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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MARION

BEVERLY CLARNO, GARY WILHELMS,  
JAMES L. WILCOX, and LARRY  
CAMPBELL,

Petitioners,

v.

SHEMIA FAGAN, in her official capacity as  
Secretary of State of Oregon,

Respondent.

v.

JEANNE ATKINS, SUSAN CHURCH,  
NADIA DAHAB, JANE SQUIRES,  
JENNIFER LYNCH, and DAVID  
GUTTERMAN,

Intervenors.

Case No. 21CV40180

**Senior Judge Mary M. James, Presiding Judge  
of Special Judicial Panel  
Senior Judge Henry C. Breithaupt, Special  
Master to Special Judicial Panel**

RESPONDENT'S PROPOSED FINDINGS OF  
FACT

**ORS 20.140 - State fees deferred at filing**

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1 **I. THE LEGISLATIVE PROCESS**<sup>1</sup>

2 **A. U.S. Census 2020 – Oregon gains a seat.**

3 1. Last year, the United States Census Bureau conducted a decennial census (the “2020  
4 Census”) throughout the nation pursuant to Article I, section 2, of the United States Constitution.  
5 The Census Bureau, on or about April 26, 2021, announced and certified the actual enumeration  
6 of Oregon’s resident and apportionment populations. Oregon’s resident population is 4,237,256.  
7 Stipulation of Facts (“Stip.”) ¶ 8.

8 2. Following the 2010 Census, Oregon was apportioned five congressional seats. Stip. ¶ 2.  
9 Oregon’s apportionment population after the 2020 Census entitled it to an additional seat in the  
10 United States House of Representatives pursuant to Article I, section 2, of the United States  
11 Constitution and 2 USC section 2a. Accordingly, under 2 USC section 2c, Oregon was required  
12 to establish a sixth congressional district from which its sixth representative would be elected.  
13 Stip. ¶ 15.

14 3. Significant population shifts since the 2010 Census generated substantial inequalities  
15 among the resident populations of Oregon’s five previous congressional districts. Oregon’s  
16 congressional districts ranged from a low of 823,608 residents in the then-Fourth Congressional  
17 District to a high of 864,052 in the then-First Congressional District. All were unequal in  
18 population size. Stip. ¶¶ 9-14.

19 4. The target populations for Oregon’s six congressional districts are four districts with  
20 populations of 706,209 persons and two districts with populations of 706,210. Stip. ¶ 16.

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25 <sup>1</sup> By including proposed findings of fact on the legislative history of SB 881 and surrounding  
26 circumstances, Respondent does not waive any legal argument on any issue, including, but not  
limited to, the issue of whether the consideration of legislative history evidence is a legal issue  
not subject to fact finding in the traditional sense.

1           **B.     2021 Oregon Legislative Redistricting Process.**

2     5.     Due to a delay in the Census Bureau’s dissemination of population data resulting from  
3     the ongoing pandemic, the Legislative Assembly postponed the process for congressional  
4     redistricting with the enactment of Senate Bill 259 (2021).

5     6.     The House Interim Committee On Redistricting, comprised of Co-Chairs Rep. Shelly  
6     Boshart Davis and Rep. Andrea Salinas, and Members Rep. Daniel Bonham, Rep. Wlnsvey  
7     Campos, House Republican Leader Christine Drazan, Representative Khanh Pham continued  
8     redistricting work after the 2021 regular session ended. Ex. 2009, House Interim Committee on  
9     Redistricting Overview, 2021-2022 Interim.

10    7.     The House Interim Committee on Redistricting met fourteen times from August 18, 2021  
11    through September 13, 2021. Ex. 2009. Draft congressional maps were released at an  
12    informational meeting on 9/3/2021. Ex. 2013, House Interim Committee on Redistricting,  
13    9/8/2021 8:00 AM Meeting Materials.

14    8.     Representative Andrea Salinas proposed a new congressional map referred to as “Plan A”  
15    and Representative Shelly Boshart Davis proposed a new congressional map referred to as “Plan  
16    B.” Stip. ¶ 20; Ex. 2010, Exhibit, Congress - Plan A, House Interim Committee on Redistricting;  
17    Ex. 2011, Exhibit, Congress - Plan B, House Interim Committee on Redistricting; Ex. 2012,  
18    Congressional Plan A (summary), House Interim Committee on Redistricting.

19    9.     After the maps were released, the House Interim Committee on Redistricting held a total  
20    of 12 public hearings. Ex. 2009. The committee received testimony from hundreds of  
21    Oregonians. *See infra* Section II, at 5-60.

22           **C.     2021 First Special Session.**

23    10.    On September 20, 2021, Senate President Peter Courtney introduced Plan A as Senate  
24    Bill 881 (2021) (“SB 881”). Stip. ¶ 21.

25    11.    On September 20, 2021, the Oregon Senate passed SB 881 by a vote of 18 ayes to 11  
26    nays, with one member excused, with the votes as follows:

Aye: Beyer, Burdick, Courtney, Dembrow, Frederick, Gelser Blouin, Golden,

1 Gorsek, Jama, Johnson, Lieber, Manning, Patterson, Prozanski, Riley, Steiner  
Hayward, Taylor, Wagner;

2 Nay: Anderson, Boquist, Findley, Girod, Hansell, Heard, Kennemer, Knopp,  
3 Linthicum, Robinson, Thatcher; and

4 Excused: Thomsen.

5 Stip. ¶ 22; Exs. 2005 and 2006 (SB 881 Measure History and Vote Counts, 2021 1st  
Special Session).

6 12. SB 881 and Senate Bill 882 (2021), which provided for redistricting of Oregon's state  
7 legislative districts, were scheduled for a vote for September 25, 2021, in the Oregon House of  
8 Representatives. Stip. ¶ 23.

9 13. When the House convened on September 25, 2021, the House lacked the quorum  
10 necessary to vote on SB 881. Stip. ¶ 24.

11 14. On September 27, 2021, the Oregon House of Representatives passed an amendment to  
12 SB 881, introduced by Senator Courtney, known as SB 881-A, by a vote of 33 ayes to 16 nays,  
13 with 11 members excused, with the votes as follows:

14 Aye: Alonso Leon, Bynum, Campos, Clem, Dexter, Evans, Fahey, Gomberg,  
15 Grayber, Holvey, Hudson, Kotek, Kropf, Lively, Marsh, McLain, Meek, Neron,  
Nosse, Pham, Power, Prusak, Rayfield, Reardon, Reynolds, Ruiz, Salinas,  
Sanchez, Sollman, Valderrama, Warner, Williams, Witt;

16 Nay: Breese-Iverson, Cate, Drazan, Goodwin, Hayden, Levy, Moore-Green,  
17 Noble, Owens, Reschke, Scharf, DB Smith, G Smith, Wallan, Weber, Zika; and

18 Excused: Bonham, Boshart Davis, Helm, Lewis, Morgan, Nathanson, Post,  
Schouten, Stark, Wilde, Wright.

19 Stip. ¶ 25; Ex. 2006.

20 15. On September 27, 2021, the Oregon Senate passed SB 881-A by a vote of 18 ayes to 6  
21 nays, with six members excused, with the votes as follows:

22 Aye: Beyer, Burdick, Courtney, Dembrow, Frederick, Gelser Blouin, Golden, Gorsek,  
23 Jama, Johnson, Lieber, Manning, Patterson, Prozanski, Riley, Steiner Hayward, Taylor,  
24 Wagner;

25 Nay: Anderson, Findley, Girod, Kennemer, Knopp, Thomsen; and

26 Excused: Boquist, Hansell, Heard, Linthicum, Robinson, Thatcher.

Stip. ¶ 26; Ex. 2006.



1 16. On September 27, 2021, Governor Kate Brown signed SB 881-A—now referred to post-  
2 passage as SB 881—into law. Stip. ¶ 27; Ex. 2005 (Measure History). See Ex. 2002 (Enrolled  
3 Senate Bill 881).

4 17. Under SB 881, Oregon’s First Congressional District has a population of 706,209;  
5 Oregon’s Second Congressional District has a population of 706,209; Oregon’s Third  
6 Congressional District has a population of 706,209; Oregon’s Fourth Congressional District has  
7 a population of 706,208; Oregon’s Fifth Congressional District has a population of 706,209; and  
8 Oregon’s Sixth Congressional District has a population of 706,212. Stip. ¶¶ 28-33.

9 18. Under SB 881, each of Oregon’s six congressional districts is contiguous. Stip. ¶ 34;  
10 Ex. 2001 (Adopted Oregon Congressional Map (SB 881 A)); see Ex. 2003-2004 (Congressional  
11 Plan Summary Floor Letters from Rep. Andrea Salinas and Sen. Kathleen Taylor).

12 **II. SB 881 COMPORTS WITH OREGON’S TRADITIONAL REDISTRICTING**  
13 **CRITERIA UNDER ORS 188.010(1)**

14 **A. Preface to Respondent’s Proposed Findings of Fact on why SB 881 comports**  
15 **with traditional redistricting criteria.**

16 ORS 188.010(1) provides that each district, as nearly as practicable, shall (a) be  
17 contiguous; (b) be of equal population; (c) utilize existing geographic or political boundaries;  
18 (d) not divide communities of common interest; and (e) be connected by transportation links.  
19 This section explains how SB 881 comports with each of those criteria.

20 Although petitioners have withdrawn their fourth claim, asserting a violation of  
21 ORS 188.010(1), factual findings about the criteria that the legislature considered in enacting  
22 SB 881 remain part of the legislative history of SB 881 and therefore is relevant to petitioners’  
23 other claims. Those claims allege that the legislature enacted SB 881 with the purpose or intent  
24 of favoring one political party. Pet. ¶¶ 60, 83, 93.

25 To rebut that allegation, Respondent relies on evidence about the legitimate,  
26 nondiscriminatory considerations that went into the districts drawn in SB 881. Without  
conceding that the analysis is correct under Oregon law, Respondent notes that some courts

1 evaluating allegations of partisan gerrymandering place significance on the extent to which the  
2 map complies with “traditional” districting criteria. *See, e.g., League of Women Voters v.*  
3 *Commonwealth*, 645 Pa 1, 122, 178 A3d 737, 817 (2018); *see also Vieth v. Jubelirer*,  
4 541 US 267, 360–61 (2004) (Breyer, J., dissenting) (arguing that reliance on “traditional  
5 districting criteria” should defeat a claim of partisan gerrymandering); *Rucho v. Common Cause*,  
6 139 S Ct 2484, 2521 (2019) (Kagan, J., dissenting) (“Everyone agrees that state officials using  
7 non-partisan criteria \* \* \* have wide latitude in districting. The problem arises only when  
8 legislators or mapmakers substantially deviate from the baseline distribution \* \* \*.”). More  
9 generally, the extent to which a factfinder credits evidence of legitimate, nondiscriminatory  
10 reasons for an action may have a bearing on whether the factfinder concludes that the action was  
11 intentionally discriminatory. *See, e.g., St. Mary’s Honor Center v. Hicks*, 509 US 502, 511  
12 (1993) (“The factfinder’s disbelief of the reasons put forward by the defendant (particularly if  
13 disbelief is accompanied by a suspicion of mendacity) may, together with the elements of the  
14 prima facie case, suffice to show intentional discrimination.”); *see also Rucho*, 139 S Ct at 2516  
15 (Kagan, J., dissenting) (arguing that a showing of partisan gerrymandering can be rebutted by “a  
16 legitimate, non-partisan justification” for the map).

17 The Special Master should make findings on the criteria that were considered by the  
18 legislature and are reflected in the final map so that the Special Judicial Panel can take them into  
19 account in evaluating petitioners’ allegations of partisan favoritism.

20 **B. ORS 188.010(1)(a): Contiguity**

21 19. Each of the six districts is contiguous. *See Ex 2004* (floor letter from Sen Taylor noting  
22 the contiguity of each district). That is, there is no section of any district that is geographically  
23 disconnected from the rest of its district. *See Ex. 2001* (enacted map showing six self-contained  
24 districts with no separate enclaves or exclaves); Stip. ¶ 34.

25

26

1           **C.     ORS 188.010(1)(b): Equal Population**

2   20.     Each district, as nearly as practicable, is of equal population. According to the 2020  
3   Census data, the population of each district is between 706,208 and 706,212. *See* Ex 2572 (table  
4   listing the total population of each district and county based on 2020 Census data); Ex 2004 (Sen  
5   Taylor floor letter listing the population of each district).

