by a Commissioner,
- 17 d. develop and publish publicly no more than two (2)
18 preliminary Plans for the redistricting of the
19 Oklahoma House of Representatives, Oklahoma State
20 Senate and Federal Congressional Districts,
- 21 e. approve final Plans for State House of Representatives
22 and Senatorial and Federal Congressional
23 redistricting, as set forth in subsection D of this
24 section, and

1 f. release all proposed maps for comment in formats that
2 are easily accessible and readable by members of the
3 public, such as PDF, machine-readable comma-separated
4 values, shapefile, and on the same interactive the
5 Secretary is required to create for public submission
6 of maps.

7 D. Plan Criteria and Consideration. The Commission shall
8 simultaneously conduct separate processes for drawing and submitting
9 Plans for the redistricting of the State House of Representatives
10 and Senatorial and Federal Congressional Districts. The Commission
11 shall consider both Commissioner-submitted draft Plans and publicly
12 submitted draft Plans.

13 1. Redistricting Criteria.

14 a. Federal law. The redistricting Plan must comply with
15 the United States Constitution and all applicable
16 federal law, including the requirement that it
17 equalize total population.

18 b. Contiguity. Each district must be contiguous. The
19 term "contiguous" means that the district is bounded
20 by one unbroken line and is not divided into two or
21 more discrete pieces. A district is not contiguous if
22 pieces of the district touch at only a single point;
23 nor is a district contiguous if it includes pieces of
24 land entirely separated by a body of water but does

1 not include any bridges, tunnels, or public ferries
2 connecting those pieces of land.

3 c. The Commission shall also seek to maximize compliance
4 with each of the following criteria, set forth in the
5 following order of priority:

6 (1) Communities of interest. Districts shall
7 minimize the division of communities of interest
8 to the extent practicable. A community of
9 interest is defined as an area with recognized
10 similarities of interests, including but not
11 limited to, racial, ethnic, economic, social,
12 cultural, geographic, tribal, linguistic, or
13 historic identities. Communities of interest
14 shall not include common relationships with
15 political parties, officeholders, or political
16 candidates.

17 (2) Racial and ethnic fairness. No redistricting
18 Plan should be drawn to have the effect of
19 denying or abridging the equal opportunity of
20 racial or ethnic minority groups to participate
21 in the political process or to diminish their
22 ability to elect representatives of their choice,
23 whether alone or in coalition with others.
24

1 (3) Political fairness. No Plan should, when
2 considered on a statewide basis, unduly favor or
3 disfavor a political party. Undue favor to a
4 political party shall be determined using the
5 proposed map, data from the last ten (10) years
6 of statewide elections, and the best available
7 statistical methods on identifying inequality of
8 opportunity to elect.

9 (4) Districts shall respect the geographic integrity
10 of political subdivision boundaries to the extent
11 preceding criteria have been satisfied.

12 (5) Compactness. A draft Plan should be compact to
13 the extent preceding criteria have been
14 satisfied.

15 2. A Plan shall not take into consideration any of the
16 following factors, except to the extent necessary to comply with the
17 criteria described in paragraph 1 of this subsection, and to enable
18 the Plan to be measured against the external metrics described in
19 paragraph 5 of subsection E of this section:

- 20 a. the residence of any member or candidate of the
21 Oklahoma House of Representatives, Oklahoma State
22 Senate, or U.S. Congress, and
23 b. the political party affiliation or voting history of
24 the population of a district.

1 E. Approval of the Plans.

2 1. Approval or Rejection of Plans. Each Commissioner has one
3 vote. An affirmative vote of at least six of the nine (9)
4 Commissioners is required to approve a Plan, including at least one
5 Commissioner affiliated with each of the two largest political
6 parties in the state and one Commissioner who is unaffiliated with
7 either of the two largest political parties in the state.

8 2. Preliminary Plan. Prior to developing a final Plan, the
9 Commission shall develop and publish a preliminary Plan as follows:

10 a. prior to developing a preliminary Plan under this
11 subsection, the Commission shall hold no fewer than
12 one (1) public hearing in each Congressional District
13 at which members of the public may provide input
14 relevant to redistricting,

15 b. the Commission shall develop and publish the
16 preliminary Plan publicly, including digitally
17 downloadable maps and Census block equivalency
18 assignments of each district, and accept public
19 comment on the preliminary Plan for no fewer than
20 fourteen (14) days.

21 3. To hold a vote, the Commission must convene a voting
22 meeting, open to the public, at which the Commission may vote on a
23 preliminary Plan. If the Commissioners vote to approve a Plan, it
24 shall become law.

1 4. Upon approval of a Plan by the Commission, the Special
2 Master shall submit the Plan to the State Election Board, the
3 Governor, the Secretary of State, the President Pro Tempore of the
4 Senate and the Speaker of the House of Representatives as well as
5 make the Plan publicly available.

6 5. The Commission shall issue with all preliminary and final
7 Plans written evaluations that measure the maps against external
8 metrics. These metrics shall cover all criteria set forth in
9 paragraph 1 of subsection D of this section.

10 6. The Commission shall have one hundred twenty (120) days from
11 the release of the Federal Decennial Census data in which to approve
12 final Plans for State House of Representatives and Senatorial and
13 Federal Congressional Districts.

14 F. Fallback Mechanism. If the Commission does not approve a
15 State House of Representatives, Senatorial, or Federal Congressional
16 Plan within one hundred twenty (120) days of the release of the
17 Federal Decennial Census Data, the following procedure shall be
18 followed to create that Plan only.

