

OFFICE OF THE SECRETARY OF STATE

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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 165  
SECRETARY OF STATE  
ELECTIONS DIVISION

**FILED**

11/22/2021 9:24 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Establishes process and guidance for mass transit redistricting.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/11/2022 3:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

CONTACT: Alma Whalen  
503-986-1518  
elections.sos@sos.oregon.gov

Public Service Building  
255 Capitol Street NE, Suite 501  
Salem, OR 97310

Filed By:  
Alma Whalen  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 01/10/2022

TIME: 2:00 PM - 3:00 PM

OFFICER: Bob Roberts

ADDRESS: Public Service Building  
255 Capitol Street NE  
Suite 501

Salem, OR 97310

SPECIAL INSTRUCTIONS:

The hearing will be held virtually via Microsoft Teams. Participants may join the hearing by clicking on the hearing link on the Agency's website.

NEED FOR THE RULE(S)

Current statute does not dictate the process or provide guidance for mass transit redistricting.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS267.090 (2) available online at [oregonlegislature.gov](http://oregonlegislature.gov) or from the Elections Division.

FISCAL AND ECONOMIC IMPACT:

This rule may cause minimal fiscal or economic impact to state agencies, local governments or the public.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1) There may be minimal fiscal impact for the Secretary of State, county elections offices and mass transit districts as defined by ORS 267.010 to 267.394 to implement and answer questions regarding compliance with this rule, or for other unanticipated reasons. There may be a minimal fiscal impact for members of the public who are interested in participating in this process.

2) This rule is not expected to impact small businesses. However, there may be a minimal indirect fiscal impact for an unknown but likely small number of businesses interested in this rule.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in developing this rule as it does not directly affect small businesses.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The fiscal impact of the proposed rule is expected to be minimal at most.

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ADOPT: 165-008-0150

RULE SUMMARY: This rule outlines the process for redrawing district lines in Oregon's mass transit districts.

CHANGES TO RULE:

165-008-0150

Mass Transit District Reapportionment Process

(1)/The purpose of this rule is to establish/the/procedure/by which the Secretary of State will divide/mass transit districts/into subdistricts,/pursuant to ORS 267.090. The Secretary of State, as the chief elections officer for the State of Oregon, has the responsibility to adopt rules that the Secretary considers necessary to facilitate and assist in achieving a maximum degree of correctness,/impartiality/and efficiency in administration of the election laws. This rule is intended to carry out/the Secretary's/responsibilities/by/describing/the/process applicable to the/redistricting of mass transit districts. Under the Secretary of State's authority, this process requires significant engagement by the affected transit districts.// ¶

(2) As used in this rule, "mass/transit district" means a mass transit district established under ORS 267.010 to 267.394./ ¶

(3)/A/mass transit district/must/submit to the Secretary of State's office/a map,/containing proposed subdistricts,/that:/ ¶

(a) Complies/with the Oregon and United States/Constitutions;/ ¶

(b) Complies with Oregon statutory law, including ORS/267.090(2);/ ¶

(c) Ensures/that each subdistrict, as nearly as practicable:/ ¶

(A) Is/contiguous;/ ¶

(B) Is of equal/population;/ ¶

(C) Utilizes existing geographic or political/boundaries;/ ¶

(D) Do not divide communities of interest; and// ¶

(E) Is/connected by transportation links;/// ¶

(d)/Is/consistent with the diversity,/equity/and inclusion and/accessibility values/of the Secretary of State, as outlined in the agency's/mission,/vision, and/values. ¶

(4) Each/mass/transit district/must/engage the public in/drafting a/proposed map./Each district must develop a written description of the district's public engagement process and provide the description to the Secretary of State./ ¶

(5) The proposed map and/description of the public engagement process/must be submitted to the Secretary of State no later than/May 16/of the/even-numbered year following legislative reapportionment./// ¶

(6) The Secretary of State will review proposed maps for compliance with/the requirements contained in this rule.// ¶

(a)/If/the Secretary of State determines that a proposed map complies/with the/requirements of this rule and that the mass transit district conducted an appropriate/public engagement process,/the Secretary of State will approve/the map and divide the mass transit subdistricts accordingly.// ¶

(b)/If/the Secretary of State does not make the determinations described in subsection (6)(a) of this rule,/the Secretary of State/may/provide further instruction and guidance to the/mass/transit/district and request that the

district resubmit a map with changes identified by the Secretary.//¶

(7) Notwithstanding any other provision of this rule, the Secretary of State reserves the right to decline to adopt a proposed map submitted by a mass transit district and to divide the districts into subdistricts in a manner consistent with subsection (3) of this rule.//

Statutory/Other Authority: ORS 246.150, ORS 267.090 (2)

Statutes/Other Implemented: ORS 267.090 (2)