6           **D.     ORS 188.010(1)(c): Existing Geographic or Political Boundaries**

7   21.     Under SB 881, each district, as nearly as practicable, utilizes existing geographic or  
8   political boundaries. *See* Ex 2004 (Sen Taylor floor letter listing boundaries utilized for each  
9   district). The districts utilize boundaries including county lines, city lines, state borders,  
10   highways rivers, shorelines, and the boundaries of the Warm Springs Reservation. *See, e.g.,*  
11   Ex 2004 (Sen Taylor floor letter listing boundaries utilized by each district); Ex. 2001 (showing  
12   district lines utilizing county lines, rivers, state borders, and the Pacific coast); Ex 2507 (showing  
13   boundary between District 2 and District 5 utilizing the boundary of the Warm Springs  
14   Reservation).

15   22.     The following six subsections list some of the existing geographic and political  
16   boundaries utilized by the boundaries of each district. The seventh subsection discusses  
17   SB 881's overall compliance with the criterion.

18           **1.     District 1**

19   23.     District 1 utilizes existing geographic and political boundaries that include the Pacific  
20   Ocean, the Columbia River, the Willamette River, the Washington/Yamhill county line, the  
21   Tillamook/Yamhill county line, the Tillamook/Polk county line, and the Tillamook/Lincoln  
22   county line. *See* Ex. 2001 (showing those boundaries on the enacted map); Ex. 2004 (Sen Taylor  
23   floor letter listing boundaries).

24           **2.     District 2**

25   24.     District 2 utilizes existing geographic and political boundaries that include the Hood  
26   River/Wasco county line, the Clackamas/Wasco county line, the boundary of the Warm Springs

1 Indian Reservation, the Marion/Jefferson county line, the Linn/Jefferson county line, U.S.  
2 Route 20, the Jefferson/Deschutes county line, the Deschutes/Crook county line, the Bend city  
3 boundary, U.S. Route 97, the Lane/Deschutes county line, the Lane/Klamath county line, the  
4 Lane/Douglas county line, the North Umpqua River, the Coos/Douglas county line, the  
5 Curry/Douglas county line, and the Curry/Josephine county line. *See* Ex 2004 (Sen Taylor floor  
6 letter stating that District 2 utilizes county lines and the Bend city boundary); Ex. 2001 (showing  
7 the boundaries on the enacted map, following various county lines); Ex 2507 (showing the  
8 district line following county lines and the Warm Springs Reservation boundary); Ex 2506  
9 (showing the district line utilizing the Bend city boundary, with the majority of the city in  
10 District 5 and one small section in District 2).

11 25. In some places, the border between District 2 and District 5 departs from the western  
12 borders of Wasco and Jefferson Counties, so that District 2 includes portions of Clackamas and  
13 Marion Counties. *See* Ex. 2001 (showing the district line departing from county lines in eastern  
14 Clackamas and Marion Counties). At those places, the district border follow the western  
15 boundary of the Warm Springs Indian Reservation where the Reservation extends into  
16 Clackamas and Marion Counties. *See* Ex 2507 . The district border’s departure from the county  
17 lines thus allows District 2 to contain the entire contiguous reservation, with the exception of a  
18 portion of the Whitewater Glacier on Mount Jefferson. *See* Ex. 2507, 2508.

19 26. The Redistricting Committees heard testimony in favor of keeping the Warm Springs  
20 Reservation in one district.

21 27. Warm Springs resident Heidi Casper testified, “One very important aspect of drawing  
22 these maps is to keep the Sovereign Nation of Warm Springs whole.” Ex. 2067, Testimony,  
23 Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Heidi  
24 Casper).

25 28. Craig Martell, from Baker City, testified that “Wasco and Jefferson counties . . . must be  
26 in the same district so as to avoid splitting the reservation.” Ex. 2024, Testimony, Senate Interim

1 Committee on Redistricting, SB 881, Sept 8, 2021, 1:00 p.m. (statement of Craig Martell).

2 Central Oregon resident Gina Minnis testified in favor of “keep[ing] Warm Springs with  
3 Umatilla, Burns Paiute, and Klamath tribes together.” Ex. 3018-J, Testimony, Senate Interim  
4 Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m., 70:1–70:2 (statement of Gina  
5 Minnis).

6 29. Madras resident Tommy Alvarez, Sr., testified, “Most of my family are enrolled in the  
7 Confederated Tribes of Warm Springs, Oregon. We consider our community of interest to be the  
8 entire reservation from the Cascade Mountains to the Deschutes River and Madras, Oregon, up  
9 to Terrebonne, where my two cousins live. We also consider the tribe's 10 million acres we  
10 ceded to the United States to be part of our homeland since time in memorial.” Ex. 3018-N,  
11 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 10, 2021, 8:00 a.m.,  
12 21:14–21:22 (statement of Tommy Alvarez).

13 30. The “splits” of Clackamas and Marion counties thus reflect the concerns expressed by  
14 residents about avoiding a split of the reservation, an important political, legal, and governmental  
15 boundary.

### 16 **3. District 3**

17 31. District 3 utilizes existing geographic and political boundaries that include the Columbia  
18 River, the Hood River/Wasco county line, the Clackamas/Wasco county line, the Clackamas  
19 River, and the Willamette River. *See* Ex. 2001 (showing District 3 boundaries in the statewide  
20 map and in the “Portland and Northern Willamette Valley” inset).

### 21 **4. District 4**

22 32. District 4 utilizes existing geographic and political boundaries that include the  
23 Lincoln/Tillamook county line, the Lincoln/Polk county line, the Benton/Polk county line, the  
24 Benton/Linn county line, the Lane/Linn county line, the Lane/Deschutes county line, the  
25 Lane/Klamath county line, the Lane/Douglas county line, the North Umpqua River, Interstate 5,  
26 the Coos/Douglas county line, the Curry/Douglas county line, the Curry/Josephine county line,

1 the Oregon/California border, and the Pacific Ocean. *See* Ex. 2001 (showing those boundaries);  
2 Ex 2004 (noting that the district utilizes county lines).

3 **5. District 5**

4 33. District 5 utilizes existing geographic and political boundaries that include the Clackamas  
5 River, the Clackamas/Wasco county line, the boundary of the Warm Springs Indian Reservation,  
6 the Marion/Jefferson county line, the Linn/Jefferson county line, U.S. Route 20, the  
7 Deschutes/Jefferson county line, the Deschutes/Crook County line, the Bend city boundary, the  
8 Deschutes/Lane county line, the Linn/Lane county line, the Linn/Benton county line, the  
9 Linn/Polk county line, the Linn/Marion county line, Oregon Route 22, Cordon Road in Salem,  
10 the Salem city boundary, the Woodburn city boundary, the Marion/Clackamas county line, the  
11 Washington/Clackamas county line, the Washington/Multnomah county line, and Interstate 5.  
12 *See* Ex. 2001 (showing an overview of the boundaries of District 5); Exs. 2507, 2542 (showing  
13 where the boundary utilizes the Reservation boundary); Ex. 2543 (showing where the boundary  
14 utilizes U.S. Route 20); Ex. 2506 (showing where the boundary utilizes the Bend city boundary);  
15 Exs. 2545–2546 (showing where the boundary utilizes Cordon Road in Salem); Ex. 2550  
16 (showing where the boundary utilizes the city boundaries of Salem and Woodburn); Ex. 2541  
17 (showing where the boundary utilizes Interstate 5).

18 **6. District 6**

19 34. District 6 utilizes existing geographic and political boundaries that include the  
20 Washington/Multnomah county line, the Washington/Clackamas county line, the  
21 Marion/Clackamas county line, the city boundaries of Woodburn and Salem, Cordon Road in  
22 Salem, Oregon Route 22, the Marion/Linn county line, the Polk/Linn county line, the  
23 Polk/Benton county line, the Polk/Lincoln county line, the Polk/Tillamook county line, the  
24 Yamhill/Tillamook county line, and the Yamhill/Washington county line. *See* Ex 2001 (showing  
25 those boundaries on the enacted map).

26

1 35. The Redistricting Committees heard testimony from Salem area residents that supports  
2 the logic of utilizing the eastern boundaries of Salem and Woodburn as part of a district  
3 boundary, thus keeping Salem and Woodburn within the same district, as well as utilizing  
4 Cordon Road on the eastern edge of Salem in particular.

5 36. Woodburn resident Debbie Cabrales testified about the ties between Woodburn and  
6 Salem, “two areas that are so connected that folks travel in between them every single day.”  
7 Ex. 2040, Testimony, Senate Interim Committee on Redistricting, SB 881 Sept 9, 2021,  
8 1:00 p.m. (statement of Debbie Cabrales).

9 37. Salem resident Caryn Connolly testified that “Cordon Road is a good dividing line for a  
10 district—communities on each side are different.” Ex. 2059, Testimony, Senate Interim  
11 Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m (statement of Caryn Connolly).

12 38. Salem resident Cynthia Martinez testified about the connections between the  
13 communities of Salem and Woodburn and stated her opinion that Cordon Road is a logical  
14 boundary line for an Oregon House district: “Before, Lancaster Road was seen as a marker  
15 between urban and rural areas. And so many people have moved to the east of Lancaster Road,  
16 so it would make sense to have Cordon Road be an indicator of where the district should stop. I  
17 would like to advocate for House plan C, as it’s the most—it’s the one that makes the most sense  
18 and keeps the Latinx community the most together. It keeps northeast Salem and Woodburn  
19 together, and also Hayesville down to Four Corners as well.” Ex. 3018-K, Testimony, Senate  
20 Interim Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m., 14:1–14:12 (statement of  
21 Cynthia Ramirez).

22 39. Salem resident Michael Powers testified, “I think the communities of north Salem and  
23 Woodburn have many common interests and cultural connections, and so it makes sense to keep  
24 them together for the near future. I would also work to keep the area along Lancaster Road  
25 together as well, perhaps using Cordon Road as a boundary.” Exhibit 3018-K, Testimony,  
26

1 Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m., 34:8– 34:14  
2 (statement of Michael Powers).

3 **7. SB 881 comports with the criterion that each district, as nearly as**  
4 **practicable, shall utilize existing geographic or political boundaries**

5 40. Under SB 881, each district, as nearly as practicable, utilizes existing geographic or  
6 political boundaries. *See* Ex 2004 (Sen Taylor floor letter listing boundaries utilized for each  
7 district). District boundaries utilize boundaries including county lines, city lines, state borders,  
8 highways, rivers, shorelines, and the boundaries of the Warm Springs Reservation. *See, e.g.,*  
9 Ex. 2004 (Sen Taylor floor letter listing boundaries utilized by each district); Ex. 2001 (showing  
10 district lines utilizing county lines, rivers, state borders, and the Pacific coast); Ex 2507 (showing  
11 boundary between District 2 and District 5 utilizing the boundary of the Warm Springs  
12 Reservation).

13 41. One example of an existing political boundary is a county line. Every district utilizes  
14 county lines to some extent. *See* Ex. 2001 (showing district lines following various county  
15 lines). Some district lines depart from county lines, so that a county straddles two or more  
16 districts. *See, e.g.,* Ex. 2543 (showing the boundary between District 5 and District 2 in  
17 Deschutes County).

18 42. Whether a county is “split” across two or more districts can be determined from the text  
19 of the redistricting statute itself. *See* Ex. 2002 (the text of SB 881). SB 881 contains six  
20 subsections, each of which lists the “counties or parts thereof” that fall within a particular  
21 district. *See* Ex. 2002 at 10 (“The State of Oregon is portioned into six congressional districts,  
22 composed, respectively, of the following counties or parts thereof:”). For example, subsection  
23 (1), describing the “First District,” lists “Clatsop County,” “Columbia County,” and “Tillamook  
24 County,” indicating that those counties are entirely contained within District 1, as well as a  
25 “portion of Multnomah County” and a “portion of Washington County,” indicating that those  
26 counties are split between two or more districts. Ex. 2002 at 9. When a district includes a



1 “portion” of a county, the statute lists the specific census tracts and blocks within a county that  
2 fall within a particular district. *See, e.g.*, Ex. 2002 at 19 (subsection (4), for District 4, listing  
3 “that portion of Polk County lying within blocks 2092 and 2141 of census tract 20400”). Blocks  
4 can be extremely small areas of land that are barely visible even on close-up maps. *See* Ex. 2540  
5 at 2 (2020 Census Block Map of Polk County, with blocks 2092 and 2141 visible as small  
6 semicircles along the Polk/Lincoln county line).