19 1. The Special Master shall create a report to be submitted to
20 the Oklahoma Supreme Court that advises the Court of the available
21 Plans and provides enough information for the Court to approve a
22 Plan. The Court shall then have thirty (30) days to approve a Plan.

23 2. The Court shall approve a Plan that is consistent with the
24 criteria listed in subsection D of this section.

1 3. If the approval process is not complete by the minimum
2 residency requirement deadline for candidates to the state office,
3 such requirements shall be suspended and not apply for any affected
4 election so long as:

5 a. the candidate resided in one legislative district but,
6 through the process of redistricting, his or her
7 residence has been redistricted out of the former
8 district and into an adjacent district, and

9 b. the candidate either files for state office in his or
10 her new district or moves his or her residence into
11 the newly adjacent district and registers as a voter
12 by the time of candidate filing for state office.

13 G. Judicial Review.

14 1. Supreme Court Jurisdiction. The Oklahoma Supreme Court has
15 original and exclusive state-court jurisdiction to hear and decide
16 all challenges to the Commission's actions and final Plans. The
17 Court's jurisdiction is limited to remedy only the specific
18 violation alleged on the specific Plan challenged.

19 2. Petitions for Review. Within thirty (30) days after a
20 Plan's approval, any aggrieved resident of the State may petition
21 the Oklahoma Supreme Court to invalidate that Plan. The Court shall
22 consolidate all petitions challenging a Plan, give the consolidated
23 petitions precedence over other civil proceedings, conduct expedited
24 hearings, and enter its judgment promptly.

1 3. Remedial Plans. If the Oklahoma Supreme Court concludes
2 that a Plan approved by the Commission is invalid, the Fallback
3 Mechanism in subsection F of this section shall be used to create a
4 new Plan. If the Court finds a violation in a Plan produced under
5 the Fallback Mechanism, then the Court's remedy shall be constrained
6 by the criteria in subsection D of this section.

7 4. Legal Representation. The Commission has standing in all
8 legal proceedings concerning its actions and has sole authority to
9 determine whether it will be represented by the State Attorney
10 General or by legal counsel selected and hired by the Commission.

11 5. Communications made in the course of the Commission's,
12 Secretary's, or Special Master's work under this Article may not be
13 shielded from the public on the basis of legislative privilege.
14 This provision shall not be construed to abrogate or otherwise
15 affect legislative immunity.

16 H. Cessation of the Commission's Operations. Within thirty
17 (30) days after the Plans have taken effect and all pending legal
18 challenges to the Plans and the Commission's actions have concluded,
19 the Commission must be dissolved, and any unexpended money must
20 revert to the State's General Revenue Fund.

21 SECTION 5. The Secretary of State shall refer to the people for
22 their approval or rejection, as and in the manner provided by law,
23 the following proposed amendment to the Constitution of the State of
24

1 Oklahoma by adding a new Section 12E to Article V thereof, to read
2 as follows:

3 Section 12E. For purposes of interpreting this Article, the
4 people declare that the powers granted to the Commission herein are
5 legislative functions not subject to the control or approval of the
6 Legislature, and are exclusively reserved to the Commission. The
7 Commission and all of its responsibilities, operations, functions,
8 contractors, consultants, and employees are not subject to change,
9 transfer, reorganization, or reassignment, and shall not be altered
10 or abrogated in any manner whatsoever, by the Legislature. No other
11 body shall be established by the Legislature to perform functions
12 that are the same or similar to those granted to the Commission in
13 this section. This provision does not and shall not be construed to
14 limit the people's power of initiative.

15 SECTION 6. The Secretary of State shall refer to the people for
16 their approval or rejection, as and in the manner provided by law,
17 the repeal of Sections 10A, 11, 11A, 11B, 11C, 11D and 11E of
18 Article V of the Constitution of the State of Oklahoma which relate
19 to legislative apportionment.

20 SECTION 7. The Ballot Title for the proposed Constitutional
21 amendments as set forth in SECTIONS 1, 2, 3, 4, 5, and 6 of this
22 resolution shall be in the following form:

23 BALLOT TITLE
24 Legislative Referendum No. _____ State Question No. _____

1 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

2 This proposed amendment to the Oklahoma Constitution is intended
3 to prevent political gerrymandering. It creates an independent
4 redistricting Commission, and vests the power to redistrict the
5 state's House, Senatorial, and federal Congressional districts
6 in the Commission, rather than the Legislature. The Commission
7 is composed of three members from each of three groups: the
8 state's largest political party, its second-largest party, and
9 those unaffiliated with either party. A panel of retired judges
10 designated by the Chief Justice would select pools of applicants
11 from each group, then choose by lot three Commissioners from
12 each. The amendment establishes qualifications for
13 Commissioners designed to avoid conflicts of interest. It
14 establishes a process for redistricting after each decennial
15 census, and establishes new redistricting criteria. The
16 Commission may not consider candidates' residences or a
17 population's political affiliation or voting history except as
18 needed for these criteria. The Supreme Court would select a
19 plan if the Commission cannot. The amendment provides for
20 funding and judicial review, repeals constitutional provisions,
21 and reserves powers to the Commission rather than the
22 Legislature.

23 SECTION 8. The Chief Clerk of the House of Representatives,
24 immediately after the passage of this resolution, shall prepare and

1 file one copy thereof, including the Ballot Title set forth in
2 SECTION 7 hereof, with the Secretary of State and one copy with the
3 Attorney General.

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