7 43. According to the statutory references to “portion[s]” of counties, there are 11 counties  
8 that fall within two or more districts. *See* Ex. 2002. Benton County falls within Districts 4 and  
9 5. *See* Ex. 2002 at 16, 19; Ex. 2001 (split not visible on map). Clackamas County falls within  
10 Districts 3, 5, and 6. *See* Ex. 2002 at 11, 14, 19; Ex. 2001 (northern portion in District 3,  
11 southern portion in District 5, and easternmost edges in District 2). Curry County falls within  
12 Districts 2 and 4. *See* Ex. 2002 at 11, 17; Ex. 2001 (split not visible on map). Deschutes County  
13 falls within Districts 2 and 5. *See* Ex. 2002 at 11, 20; Ex. 2001 (northwestern portion in District  
14 5 and southeastern portion in District 2). Douglas County falls within Districts 2 and 4. *See*  
15 Ex. 2002 at 12, 18; Ex. 2001 (western portion in District 4 and eastern portion in District 2).  
16 Jefferson County falls within Districts 2 and 5. *See* Ex. 2002 at 14, 21; Ex. 2001 (southwestern  
17 corner in District 5 and remainder in District 2). Linn County falls within Districts 4, 5, and 6.  
18 *See* Ex. 2002 at 19, 21, 25; Ex. 2001 (western edge in District 4 and majority in District 5;  
19 portion in District 6 not visible on map). Marion County falls within Districts 2, 5, and 6. *See*  
20 Ex. 2002 at 14, 23, 25; Ex. 2001 (western portion in District 6, central/eastern portion in District  
21 5, and easternmost edges in District 2). Multnomah County falls within Districts 1, 3, and 5. *See*  
22 Ex. 2002 at 10, 15, 24; Ex. 2001 (western/northwestern portion in District 1, southern portion in  
23 District 5, and eastern portion in District 3). Polk County falls within Districts 4 and 6. *See*  
24 Ex. 2002 at 19, 27; Ex. 2001 (split not visible on large-scale map); Ex. 2554 (split barely visible  
25 on close-up map). Washington County falls within Districts 1 and 6. *See* Ex. 2002 at 10, 28;  
26 Ex. 2001 (southeastern corner in District 6 and remainder in District 1). Some of those

1 departures from county lines, or “county splits,” are so small as to be invisible on a large-scale  
2 map. For example, the line between District 4 and District 6 makes two incursions of less than  
3 160 feet into Polk County, so that those two areas are included in District 4, while the  
4 overwhelming majority of Polk County is contained within District 6. *See* Ex. 2002 at 19  
5 (including within District 4 “that portion of Polk County within blocks 2092 and 2141 of census  
6 tract 20400”); Ex. 2540 at 2 (showing blocks 2092 and 2141 as barely visible on a close-up  
7 Census map); *compare* Ex. 2001 (showing the southwestern boundary of District 6 appearing to  
8 follow the Lincoln-Polk county line) *with* Ex. 2554 (showing two barely visible departures from  
9 the county line); Ex 2556 (showing the district line intruding less than 65 feet into Polk County);  
10 Ex 2558 (showing the district line intruding less than 160 feet into Polk County).

11 44. Some of these county splits affect only uninhabited areas, so that no residents of either  
12 county are affected. A table prepared by Dr. Ethan Sharygin, Director of Portland State  
13 University’s Population Research Center, illustrates this. *See* Ex 2570 (Declaration of Dr. Ethan  
14 Sharygin); Ex 2571 (curriculum vitae of Dr. Sharygin); Ex 2572 (table showing “Population by  
15 County and Congressional Districts”). Dr. Sharygin used data from the 2020 Census to create a  
16 table that shows the total population of each county, the total population of each district, and how  
17 the population of each county is distributed between districts. For example, the first row of the  
18 table shows that all 16,668 residents of Baker County reside within District 2, while the third row  
19 shows that residents of Clackamas County reside within Districts 3, 5, and 6. *See* Ex 2572. The  
20 row that lists the population of Polk County shows that the entire population of that county is  
21 contained within District 6, and therefore the two above-mentioned splits of that county do not  
22 affect any voters. *See* Ex 2572; *see also* Ex 2554 (showing the splits of Polk County as barely  
23 visible on a close-up map). The population table shows that among Oregon’s 36 counties, only  
24 eight counties are divided in a way that affects the district affiliation of any residents. *See*  
25 Ex. 2572 (showing that the populations of Clackamas, Deschutes, Douglas, Jefferson, Linn,  
26 Marion, Multnomah, and Washington Counties reside within two or more districts). Some of

1 these divisions affect substantial numbers of people, such as in Multnomah County, whose  
2 population is too large to fit within one district with a population equal to that of the other five  
3 districts. *See* Ex. 2572 (showing Multnomah County residents in Districts 1, 3, and 5; showing  
4 total Multnomah County population of 815,428; showing district populations from 706,209 to  
5 706,212). In contrast, the split of Jefferson County between Districts 2 and 5 affects 20 people.  
6 *See* Ex. 2572 (showing 24,482 Jefferson County residents in District 2 and 20 residents in  
7 District 5).

8 45. Further, some district lines depart from county lines in order to follow other existing  
9 geographic or political boundaries. ORS 188.010(1)(c) does not specify the types of boundaries  
10 that qualify as “geographic or political,” nor does ORS 188.010(1) prioritize county lines over  
11 other types of boundaries. For instance, the line between District 4 and District 6 follows a road  
12 that briefly crosses the Lincoln/Polk county line at two points. *See* Ex. 2554 (showing an  
13 overview of the area); Ex 2555 (showing the district line following Murphy Road into Polk  
14 County); Ex. 2557 (same). The line between District 5 and District 2 departs from county lines  
15 in order to accommodate the western boundary of the Warm Springs Indian Reservation. *See*  
16 Ex. 2542 (showing the district line departing from county lines at certain points in order to  
17 follow the reservation boundary); Ex. 2507 (showing a closer view of the same).

18 46. Finally, the criterion that districts utilize existing geographic or political boundaries “as  
19 nearly as practicable” contemplates the likely necessity of departing from such boundaries when  
20 necessary to satisfy other criteria, such as that the districts be of equal population, not divide  
21 communities of common interest, and be connected by transportation links. *See*  
22 ORS 188.010(b), (c)–(e). In any event, the vast majority of the lines that SB 881 draws across  
23 Oregon follow existing geographic or political boundaries.

24 47. SB 881 comports with the ORS 188.010(1)(c) criterion that each district, “as nearly as  
25 practicable, shall . . . not divide communities of common interest.”

26

**E. ORS 188.010(1)(d): Communities of Common Interest.**

1 48. Another criteria under ORS 188.010(1) is that each district, as nearly as practicable, shall  
2 not “divide communities of common interest.” ORS 188.010(1)(d). The statute does not define  
3 “communities of common interest.” However, as part of the redistricting process, the House  
4 Interim Committee on Redistricting held public hearings where residents of all parts of the state  
5 could give oral or written testimony about how different proposed or possible Congressional and  
6 state redistricting plans would impact their communities. *See supra* Section I.B (describing  
7 committee process); Ex. 2009 (House Interim Committee on Redistricting Overview); Exs. 2013,  
8 2020, 2025, 2030, 2038, 2042, 2045, 2049, 2054, 2058, 2061, 2092 (Meeting Materials listing  
9 written testimony received during 12 public hearings). *See, e.g.*, Ex. 3018-I, Testimony, Senate  
10 Interim Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m. (transcript of oral  
11 testimony).

12 49. Dozens of residents expressed their opinions on how their homes and communities  
13 should be grouped into districts, often referring to commonalities and differences between cities  
14 and regions. *See, e.g.*, Ex. 2023, Testimony, Senate Interim Committee on Redistricting,  
15 SB 881, Sept 8, 2021, 1:00 p.m. (statement of Fritz & LeAnn Ellett) (residents of The Dalles  
16 expressing their wish to share a district with Jefferson County, which has “attitudes and lifestyles  
17 more similar to us” than Hood River).

18 50. Some of the residents’ testimony at those hearings specifically referred to two proposed  
19 Congressional District plans that ultimately were not enacted, referred to as “Plan A” and “Plan  
20 B.” *See* Ex. 2010 (Plan A map); Ex. 2011 (Plan B map). Other testimony referred to district  
21 plans for the Oregon House of Representatives and the Oregon Senate. *See, e.g.*, Ex. 3018-I,  
22 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m., 7:12–  
23 7:23 (statement of Julie Fitzgerald) (expressing support for “Congress Plan B,” “House Plan A,”  
24 and “Senate Plan A”).

25 51. Regardless, the content of those residents’ statements regarding their communities and  
26 how they should be represented is relevant to determining whether SB 881 unnecessarily divides

1 those communities. The testimony shows that the legislature was aware of and could have  
2 considered various residents' wishes and concerns regarding how district lines would affect their  
3 communities. The final enacted map, reflecting many of those wishes and concerns, shows that  
4 SB 881 did not unnecessarily divide communities of common interest.

5 52. The following subsections consist mostly of excerpts from the testimony of residents of  
6 various regions of Oregon, organized according to Congressional Districts under SB 881. Also  
7 included are citations to images of the enacted map, showing how the map reflects various  
8 residents' statements about their communities.

9 **1. District 1**

10 53. District 1 includes all of Clatsop, Columbia, and Tillamook Counties, as well as areas of  
11 Washington and Multnomah Counties. *See* Ex. 2001; Ex. 2002; Ex. 2004. The Redistricting  
12 Committees heard testimony that communities within District 1 share common interests.

13 54. Naomi Strait, a resident of Southwest Beaverton (Washington County), expressed  
14 opposition to “pack[ing] Washington County’s rapidly growing and diverse communities into  
15 one Congressional District despite the fact that Washington County is connected to neighboring  
16 counties to the west and is likely to continue growing at a rapid pace over the next ten years.”  
17 Ex. 2044, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 9, 5:30 p.m.  
18 (statement of Naomi Strait).

19 55. Peter Huhtala, a resident of Tigard (Washington County) and a former 15-year resident of  
20 Astoria (Clatsop County), a former member of the Clatsop County Board of Commissioners, and  
21 a former board member of the Columbia Pacific Economic Development District (Col-Pac),  
22 testified that “[b]ringing Tillamook County into the northwest Oregon Congressional District 1  
23 with its neighboring counties makes a lot of sense, particularly regarding sustainable forestry,  
24 seafood, recreation, tourism, resilience, and carbon-free energy.” Ex. 2043, Testimony, Senate  
25 Interim Committee on Redistricting, SB 881, Sept 9, 5:30 p.m. (statement of Peter Huhtala). He  
26 further testified that members of Col-Pac, which serves Clatsop, Columbia, and Tillamook

1 Counties, as well as western Washington County, “have found much in common.” *Id.* He also  
2 stated that “[i]t makes sense to honor the natural relationships of rural and coastal communities  
3 with Oregon’s largest city.” *Id.*; *see* Ex. 2001 (showing District 1 containing all of Clatsop,  
4 Columbia, and Tillamook Counties, as well as western Washington County).

5 56. Hillsboro resident Tori Algee testified, “Washington county is a rapidly changing and  
6 growing county. The communities here are diverse, and we are extremely interconnected with  
7 other parts of the state. To the North and the East, many agricultural and logging communities  
8 exist with many connections with neighboring counties. Washington County has shared interests  
9 with our neighboring counties through forestry and the timber industry—we share the beautiful  
10 Tillamook Forest with neighboring Tillamook, Yamhill, and Clatsop Counties as well. I like that  
11 Plan A acknowledges that, and I don’t like that Plan B leaves us boxed in and treats us like we  
12 aren’t a part of a broader Oregon.” Ex. 2062, Testimony, Senate Interim Committee on  
13 Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Tori Algee).

14 57. Sol Mora Cendejas, a resident of Portland, testified that CD 1 connects the parts of  
15 Washington County that have grown to Multnomah County and uses logical boundaries like the  
16 Tillamook and the Yamhill County border to define its boundaries. Ex. 2050, Testimony, Senate  
17 Interim Committee on Redistricting, SB 881, Sept 10, 2021, 1:00 p.m. (statement of Sol Mora  
18 Cendejas); *see* Ex. 2001 (showing District 1 connecting Washington and Multnomah Counties  
19 and following the Washington/Yamhill county line).

20 58. Southwest Portland resident and former 1<sup>st</sup> District Congressman Les AuCoin testified  
21 about the importance of keeping District 1 intact: “My former Congressional District is a diverse  
22 district in NW Oregon, home to both urban and rural communities. In the two previous  
23 redistricting efforts ten and twenty years ago, some questioned the utility and responsiveness of a  
24 district in which a US House member residing, say, in an urban or suburban location could  
25 faithfully represent the interests of, say, commercial fishermen and their families on the Oregon  
26 coast. They were wrong. History demonstrates that in fact one who faithfully represents all

1 residents of one’s district can do so without being pigeonholed as ‘that coastal  
2 congressperson.’ . . . I firmly believe, and history shows, that elected leaders can effectively  
3 represent both Urban and Rural communities.” Ex. 2093, Testimony, Senate Interim Committee  
4 on Redistricting, SB 881, Sept 13, 2021, 5:30 pm. (statement of Les AuCoin).

5 59. Clatskanie resident and former mayor of Clatskanie Diane L. Pohl testified that during  
6 her twelve years as mayor, she “was very active in various State and Federal issues, committees  
7 and activities that encompassed Columbia County, Clatsop County and Tillamook County.  
8 These included economic development, law enforcement, and other County, State and Federal  
9 issues. There has been a definite collaborative value in having the three counties in the same  
10 Congressional District.” Ex. 2084, Testimony, Senate Interim Committee on Redistricting, SB  
11 881, Sept 13, 2021, 1:00 p.m. (statement of Diane L. Pohl); *see* Ex. 2001 (showing District 1  
12 containing all of Columbia, Clatsop, and Tillamook Counties).

13 60. Seaside resident Laura Allen testified, “We are a coastal community at the mouth of the  
14 Columbia River. That means the Port of Portland is central to our economy. Our fishing,  
15 timber, recreation, and tourism based economy connects us most directly to the Coastal Range  
16 and part of Washington County and the North Willamette Valley and across Columbia County to  
17 the metro area and Lower Columbia region. . . . Many North Coast residents are originally from  
18 Portland and many consider the metro area residents our neighbors; they own and operate  
19 businesses here, have homes on the North Coast, and participate in our activities and local  
20 governments. Many of our neighbors in Columbia County work at Nike or Intel in the Metro  
21 area. We are interconnected as a region.” Ex. 2063, Testimony, Senate Interim Committee on  
22 Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Laura Allen); *see* Ex. 2001  
23 (showing District 1 following the Columbia River from Portland to the North Coast, and uniting  
24 Columbia County with a large area of Washington County).

25 61. Tillamook resident Justin Aufdermauer, of the Tillamook Area Chamber of Commerce,  
26 testified about strong ties between Tillamook and Clatsop Counties, while distinguishing Lincoln

1 County: “Tillamook County has worked with Clatsop County’s communities for decades. As  
2 coastal communities, we have strong relationships and partnerships. We share legislative  
3 representation, and we rely on the same representation to advocate for our region and they do a  
4 good job. I’m asking you not to ruin that. Through this pandemic, the relationship has been  
5 forged tight and our communities would not be the same had it not been for these existing  
6 partnerships. Many of these existing partnerships are all built around the state structure.  
7 Business Oregon Region 1, Regional Solutions North Coast, Health and Security Preparedness  
8 and Response to COVID Region 1, Columbia Pacific Economic Development District. And our  
9 local systems are no different. Our transportation system, our food systems, agriculture, fishing,  
10 forestry, all tied to Tillamook and Clatsop County. Map C puts us in with Lincoln County,  
11 which we have basically nothing in common with. . . . Our north coast counties elected our  
12 legislators together through our common interests and we’d like to keep it that way.” Ex. 3018-  
13 K, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m.,  
14 35:11–36:24 (statement of Justin Aufdermauer); *see* Ex. 2001 (showing District 1 uniting  
15 Tillamook and Clatsop Counties and ending at the Tillamook/Lincoln county line).

16 62. Tillamook County resident April Bailey testified, “During the last districting, my south  
17 county area was put in with Lincoln County. I’m sorry to say, I don’t really feel like we got  
18 good representation as a result of that redistricting. Lincoln County has very different needs than  
19 Tillamook County. Economically and politically, we’re not represented well at all.” Ex. 3018-  
20 K, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m.,  
21 46:1–46:8 (statement of April Bailey); *see* Ex. 2001 (showing District 1 ending at the  
22 Tillamook/Lincoln county line).

23 63. Southwest Portland resident Marianne Fitzgerald requested that her neighborhood be  
24 included in District 1, emphasized the “urban” nature of her community, and distinguished her  
25 neighborhood from nearby Tigard and Lake Oswego: “[P]lease keep our home and neighborhood  
26 in CD 1. . . . [W]e have very little common interests with Clackamas, Marion and Linn



1 Counties. We were in CD 5 from 2001-2011 and the various representatives in CD 5 seem to  
2 have a more rural and suburban focus than our more urban SW Portland community. . . . We  
3 have been in CD 1 from the time we moved here in 1979 to the present time (with the one  
4 exception) and the various representatives in CD 1 seem to better understand the needs of our  
5 more urban, high-tech focused communities. Regarding the proposed boundaries for the Oregon  
6 House of Representatives, I support House Plan A. These boundaries put our home in HD 36 by  
7 combining much of SW Portland with eastern Washington County. The boundary uses I-5 as a  
8 logical break which has worked well for our neighborhood boundaries for many years. House  
9 Plan B keeps us in Tigard using very weird boundaries that don't make sense, and for the last 20  
10 years that we have been in HD 35/Tigard, the various representatives have been more focused on  
11 City of Tigard issues and pay less attention to SW City of Portland issues. House Plan C cuts us  
12 off from most of SW Portland and eastern Washington County also using weird boundaries, and  
13 puts us in a district with Riverdale and Lake Oswego that are a very different demographic than  
14 the working middle class families in our SW Portland neighborhood.” Ex. 2072, Testimony,  
15 Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of  
16 Marianne Fitzgerald); *see* Ex. 2541 (showing the intersection of Districts 1, 5, and 6 in  
17 Southwest Portland, utilizing the Tigard city limit and I-5 as boundary lines, so that Tigard lies  
18 within District 6 and Lake Oswego in District 5).

19 **2. District 2**

20 64. District 2 includes all of Malheur, Harney, Lake, Klamath, Jackson, Josephine, Baker,  
21 Grant, Crook, Wallowa, Union, Umatilla, Morrow, Gilliam, Sherman, and Wasco Counties, as  
22 well as areas of Douglas, Jefferson, Deschutes County, Marion, and Clackamas Counties. *See*  
23 Ex. 2001; Ex. 2002; Ex. 2004. The Redistricting Committees heard testimony that communities  
24 within District 2 share common interests.

25 65. Craig Martell, from Baker City, testified that “Wasco and Jefferson counties, by the way,  
26 must be in the same district so as to avoid splitting the reservation.” Ex. 2024, Testimony,

1 Senate Interim Committee on Redistricting, SB 881, Sept 8, 2021, 1:00 p.m. (statement of Craig  
2 Martell); *see* Ex. 2507 (showing Warm Springs Indian Reservation spanning Wasco and  
3 Jefferson Counties in District 2).

4 66. Prineville resident Rodney Tomberson testified, “It’s said that they want to include  
5 Prineville or parts of it in with parts of Bend and Redmond. And, as I see it, it violates the rules  
6 of redistricting because the people of Crook County and Prineville are just not the same as the  
7 people of Bend. There really two different subcultures within the state. Over here in Prineville,  
8 we tend to be more rural-minded. We tend to see our environment and our location as our life,  
9 our work, and providing for our families and a place to live. People continue to come to Bend  
10 for the recreation. They tend to see the great outdoors as the recreational theater a little bit.  
11 That’s a generalization, I realize, but we are two different cultures. If you put Prineville in with  
12 Bend and Redmond, Prineville will simply have no representation in Salem or in Washington,  
13 DC.” Ex. 3018-S, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 8, 2021,  
14 1:00 p.m., 64:25–65:18 (statement of Rodney Tomberson); *see* Ex 2543 (showing that District 2  
15 includes Prineville but excludes Redmond and Bend).

16 67. The Dalles residents Fritz & LeAnn Ellett stated “It is critical that we be grouped with  
17 communities of common interest . . . . In our case it means not being grouped with Hood River,  
18 but rather with communities to the south and east of us. Reaching south into Jefferson county  
19 would make sense as they have attitudes and lifestyles more similar to us.” Ex. 2023,  
20 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 8, 2021, 1:00 p.m.  
21 (statement of Fritz & LeAnn Ellett); *see* Ex. 2542 (showing The Dalles in District 2 and Hood  
22 River in District 3, and showing District 2 reaching south from The Dalles into Jefferson  
23 County).

24 68. The Dalles resident Jessica DeVlaeminck stated: “Please do not group The Dalles with  
25 Hood River, Portland and Bend; we do not have anything in common with those counties.”  
26 Ex. 2096, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021,

1 5:30 p.m. (statement of Jessica DeVlaeminck); *see* Ex. 2542 (showing The Dalles in District 2  
2 and Hood River and East Portland in District 3) Ex. 2543 (showing Bend in District 5).

3 69. Ashland resident Lauri Hoagland testified about the importance of keeping “Jackson and  
4 Josephine counties together” due to the “[m]any social and medical providers collaborate in  
5 these two counties and I think it is important to keep them together to protect the integrity of  
6 current care for residents in these communities.” Ex. 2047, Testimony, Senate Interim  
7 Committee on Redistricting, SB 881, Sept 10, 2021, 8:00 a.m. (statement of Lauri Hoagland);  
8 *see* Ex. 2001 (showing District 2 containing all of Jackson and Josephine Counties).

9 70. Ashland resident Cole Daneman testified: “I strongly encourage you to pursue maps that  
10 keep the entirety of Jackson County together. Ideally, Jackson County and Josephine County  
11 may be paired together in a district that would acknowledge the extensive connections between  
12 these two counties. The Rogue Valley’s population centers are located along the Rogue River  
13 and Bear Creek (which feeds into the Rogue River). Interstate 5, and to an extent Highway 99,  
14 follow Bear Creek between Ashland and Gold Hill. Interstate 5 and Highway 99 then follow the  
15 Rogue River between Gold Hill and Grants Pass.” Ex. 2095, Testimony, Senate Interim  
16 Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m. (statement of Cole Daneman), *see*  
17 Ex. 2001 (showing District 2 containing all of Jackson and Josephine Counties).

18 71. Ashland resident Rebecca Pearson testified, “The proposed district lines take into account  
19 major transportation links such as I-5 and HWY99, that connect the community centers in the  
20 Rogue Valley to rural surrounding areas that makeup this unique portion of the state. These  
21 transportation links are also cr[i]tical to preserving communities of interest such as the Muslim  
22 and Jewish communities in southern Oregon, who rely on the Mosque located in Talent and the  
23 three Synagogues located in Ashland -- the only houses of worship for Muslim and Jewish  
24 community members between Roseburg and Redding, CA -- to practice their faith. It is vital that  
25 these communities, who have historically and contemporarily faced immense discrimination and  
26 acts of violence, to have access to spaces to practice their faith and be in community.” Ex. 2083,

1 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m.  
2 (statement of Rebecca Pearson); *see* Ex. 2001 (showing District 2 containing a long stretch of I-5  
3 connecting Ashland to areas of southern Oregon and northern California); Ex. 2505 (showing  
4 Talent near Ashland on I-5).

5 72. Medford resident Terrie Martin testified, “Jackson County is a diverse community, but  
6 we are a community with shared challenges, goals and funding. When the wildfires wiped out so  
7 much of Phoenix and Talent, people across the county responded and worked together to come  
8 up with solutions and plans for rebuilding. The proposal marked Congress - Plan B would cut  
9 our most populated area -- Medford and Central Point -- out of our district and assign it to a  
10 different Congressional representative. This makes no sense. It would divide us as a county and a  
11 community.” Ex. 2082, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept  
12 13, 2021, 1:00 p.m. (statement of Terrie Martin); *see* Ex. 2001 (showing District 2 containing all  
13 of Jackson County); Ex. 2505 (showing Jackson County communities of Phoenix, Talent,  
14 Medford, and Central Point).

15 73. The Dalles resident “Columbia Son” testified “The electorate of The Dalles has little in  
16 common with the electorate of Portland. Our economies are different, our attitudes are different.  
17 Portland is decidedly urban and woke, The Dalles and similar communities in Wasco County are  
18 rural and conservative. We have little in common, and absolutely should not share a political  
19 representative. . . . Similarly, any map that groups The Dalles with Hood River should be  
20 discounted. We are nearer to each other, and we used to be sister cities. But Hood River has  
21 become a bedroom community for many Portlanders, and the character of that town has become  
22 the antithesis to our own.” Ex. 2102, Testimony, Senate Interim Committee on Redistricting,  
23 SB 881, Sept 13, 2021, 5:30 p.m. (statement of Columbia Son); Ex. 2542 (showing The Dalles in  
24 District 2 and Hood River and East Portland in District 3).

25 74. Ashland resident Becky Snow testified, “My concern is that Jackson County not be split  
26 between districts. As the heart of the Rogue Valley and the provider of most services and

1 resources here, it needs to be represented by a person who sees the area as a unified whole. We  
2 have very little in common with the longitudinally comparable part of the Coast and do not have  
3 easy access to it.” Ex. 2089, Testimony, Senate Interim Committee on Redistricting, SB 881,  
4 Sept 13, 2021, 1:00 p.m. (statement of Becky Snow); *see* Ex. 2001 (showing District 2  
5 containing all of Jackson County and not including the southern Oregon coast).

6 75. Dufur (Wasco County) residents Darrell and Darlien France testified, “We want to be  
7 with like minded peoples and we are agricultural. We need to be included with eastern counties.  
8 I do not want to be included with Hood River in any district. We associate with Sherman and  
9 Gilliam Counties. . . . Please change the division of Wasco County and include us with Eastern  
10 Oregon.” Ex. 2074, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13,  
11 2021, 1:00 p.m. (statement of Darrell and Darlien France); *see* Ex. 2542 (showing Dufur in  
12 Wasco County in District 2); Ex. 2001 (showing District 2 extending from Eastern Oregon  
13 westward through Gilliam, Sherman, and Wasco Counties, ending at the Hood River County  
14 line).

15 76. Warm Springs resident Gonzalo Arthur testified, “I live and work in Warm Springs, and I  
16 have many friends and family members who live and worth in both Warm Springs and Madras.”  
17 Ex. 2064, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00  
18 p.m. (statement of Gonzalo Arthur). He further testified, “I have three children attending Madras  
19 High School, and 2 children at Warm Springs K-8. We spend much of our free time in Madras,  
20 enjoying sports events and other activities that the children enjoy. We also take part in  
21 traditional activities in Warm Springs, such as Name-Giving ceremonies, and other cultural  
22 activities of the Warm Springs tribes.” *Id.*; *see* Ex. 2507 (showing Warm Springs and Madras in  
23 District 2).

24 77. Warm Springs resident Heidi Casper testified, “One very important aspect of drawing  
25 these maps is to keep the Sovereign Nation of Warm Springs whole. . . . Madras and Warm  
26 Springs are sister communities. Students in Warm Springs are part of Jefferson County School

1 District and attend Madras High School.” Ex. 2067, Testimony, Senate Interim Committee on  
2 Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Heidi Casper). She testified that it  
3 did not make sense to have Hood River in the same district as Warm Springs and Madras,  
4 because Hood River “is in the geographic area of the Gorge, not Central Oregon.” *Id.*; see Ex.  
5 2542 (showing Madras and Warm Springs in District 2 and Hood River in District 3).

6 78. Dalles resident Mike Courtney testified, “I live in The Dalles. We have nothing in  
7 common with Portland, or the Lower Willamette Valley, and would not be well represented by  
8 being tied to that part of the state.” Ex. 2070, Testimony, Senate Interim Committee on  
9 Redistricting, SB 881, Sept. 13, 2021, 1:00 p.m. (statement of Mike Courtney); see Ex. 2542  
10 (showing District 2 containing The Dalles and not containing any part of Portland or the  
11 Willamette Valley).

12 79. Madras resident Tommy Alvarez, Sr., testified, “Most of my family are enrolled in the  
13 Confederated Tribes of Warm Springs, Oregon. We consider our community of interest to be the  
14 entire reservation from the Cascade Mountains to the Deschutes River and Madras, Oregon, up  
15 to Terrebonne, where my two cousins live. We also consider the tribe's 10 million acres we  
16 ceded to the United States to be part of our homeland since time in memorial. . . . In our free  
17 time, my family and I participate in cultural celebrations, tribal traditional teachings. We exercise  
18 our rights to fish hunt, gather foods off of our ceded lands as well as on our reservation tribal  
19 lands. Our children are in school sports, both in Warm Springs and Madras and in multiple  
20 grades in multiple sports. My family fishes the Deschutes River. All my family have caught their  
21 first fish and learned how to fish on this river.” Ex. 3018-N, Testimony, Senate Interim  
22 Committee on Redistricting, SB 881, Sept 10, 2021, 8:00 a.m., 21:4–23:1 (statement of Tommy  
23 Alvarez); see Ex. 2507 (showing District 2 extending into Clackamas and Marion Counties to  
24 preserve cohesion of Warm Springs Reservation).

25 80. Dalles resident Nicole Chaisson testified, “Wasco County has nothing in common with  
26 any locations the west of us nor the Bend area. Please keep in your mind the Wasco County is a

1 rural agricultural County. There is enough landmarks and transportation hubs to include the East  
2 of us. We already share a public health district with Sherman County and many wheat farms are  
3 in both counties. . . . [S]plitting us away from Eastern Oregon and adding us to metro area will  
4 silence our voices.” Ex. 2068, Testimony, Senate Interim Committee on Redistricting, SB 881,  
5 Sept 13, 2021, 1:00 p.m. (statement of Nicole Chaisson); *see* Ex. 2001 (showing District 2  
6 containing Wasco and Sherman Counties and excluding Bend and the Portland metropolitan  
7 area).

8 81. Malheur County resident Sarah Ray testified, “In Map A, Congressional District 2  
9 communities are linked by many features - they have similar and shared industries pertaining to  
10 land and natural resources; they have smaller, close-knit towns and communities; and they have  
11 amazing natural features that are a local treasure and drive a booming tourism and recreation  
12 industry, and we have robust agricultural economies as well. I’d like to editorialize a bit and say  
13 as person who lives in the Mountain Time Zone - Bend is not that similar to Eastern Oregon.  
14 Bend Residents share much more in common with places like Hood River and Portland than with  
15 places like Ontario and Burns. And Map A reflects that distinction. I don’t know exactly how to  
16 move the six Congressional districts around but we over here will not lose sleep with  
17 Bend/Deschutes County in another District.” Ex. 2086, Testimony, Senate Interim Committee  
18 on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Sarah Ray); *see* Ex. 2001  
19 (showing District 2 containing Eastern Oregon and District 5 containing Bend and areas of  
20 Portland).

21 **3. District 3**

22 82. District 3 includes all of Hood River County and areas of Multnomah and Clackamas  
23 Counties. *See* Ex. 2001; Ex. 2002; Ex. 2004. The Redistricting Committees heard testimony  
24 that communities within District 3 share common interests.

25 **a. Multnomah County**

26 83. The Redistricting Committees heard testimony that areas of District 3 in Multnomah  
County share a community of common interest.

1 84. Portland resident Orion Raphael Dlugonski testified, “We must prioritize keeping  
2 together BIPOC communities and historically marginalized communities who have been  
3 intentionally shut out from the political process for too long. Our vibrant and diverse  
4 communities, like the Jade District and Albina, must be kept together.” Ex. 2085, Testimony,  
5 Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of  
6 Orion Raphael Dlugonski).

7 85. Portland resident Sabrina Wilson testified that “Outer East Portland,” falling largely  
8 between 82nd Avenue and 190th Avenue, “is one of the most diverse areas in the state, with  
9 28.3% of neighbors identifying as foreign-born, 22.7% Latinx, and 8.9% Black/African  
10 American. There is a high percentage of renters, and in the last 10 years, the area has  
11 experienced a significant growth in population. . . . In our neighborhood, community members  
12 are passionate about having quality affordable housing, open green space to play, more public  
13 transportation options, quality education including early childhood education, access to jobs and  
14 job training. We must ensure that these communities of interest defined in our maps are not  
15 divided up by district lines, and have a chance to make their voices heard to elected officials who  
16 are responsive to these needs.” Ex. 2091, Testimony, Senate Interim Committee on  
17 Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Sabrina Wilson).

18 86. Portland resident Barbara Casey testified that residents of the “the ‘Eastside’—outer East  
19 [Multnomah] County all along the I 84 and I 205 corridor,” “live, work, shop and go to school  
20 and retire in these neighborhoods, we play in the parks and when we can enjoy the Columbia  
21 Gorge in all its beauty.” Ex. 2014, Testimony, Senate Interim Committee on Redistricting, SB  
22 881, Sept 8, 2021, 8:00 a.m. (statement of Barbara Casey); *see* Ex. 2542 (showing East  
23 Multnomah county and much of the Columbia River Gorge included in District 3).

24 87. Portland resident Mercedes Morales testified: “I often drive to the Gorge, and Mt. Hood,  
25 on I-84. These places feel like part of the great SE Portland available locations for travel, and  
26 exploration. A common sense adjustment after 10 years of big changes in our state. In



1 Congressional proposal B, it seems like Portland is confined into one small district that doesn't  
2 even reach Mt. Hood. This does not make sense to me if we have had 10 years of growth, and it  
3 seems like it doesn't understand that folks in Portland are well connected and similar to other  
4 parts of the state." Ex. 2028, Testimony, Senate Interim Committee on Redistricting, SB 881,  
5 Sept 8, 2021, 5:30 p.m. (statement of Mercedes Morales); *see* Ex. 2542 (showing District 3  
6 linking Southeast Portland, the Columbia River Gorge, and Mount Hood).

7 88. Portland resident Tula Sabes stated: "I would also like to voice my support for the  
8 congressional Map 'A'. 15th and Prescott is a logical place for the line between Congressional  
9 District 1 and Congressional District 3. By placing the line here, we are not splitting the  
10 historically black neighborhoods and it keeps all of North Portland together in a single district."  
11 Ex. 2029, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 8, 2021,  
12 5:30 p.m. (statement of Tula Sabes).

13 89. Portland resident Adriana Voss-Andreae testified that "importantly, the line between  
14 CD 1 and CD 3 at 15<sup>th</sup> and Prescott is a logical place to ensure that the legislature does not split  
15 up the historically Black neighborhoods in North Portland. As someone who used to work at a  
16 local non-profit dedicated to providing affordable housing to those displaced by gentrification in  
17 N Portland, it's critical that this community of interest finally be meaningfully considered after  
18 generations of racism and abuse." Ex. 2053, Testimony, Senate Interim Committee on  
19 Redistricting, SB 881, Sept 10, 2021, 1:00 p.m. (statement of Adriana Voss-Andreae).

20 90. Portland resident Alex Riedlinger testified about the importance of "that the commission  
21 maintain the inclusion of North Portland and East Portland in Congressional District 3, ensuring  
22 that our diverse and often marginalized members of North Portland, East Portland, and East  
23 County are well represented by lawmakers with local ties and shared interests. In my vision,  
24 these communities will receive as much support and economic opportunities as any other region  
25 in the greater Portland area. These diverse regions must remain in the same congressional district  
26 as the rest of Portland. This will ensure Black, Indigenous, people of color, immigrant, and

1 refugee residents are not marginalized as voters, and that they hold power and agency over their  
2 congressional representation.” Ex. 2100, Testimony, Senate Interim Committee on Redistricting,  
3 SB 881, Sept 13, 2021, 5:30 p.m. (statement of Alex Riedlinger); *see* Ex. 2542 (showing District  
4 3 linking North Portland, East Portland, and East Multnomah County).

5 **b. Clackamas County (including Sandy & Government Camp)**

6 91. Sandy resident Dave Kaechele testified “The communities along Hwy 26 use Sandy for  
7 their major needs.... Bringing in the Dalles makes no sense. They are different people with their  
8 needs compared to Sandy residents. Mountain needs are not the same as plains needs.”

9 Ex. 2027, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 8, 2021, 5:30  
10 p.m. (statement of Dave Kaechele); *see* Ex. 2542 (showing Sandy in District 3 and The Dalles in  
11 District 2).

12 92. Sandy resident Deborah Kaechele testified, “The Dalles has no connection to our district  
13 and should NOT be incorporated into District 3. The mountain communities and Sandy should  
14 stay together in District 3!!” Ex. 2078, Testimony, Senate Interim Committee on Redistricting,  
15 SB 881, Sept 13, 2021, 1:00 p.m. (statement of Deborah Kaechele); *see* Ex. 2542 (showing  
16 Sandy in District 3 and The Dalles in District 2).

17 93. Sandy resident Karinna French testified that Sandy and its “Mountain neighbors up the  
18 road (Hwy 26) . . . share community resources and are bound together by common roads and  
19 services.” Ex. 2075, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13,  
20 2021, 1:00 p.m. (statement of Karinna French). She testified that “The Dalles and Mosier . . . do  
21 not share Mountain community resources and are in a different county entirely.” *Id.*; *see*  
22 Ex. 2542 (showing Sandy in District 3 and The Dalles and Mosier in District 2).

23 94. Sandy resident Susan H. Gates testified residents of “the mountain communities  
24 (Brightwood to Govt. Camp) . . . use Sandy medical, social service, parks and recreation, grocery  
25 stores and schools as their resource center. We are neighbors and should not be split by an  
26 imaginary line.” Ex. 2077, Testimony, Senate Interim Committee on Redistricting, SB 881,  
Sept 13, 2021, 1:00 p.m. (statement of Susan H. Gates). She testified that Mosier and The Dalles

1 in Mosier County “have no connection with us.” *Id.*; *see* Ex. 2542 (showing Sandy in District 3  
2 and The Dalles and Mosier in District 2).

3 95. Alder Creek, Clackamas County resident Steve Smithsted testified that “the unparalleled  
4 growth the Portland Area has seen over the past decade -- a trend we can expect to continue in  
5 the future . . . has led Sandy to become more of a ‘bedroom community’, populated by folks who  
6 have been priced out of the Portland housing market but still commute toward Portland for work.  
7 This makes Sandy more of a Portland suburb as opposed to a rural or mountain community, or a  
8 community that relies on tourism like the small towns along the Mountain and Gorge do. I liken  
9 Sandy to Hillsboro or Happy Valley, which only a few decades ago were vast expanses of  
10 agricultural land and now are suburban and are incorporated into the Portland Metro Area. . . .  
11 I would also like to highlight my strong support for Congressional Map A, which places me in  
12 the 3rd Congressional District. I appreciate that it connects communities along the mountain,  
13 gorge, and central Oregon to Portland because these communities share a number of similarities  
14 including a wealth of natural splendor and tourism economies. They are also connected via  
15 transportation links like the Columbia Area Transit Bus, the Sandy Area Metro Bus, and major  
16 roads like I-84, HWY26, and HWY 35. Congressional Map A provides a balanced mix of urban,  
17 suburban, and rural communities; giving us the opportunity to work together with the Portland  
18 Metropolitan Area to bring forward policies at the federal level that are representative of Oregon  
19 as a whole.” Ex. 2052, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 10,  
20 2021, 1:00 p.m. (statement of Steve Smithsted); *see* Ex. 2542 (showing District 3 linking  
21 Portland, Sandy, the Columbia River Gorge, and Mount Hood).

22 96. Welches resident Cristina Saldivar testified, “I am in favor of Congressional Map A  
23 because it is made up of communities that are heavy on outdoor recreation, tourism,  
24 environmental conservation; and that have transformed immensely over the last decade. This  
25 includes the Gorge, the Mountain, and Bend, which have begun to face many of the concerns  
26 that come with a rapidly growing, increasingly interconnected and suburban area. Though some

1 may argue that it doesn't make sense to connect Portland to these communities, the reality is that  
2 the communities in HD52 are a short drive from Portland and that they are all connected by  
3 major roads such as I-84 and HWY-26. These communities are also connected to Bend via roads  
4 such as HWY-35, and HWY-197." *See* Ex. 2051, Testimony, Senate Interim Committee on  
5 Redistricting, SB 881, Sept 10, 2021, 1:00 p.m. (statement of Cristina Saldivar); *see* Ex. 2542  
6 (showing District 3 linking Portland with the Columbia River Gorge and Mount Hood).

7 **c. Hood River County**

8 97. The Redistricting Committees heard testimony that Hood River County shares a  
9 community of common interest with other areas of District 3. Specifically, residents testified in  
10 support of extending the former District 3 eastward to encompass Hood River County because of  
11 Hood River's closer ties to its western neighbors than to counties further to the east. *Compare*  
12 Ex. 2564 (showing Oregon's former Congressional Districts as of January 2021, with District 3  
13 extending eastward from Portland but ending at the Hood River County line) *with* Ex. 2001  
14 (showing new District 3 encompassing Hood River County).

15 98. Joanne Mina, who did not specify an area of residence, testified, "Nearly 14 percent of  
16 Oregonians identify as Hispanic or Latino, and that went up 11 percent, Nationally, Latinos are  
17 roughly 62 million and went up 23 percent. . . . However, redistricting has been used to exclude  
18 communities of political power in the past. And unfortunately, some of the plans -- or all of the  
19 plans proposed do that to some extent by dividing our communities. . . . And on Plan A on the  
20 Congressional District 3, I agree that Redmond should not be excluded and that the Latino  
21 community should be kept [whole] throughout central Oregon. I see that Latinos are a growing,  
22 thriving community and the connection to Hood River and the outskirts of Portland on . . . the  
23 east side makes sense, but it does not make sense to exclude Redmond and the Highway 97  
24 corridor." Ex. 3018-S, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept. 8,  
25 2021, 1:00 p.m., 15:10–16:13 (statement of Joanne Mina); *see* Ex. 2001 (showing District 3 as  
26 including both Hood River and eastern Portland).

1 99. Hood River resident Beth Flake testified, “One of the big reasons why I support  
2 Congressional map A is because it takes part of our state's enormous second congressional  
3 district that has transformed immensely over the last decade and unifies it into a third  
4 congressional district. How can a single elected official possibly represent communities from 18  
5 different counties? The needs and values of people in Harney County do not represent those of  
6 people in Hood River County. Not even close. . . . The communities along the gorge, the  
7 mountain and Bend deserve so much better than to be paired with communities in eastern  
8 Oregon with whom we share almost nothing.” Ex. 3018-J, Testimony, Senate Interim  
9 Committee on Redistricting, SB 881, Sept. 13, 2021, 1:00 p.m., 16:3-22 (statement of Beth  
10 Flake); *see* Ex. 2001 (showing District 3 as including Hood River County as its easternmost  
11 area).

12 100. Debra Dobbs, a Hood River resident, commented that communities including “Mt. Hood,  
13 Portland, and Bend ... are all connected via shared values, a reliance on the tourism economy  
14 and a great love for outdoor recreation.” Ex. 2046, Testimony, Senate Interim Committee on  
15 Redistricting, SB 881, Sept 10, 2021, 8:00 a.m. (statement of Debra Dobbs).

16 **4. District 4**

17 101. District 4 includes all of Curry, Coos, Lane, Lincoln, and Benton Counties, as well as  
18 areas of Linn, Douglas, and Polk Counties. Ex. 2001; Ex. 2002; Ex. 2004. The Restricting  
19 Committees heard testimony that communities within District 4 share common interests.

20 102. Michael Broili, a resident of South Beach, Newport (Lincoln County), testified that  
21 “keep[ing] all of Lincoln and Benton Counties together in the same congressional district,”  
22 which “means Corvallis and Newport are in the same district, . . . makes sense due to our  
23 proximity, and the fact that Corvallis is the nearest city to us with a major hospital.” Ex. 2039,  
24 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 9, 2021, 1:00 p.m.  
25 (statement of Michael Broili). He also testified that “Oregon State University and University of  
26 Oregon each have satellite campuses in Newport and Coos Bay (respectively), so it makes sense

1 to have those four cities in the same district.” *Id.* He further testified, “I do a lot of volunteer  
2 work with folks in Newport, Waldport, Toledo, and Yachats regarding our shared watershed and  
3 environmental conservation concerns, so it’s important to me that we remain in the same district  
4 to give us the best chance to elect a leader who shares and will represent our values in D.C.” *Id.*;  
5 *see Ex. 2001 (showing District 4 linking Corvallis and Eugene with the coast).*

6 103. Bill Kucha, a resident of Depoe Bay (Lincoln County), testified that “keep[ing] all of  
7 Lincoln and Benton counties together in the same district pairing Corvallis and Eugene with the  
8 Central Coast . . . makes sense because of the connection we have together in terms of our shared  
9 HWY 20, satellite campus connections between Oregon State and OCCC as well the need for us  
10 to have access to their major hospitals.” *Ex. 2060, Testimony, Senate Interim Committee on*  
11 *Redistricting, SB 881, Sept 13, 2021, 8:00 a.m. (statement of Bill Kucha); see Ex. 2001 (showing*  
12 *District 4 linking Corvallis and Eugene with the Central Coast).*

13 104. Lincoln City residents Joanne Daschel and Ren Jacob testified, “Because our smaller  
14 communities necessitate that we are part of a district with a larger population, the areas  
15 containing Corvallis and Eugene seem most logical, given the development of ocean science and  
16 education as a growing part of our economy and employment in Lincoln County. Looking ahead,  
17 climate issues, the nearshore energy sector and fisheries management are all areas of interest that  
18 align with these inland communities’ future in scientific research.” *Ex. 2071, Testimony, Senate*  
19 *Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Joanne*  
20 *Daschel and Ren Jacob); see Ex. 2001 (showing District 4 linking Lincoln County with Corvallis*  
21 *and Eugene).*

22 105. Eugene resident Philip N. Barnhart testified, “Congressional District 4 should include the  
23 major universities of Oregon, UO and Oregon State University. . . . [T]he upper Willamette  
24 Valley where those two major institutions are located together with the central and South Coast  
25 form a major tourist and economic area with major common economic interests. The railroad  
26 running from Coos Bay to the Eugene rail yard is a critical transportation link for current wood

1 products and will become even more important if the container port planned for Coos Bay  
2 becomes a reality. Eugene is also a major tourist hub for south western Oregon. Combining the  
3 South and Central Coast with the education hub of Oregon through its two world class  
4 universities makes a compact and economically and culturally coherent Congressional District.”  
5 Ex. 2065, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021,  
6 1:00 p.m. (statement of Philip N. Barnhart); *see* Ex. 2001 (showing District 4 linking Eugene and  
7 Corvallis with the South and Central Coast).

8 106. Eugene resident Oliver Mintz-Lowe testified, “I like the way plan C is built around I5  
9 and the 58, because it reflects how I, and many people, move around our communities every day.  
10 The way maps A and C follow the 99 all the way up to Junction City makes perfect sense,  
11 because this is a heavily trafficked route that many people use to commute between their homes  
12 and work. For example as a state worker I know a number of people who work for OHA, at the  
13 State Hospital in Junction City, who make this commute daily. . . . In terms of the congressional  
14 plan, I prefer Plan A as it keeps the western parts of Lane County, including the coastal  
15 communities connected to the Eugene/Springfield areas. People regularly travel between these  
16 two communities for recreation and shopping and keeping them together works better in my  
17 view.” Ex. 2057, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 10, 2021,  
18 5:30 p.m. (statement of Oliver Mintz-Lowe); *see* Ex. 2001 (showing District 4 containing Lane  
19 County, including Eugene, Springfield, Junction City, and coastal areas).

20 107. Lane County resident Patricia Hine testified, “Pertaining to the federal redistricting, I  
21 urge you to keep Corvallis and Eugene in the same district as we share common regional  
22 interests, such as our landscapes, like farms, mountains, forests and the coast. We also share  
23 many values of sustainability, inclusion and mutual support.” Ex. 2055, Testimony, Senate  
24 Interim Committee on Redistricting, SB 881, Sept 10, 2021, 5:30 p.m. (statement of Patricia  
25 Hine).

26

1 108. Eugene resident Allen Hancock testified, “I support Congressional Map A because It  
2 keeps Lane County together – particularly west on HWY 126 towards the coast.” Ex. 2033,  
3 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 9, 2021, 8:00 a.m.  
4 (statement of Allen Hancock); *see* Ex. 2001 (showing District 4 containing all of Lane County).

5 109. Eugene resident Carleen Reilly testified, “People in Florence often come to  
6 Eugene/Springfield for health care and other services. Plan A would keep the ties between  
7 Florence and Eugene/Springfield strong.” Ex. 2035, Testimony, Senate Interim Committee on  
8 Redistricting, SB 881, Sept 9, 2021, 8:00 a.m. (statement of Carleen Reilly).

9 110. Eugene resident Thomas Dodd testified, “As for the Congressional district proposed  
10 maps, I think 'Congress - Plan A' is much better than the alternative. This plans keeps the  
11 community of interest of mid-to-south Oregon coast intact, while at the same time does the same  
12 for such communities in southern and eastern Oregon.” Ex. 2031, Testimony, Senate Interim  
13 Committee on Redistricting, SB 881, Sept 9, 2021, 8:00 a.m. (statement of Thomas Dodd); *see*  
14 Ex. 2001 (showing District 4 containing linking the mid-to-south Oregon coast).

15 111. North Benton County resident Catherine Stearns testified, “[M]y neighbors and I have  
16 more in common with Corvallis than we do with Monmouth or Dallas. We travel south on  
17 Hwy 99W to Corvallis for the majority of our business, medical and recreational activities. This  
18 part of Benton County is served by bus transportation out of Adair Village to the Corvallis  
19 Transit Depot where we make connections to travel to many other places including most major  
20 local employers, Linn-Benton Community College and even to the coast. There are no such  
21 connections to places north of us. There are many retired folks in our area who appreciate being  
22 a short drive to Corvallis for medical appointments, groceries, and many cultural or recreational  
23 activities a college town offers. Local children attend Corvallis School District schools by taking  
24 the school buses originating in Corvallis. As the community I reside in considers itself  
25 ‘Corvallis’, we want to be in Congressional District 4 as do most of our co-workers, associates  
26 and friends. AND, we want state representatives who know our community as part of Benton



1 County and NOT an extension of south Polk County.” Ex. 2036, Testimony, Senate Interim  
2 Committee on Redistricting, SB 881, Sept 9, 2021, 8:00 a.m. (statement of Catherine Stearns);  
3 *see* Ex. 2001 (showing District 4 containing Corvallis and North Benton County).

4 112. South Benton County resident Quintin Kreth testified, “South Benton County is closely  
5 tied to the Corvallis and Eugene communities and has intergovernmental connections to the  
6 central coast through bodies like Linn-Benton-Lincoln ESD.” Ex. 2034, Testimony, Senate  
7 Interim Committee on Redistricting, SB 881, Sept 9, 2021, 8:00 a.m. (statement of Quintin  
8 Kreth); *see* Ex. 2001 (showing District 4 containing Corvallis, Eugene, and South Benton  
9 County).

10 113. Lane County resident Lisa Fragala testified, “I want to express my support for proposed  
11 Congressional Map A and the manner in which it is an effective redistricting for Lane County.  
12 This map keeps all of Lane County intact and much of the central and south coast. Lane  
13 Community College has campuses in Eugene, Cottage Grove, and Florence and this map makes  
14 sense for the communities the college serves and the transportation links that our students  
15 utilize.” Ex. 2032, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 9,  
16 2021, 8:00 a.m. (statement of Lisa Fragala); *see* Ex. 2001 (showing District 4 containing all of  
17 Lane County and linking it with the Central and South Coast).

## 18 **5. District 5**

19 114. District 5 includes areas of Clackamas, Multnomah, Marion, Linn, Jefferson, and  
20 Deschutes Counties. *See* Ex. 2001; Ex. 2002; Ex. 2004. The Redistricting Committees heard  
21 testimony that communities within District 5 share common interests.

### 22 **a. District 5 does not divide communities of interest in Deschutes** 23 **County**

24 115. Bend resident Kavi Chokshi testified in support of including Bend in a district that  
25 includes “Redmond, Redmond Airport, and other similar parts of Deschutes County. I believe  
26 Redmond Airport is the primary airport used by most Bend residents.” Ex. 2069, Testimony,

1 Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Kavi  
2 Chokshi) *see* Ex. 2543 (showing District 5 containing Bend and Redmond).

3 **b. Redistricting Committee heard testimony that areas of District**  
4 **5 in Deschutes County have strong connections with the**  
5 **Portland Metro Area and do not share a community of interest**  
6 **with Eastern Oregon.**

6 116. Bend resident Tia Hatton testified that “Bend is an urban town. I love Eastern  
7 Oregon - but the people in Bend overall, have different values, ethics, and economies than those  
8 in Eastern Oregon and its congressional district plan B does not respect that...it makes a lot of  
9 sense for the growing community of Bend to be linked to more urban areas such as Hood River  
10 and outskirts of Portland - such as Sandy and the outskirts of Gresham.” Ex. 2097, Testimony,  
11 Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m. (statement of Tia  
12 M. Hatton).

13 117. Sisters resident Tara Redfield testified, “In my opinion, Bend in particular has become  
14 more of an urban community and therefore has different needs than those of its neighbor,  
15 Redmond and Eastern Oregon as a whole, which remains rural and agriculturally minded. As a  
16 Sisters resident, I believe, Sisters falls in a more neutral zone, but is more aligned with the  
17 population of Bend in terms of overall needs and goals. Sisters residents like myself, commute  
18 to Bend from HWY 20 which connects to HWY 97. We make good use of the easy access to  
19 shopping resources in Northern Bend such as Food 4 Less, Target and Trader Joe’s. In terms of  
20 the division of Bend for these maps, I believe that dividing Bend by the West side, to also  
21 include Northern Bend and the East side makes the most sense.” Ex. 2087, Testimony, Senate  
22 Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Tara  
23 Redfield).

24 118. Bend resident Dave Paulson testified, “[A]ttaching us to Portland and, North Hood River  
25 definitely reflects the commercial centers that we have with Bend. When we don't have  
26 something in Bend, we look to Portland. We look for medical work. We look for educational

1 and commercial interests. Our economy is supported by the people of Portland and the tourism  
2 that comes from there. Our transportation links to Portland through [Highway] 97 and over  
3 Mount Hood and to Santiam make us part of the Portland commercial area. Eastern Oregon  
4 doesn't really want Bend except to boost its population in CD 2. We're currently the redheaded  
5 stepchild. We're neglected, unwanted, and mistreated. U.S. representatives for many years  
6 would not come to Bend because they would cater to others in CD 2. They would hold town  
7 halls in Burns, Ontario and would never come to Bend. A lot of eastern Oregon wants to become  
8 part of Idaho. But every Greater Idaho map that I've seen conspicuously excludes Bend in its  
9 population. They don't like us. They think we're too much like Portland.” Ex. 3018-N,  
10 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 10, 2021, 8:00 a.m.,  
11 62:24–63:22 (statement of Dave Paulson); *see* Ex. 2001 (showing Bend as part of District 5 with  
12 part of Portland).

13 119. Bend resident Kina Condit-Chadwick testified, “The current map divides neighbors from  
14 one another, and ignores the many points of connection between central and downtown Bend,  
15 and the other parts of our city. Splitting Bend with a donut hole was not the answer 10 years ago  
16 and is still not the answer. It unfairly separates communities, and transportation links....The old  
17 formula for Bend made Bend the sun, with the rest of Bend and surrounding areas the universe.  
18 That doesn’t work for us anymore. Bend needs lines drawn that recognize we’ve grown from  
19 being a small town to a full metro area, as shown by the census data. Our points of connection  
20 come through businesses, transportation, faith based communities, and more -- and they need to  
21 be recognized by the legislative maps that represent our region.” *See* Ex. 2021, Testimony,  
22 Senate Interim Committee on Redistricting, SB 881, Sept 8, 2021, 1:00 p.m. (statement of Kina  
23 Condit-Chadwick).

24 120. Hood River resident Bonnie New testified: “The city of Bend has more similarities to  
25 areas like Portland and Hood River than it does with the rest of eastern Oregon.” Ex. 2048,  
26

1 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 10, 2021, 8:00 a.m.  
2 (statement of Bonnie New).

3 121. Bend resident Amy Sabbadini testified that “Cities like Bend are more and more distinct  
4 from towns to the east of us. Congress Plan B – does not make sense for Central Oregon. Parts of  
5 our region are very distinct from Eastern Oregon and should not be attached to these distinct  
6 communities.....Bend is culturally and economically distinct from the towns east of it. The  
7 people in Eastern Oregon would not want my city to be part of their district.” Ex. 2101,  
8 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m.  
9 (statement of Amy Sabbadini).

10 122. Bend resident Patrick Kennedy testified: “I live in Bend now (for the past 6 years.) Prior  
11 to that I lived in Gresham and I feel that I have much more in common with Gresham and  
12 Portland than I do with Eastern Oregon and I would like to be in a congressional district with  
13 likeminded people.” Ex. 2079, Testimony, Senate Interim Committee on Redistricting, SB 881,  
14 Sept 13, 2021, 1:00 p.m. (statement of Patrick Kennedy).

15 123. Michael Funke from Bend testified in favor of a map that “puts Bend in the same district  
16 as Hood River and the outskirts of Portland, which makes sense to me given Bend's growth. *See*  
17 Ex. 2076, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00  
18 p.m. (statement of Michael Funke).

19 124. Bend resident Nancy Boever testified: “It makes sense that Bend is part of a district that  
20 represents Hood River and parts of Portland. Bend’s tourism and developing high tech  
21 economies and the interests and priorities of our community is much more similar to those  
22 communities than that of the extractive industries of eastern Oregon. We are communities that  
23 rely on outdoor tourism for our livelihood and it is where most of us spend our time. Travel and  
24 tourism, outdoor recreation, clean air and water and a focus on healthy environmental  
25 ecosystems are what we value.” Ex. 2066, Testimony, Senate Interim Committee on  
26 Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Nancy Boever).

1 125. Bend resident Samuel Lewis testified, “With Bend being a big economy and a growing  
2 city, its values, economy, ethics, and lifestyle is vastly different than many in Eastern Oregon.  
3 Thus, it doesn’t make much sense to combine Bend in with all of Eastern Oregon, as proper  
4 congressional representation would be harder to come by.” Ex. 2081, Testimony, Senate Interim  
5 Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Samuel Lewis),.

6 **c. Clackamas County**

7 126. Milwaukie resident Brad Reed testified in support of “group[ing] my community in  
8 Clackamas together with our neighbors mostly East of the river in the Willamette Valley, Marion  
9 and Linn counties. Many times I’ve traveled I-5 and 99E to visit the wonderful communities in  
10 our three counties with their farmers’ markets, breweries, beautiful natural areas, and you-pick  
11 farms for berries, pumpkins, and Christmas Trees.” Ex. 2041, Testimony, Senate Interim  
12 Committee on Redistricting, SB 881, Sept 9, 2021, 1:00 p.m. (statement of Brad Reed); *see* Ex.  
13 2001 (showing District 5 linking Milwaukie with eastern Marion County and Linn County).

14 **d. Linn County and Marion County**

15 127. Halsey resident Arwen McGilvra testified, “[T]he proposal ‘A’ for House districts from  
16 your committee keeps our rural Linn County area together as it should be. The proposal ‘C’ for  
17 Senate districts also accomplishes this. As does Congressional plan ‘A’. This proposals also  
18 satisfy the quality of utilizing existing geographic or political boundaries (Linn county border  
19 and the Willamette river.)” Ex. 2056, Testimony, Senate Interim Committee on Redistricting,  
20 SB 881, Sept 10, 2021, 5:30 p.m. (statement of Arwen McGilvra); *see* Ex. 2001 (showing  
21 District 5 containing the majority of Linn County).

22 128. Halsey resident Liz VanLeeuwen testified, “Our ‘centers of interest’ are not in Eugene  
23 and Springfield and it’s baffling how we ever got placed in a district with them during the  
24 previous redistricting.” Ex. 2090, Testimony, Senate Interim Committee on Redistricting,  
25 SB 881, Sept 13, 2021, 1:00 p.m. (statement of Liz VanLeeuwen); *see* Ex. 2001 (showing the  
26 majority of Linn County in District 5 and Eugene and Springfield in District 6).

1 129. Millersburg resident Kevin Kreitman testified about the connections between  
2 Millersburg, Albany, and Tangent, while distinguishing Salem: “The communities of Albany,  
3 Millersburg, and Tangent have always had joint interests from an educational, economic, and  
4 business relationship standpoint. Students from all three communities are part of the Greater  
5 Albany Public School District with students from Millersburg and Tangent graduating from high  
6 schools located in Albany. The three communities are also part of the Albany Metropolitan  
7 Planning Organization, or AMPO, which was established in 2013 to facilitate and address  
8 regional transportation planning for the greater Albany area. . . . It’s hard to see any value in  
9 excluding the Tangent area, including south Salem into an area of a redrawn district, which  
10 would have no impact on issues important to and affecting the greater Albany area. . . . Albany  
11 and Millersburg have historically had a strong joint relationship, and part of that includes joint  
12 ownership of our water and wastewater facilities and through an intergovernment agreement,  
13 Albany provides operation and maintenance of our Millersburg-owned water and sewer  
14 infrastructure. Given our large industrial base, the city of Millersburg also relies on the greater  
15 Albany area for employment resources. We also contract with the city of Albany for fire  
16 services for which Albany Fire Department provides staffing out of Millersburg-owned facilities.  
17 And finally, Millersburg addressing is based on Albany’s 97321 ZIP code. In fact, our address  
18 for our city hall is an Albany, Oregon address.” Ex. 3018-Q, Testimony, Senate Interim  
19 Committee on Redistricting, SB 881, Sept 9, 2021, 8:00 a.m., 48:10–50:6 (statement of Kevin  
20 Kreitman); *see* Ex. 2505 (showing Albany, Millersburg, and Tangent in Linn County); Ex. 2001  
21 (showing those areas of Linn County included in District 5).

22 130. Albany resident Eric Aguinaga testified, “The I-5 corridor that runs through House  
23 District 15 is a farming community, is a growing historic community, and a fun community to be  
24 in. It’s hard to tell the difference when you are driving through Millersburg, Albany, and  
25 Tangent to see what city you are actually in. Little roads like Santiam Boulevard, Seven Mile  
26 Lane mean a lot to us, and we have become a very strong community working together. . . . And

1 the speaker for the city of Millersburg was very correct. I work in title and escrow. On your  
2 deed, if you live in Millersburg, your deed actually says city of Albany. We are a very close  
3 community[.]” Ex. 3018-Q, Testimony, Senate Interim Committee on Redistricting, SB 881,  
4 Sept 9, 2021, 8:00 a.m., 52:16–53:9 (statement of Eric Aguinaga); *see* Ex. 2505 (showing  
5 Albany, Millersburg, and Tangent in Linn County); Ex. 2001 (showing those areas of Linn  
6 County included in District 5).

7 131. Stayton resident Tricia Hafner testified about the connections between communities in  
8 the Santiam Canyon, while distinguishing Salem: “With House and Senate plan C, the Santiam  
9 Canyon will be split in half. Our community has come together so much this past year after the  
10 Beachie Creek fire devastated so many of my neighbors friends and family. . . . Splitting it up  
11 straight down Highway 22 would put many of these small towns in two districts. This map just  
12 does not feel like my rural community that has gone through so much was taken into  
13 consideration, and all they went with was an easy transportation route to draw, rather than caring  
14 about the people that it would affect. . . . The needs of people living along Cordon Road in  
15 Salem are vastly different tha[n] those who live up by Breitenbush—sorry.” Exhibit 3018-K,  
16 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m.,  
17 25:22–26:23 (statement of Tricia Hafner); *See* Exs. 2549–2550 (showing Stayton and cities  
18 along Highway 22 contained within District 5 and Salem contained within District 6); Ex. 2545  
19 (showing district line following Cordon Road in Salem).

## 20 **6. District 6**

21 132. District 6 includes all of Yamhill County, as well as areas of Polk, Marion, Clackamas,  
22 and Washington Counties. *See* Ex. 2001; Ex. 2002; Ex. 2004. The Redistricting Committees  
23 heard testimony that communities within District 6 share common interests.

24 133. Tigard resident Miles Palacios testified that including Tigard “within Oregon’s *new* 6th  
25 Congressional District, along with other very residential communities such as Tual[a]tin and  
26 Salem who have also seen a lot of growth in the past decade, and whose residents have become

1 increasingly diverse,” “makes a great deal of sense” and “shows more respect for keeping  
2 communities of interest intact.” Ex. 2017, Testimony, Senate Interim Committee on  
3 Redistricting, SB 881, Sept 8, 2021, 8:00 a.m. (statement of Miles Palacios); *see* Ex. 2001  
4 (showing Tigard within District 6, in the “Portland and Northern Willamette Valley” inset).  
5 134. Woodburn resident Debbie Cabrales testified about the ties between Woodburn and  
6 Salem, “two areas that are so connected that folks travel in between them every single day.”  
7 Ex. 2040, Testimony, Senate Interim Committee on Redistricting, SB 881 Sept 9, 2021,  
8 1:00 p.m. (statement of Debbie Cabrales). She testified, “Although we have been able to grow as  
9 a community, we depend on some services in Salem, this is easy to do via I-5. Salem and  
10 Woodburn are only 15-20 minutes away. I also have family in Brooks which is along the I-5.”  
11 *Id.* She also testified about the “deeply interconnected” “Latinx community, business, and  
12 families” in Woodburn and Salem: “Beyond just basic services that are provided, Northeast  
13 Salem is another replica of the community building that we have done in Woodburn. The people  
14 who live in both of these communities are the same, sharing similar interests and needs and are  
15 able to advocate together.” *Id.*; *see* Ex. 2550 (showing Salem and Woodburn in District 6).  
16 135. Caryn Connolly, a resident of Salem (Marion County), testified that “Cordon Road is a  
17 good dividing line for a district—communities on each side are different.” Ex. 2059, Testimony,  
18 Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m (statement of Caryn  
19 Connolly); *see* Ex. 2545 (showing the district boundary following Cordon Road on the eastern  
20 edge of Salem).  
21 136. Salem resident Cynthia Martinez testified, “I now work in Woodburn and drive about 20  
22 minutes to get to work. . . . Redistricting allows communities of interest to stay together, and the  
23 Woodburn and northeast Salem communities have been one House district because of the  
24 commonalities we share. . . . Lancaster Road is also important transportation link because you  
25 can find everything you need there, from a Starbucks, to a pan[a]d[e]ria, to gas stations, grocery  
26 stores, and even some fun recreational things to do, in almost—an almost anything else you can



1 think of. Before, Lancaster Road was seen as a marker between urban and rural areas. And so  
2 many people have moved to the east of Lancaster Road, so it would make sense to have Cordon  
3 Road be an indicator of where the district should stop. I would like to advocate for House plan  
4 C, as it's the most—it's the one that makes the most sense and keeps the Latinx community the  
5 most together. It keeps northeast Salem and Woodburn together, and also Hayesville down to  
6 Four Corners as well.” Ex. 3018-K, Testimony, Senate Interim Committee on Redistricting, SB  
7 881, Sept 13, 2021, 8:00 a.m., 12:10–14:12 (statement of Cynthia Martinez); *see* Ex. 2546  
8 (showing Lancaster Drive and Cordon Road in East Salem, with the district line following  
9 Cordon Road).

10 137. Salem resident Michael Powers testified, “I think the communities of north Salem and  
11 Woodburn have many common interests and cultural connections, and so it makes sense to keep  
12 them together for the near future. I would also work to keep the area along Lancaster Road  
13 together as well, perhaps using Cordon Road as a boundary.” Ex. 3018-K, Testimony, Senate  
14 Interim Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m., 34:8– 34:14 (statement of  
15 Michael Powers).

16 138. Sherwood resident John Meissinger testified that “Sherwood needs to be together with  
17 McMinnville, Newberg, and Wilsonville. All three of these communities are fast growing and  
18 share a lot of similar interests. One interest is that these communities continue to see massive  
19 population increases. These towns are also seeing more businesses set up shop.” Ex. 2016,  
20 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 8, 2021, 8:00 a.m.  
21 (statement of John Meissinger); *see* Exs. 2001, 2550 (showing Sherwood, Wilsonville, Newberg,  
22 and McMinnville in District 6).

23 139. Keizer resident Elizabeth Heredia testified, “Historically, the Salem-Keizer border seems  
24 one in the same, where folks who reside on either side of Salem Parkway highway easily merge  
25 north to access basic needs. General goods from the grocery store, medical service, or shopping  
26 stores. The community who resides in these areas have similar shopping habits, speak the same

1 language, practice the same religion. . . . While I appreciate some of the areas of the map  
2 proposed, House plan B raises many concerns, specifically in the Hayesville, Middle Grove and  
3 Four Corners area. House plan B splits these communities right through the middle, not  
4 respecting the communities of interest that live there parallel in those cities.” Exhibit 3018-K,  
5 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m., 7:20–  
6 8:17 (statement of Elizabeth Heredia); *see* Ex. 2550 (showing Salem and Keizer in District 6).  
7 140. Salem resident Ira Martinez testified about connections between Southeast and Northeast  
8 Salem, as well as adjacent communities: “I want to specifically focus on Lancaster Drive, as it is  
9 a very important transportation link for us. Along this road you can find the local flea market,  
10 Mirandes Bakery, El Toritos Meat Market, Courthouse Club Fitness, La Tapatia Market, among  
11 many other businesses. House proposal B does not take into consideration the significance that  
12 this road has in our communities and proposes to split the area into three distinct districts.  
13 Senate proposal C keeps communities in Salem that are along Lancaster Drive and communities  
14 that are adjacent to Salem, but who frequently travel into parts of southeast and northeast Salem  
15 together in one Senate district. Senate proposal B isolates these communities, who frequently  
16 travel into Salem for grocery shopping or to go to doctors' appointments, from parts of the region  
17 that they are closely connected to. I call on the legislators to revisit this proposed maps and  
18 make certain that the communities who make up northeast and southeast Salem are able to  
19 remain unified.” Exhibit 3018-K, Testimony, Senate Interim Committee on Redistricting, SB  
20 881, Sept 13, 2021, 8:00 a.m., 10:14–11:10 (statement of Ira Martinez); *see* Ex. 2546 (showing  
21 Lancaster Drive in Salem in District 6); Ex. 2550 (showing Salem and adjacent communities in  
22 District 6).  
23 141. Janet Lorenzen, from Salem, testified: “I work at Willamette University, about half of our  
24 faculty and staff members live in Portland or Wilsonville and commute to Salem. And several  
25 faculty members live in Salem and travel to Portland to teach classes. It’s also my understanding  
26 that homes in North-West Salem are often used as a bedroom community for travel to

1 Wilsonville and Portland. I think of the I-5 corridor between Portland and Salem as deeply  
2 interconnected in terms of home-life and work-life. Therefore, (1) I think pairing Marion County  
3 with the Southern Portland Suburbs makes sense. The district would be compact and contiguous.  
4 (2) Second, pairing NW Salem with rural areas, as in Plan B, doesn't make sense. Salem should  
5 stay together as one community of interest. And people of color in North-West Salem should not  
6 be separated from people of color in East Salem.” Ex. 2099, Testimony, Senate Interim  
7 Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m. (statement of Janet Lorenzen); *see*  
8 Ex. 2001 (showing District 6 containing Salem, Wilsonville, and the southwest Portland  
9 metropolitan area).

10 142. Salem resident Maria Hinojos Pressey testified about the importance of keeping Latinx  
11 communities in Salem and Woodburn together, “I wanted to share my appreciation for the maps  
12 that keep the Woodburn and Salem corridor together. Although I live in Salem, I work in  
13 Woodburn and commute there via I-5 which takes me about 20 minutes depending on traffic.....  
14 the Salem area is home to a thriving and vibrant Latinx community, and many of us who live in  
15 North East Salem, travel up to Woodburn where you can find Lucero’s shop, to pick up platos de  
16 barro, and Luis’s Taqueria, to get authentic food or buy a piñata for a family birthday party. I  
17 also like that these maps follow the I-5 and would like to highlight that the farming communities  
18 along it are central to this area and I appreciate that this map respects that. If you drive through  
19 this highway, after leaving Woodburn and entering NE Salem, it is as if you never left either city.  
20 I urge this committee to not separate these communities as it would be devastating to further  
21 disenfranchised communities who have worked endlessly to achieve accurate representation on  
22 all levels of government.” Ex. 2098, Testimony, Senate Interim Committee on Redistricting, SB  
23 881, Sept 13, 2021, 5:30 p.m. (statement of Maria Hinojos Pressey); *see* Ex. 2550 (showing  
24 Salem in District 6).

25 143. Woodburn resident Jaime Rodriguez testified, “I stand in support of Congressional  
26 Map A. I believe it does a great job at pairing some of the southwestern Portland Metro towns

1 who have more suburban concerns that Portland proper and who have grown exponentially over  
2 the last decade with communities like Salem, Woodburn, McMinnville, and Dallas—who are  
3 also largely suburban and growing in their own right. Centered in the mid-Willamette valley,  
4 this map also encompasses all of Oregon’s wine country, which gives winemakers and the field  
5 workers who harvest their grapes an opportunity to be represented by someone who can balance  
6 the changing needs of these growing communities with their need to protect land that is used to  
7 create world-class wine that Oregon is famous for.” Ex. 2088, Testimony, Senate Interim  
8 Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Jaime  
9 Rodriguez); see Exs. 2001, 2550 (showing District 6 containing Salem, Woodburn, McMinnville,  
10 Dallas, and the southwest Portland metropolitan area).

11 144. Milwaukie resident Joseph Lechuga testified, “I do think that the legislature has done a  
12 good job of connecting communities of interest in the new 6th congressional district. Map  
13 proposal A is generally a move in the right direction for our state and I think it reflects the  
14 changes that our state has gone through for the last ten years. In proposal A, the  
15 6<sup>th</sup> Congressional District keeps agricultural communities together from Willamette wine  
16 growers to Latinx farm workers in Salem.” Ex. 3018-I, Testimony, Senate Interim Committee  
17 on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m., 40:20–41:5; see Ex. 2001 (showing District 6  
18 as including areas of the Willamette Valley and Salem).

19 145. Milwaukie Mayor Mark Gamba similarly testified, “The new [District] 6 would represent  
20 a largely agricultural community, and the 5th becomes more concentrated, whereas before it was  
21 kind of all over the ballpark.” Ex. 3018-J, Testimony, Senate Interim Committee on  
22 Redistricting, SB 881, Sept 13, 2021, 1:00 p.m., 11:11-14 (statement of Mayor Gamba).

23 146. Levi Lopez, from the Four Corners area of east Salem, testified, “We love our Marion  
24 County neighbors in Silverton and Mount Angel, but as another guest mentioned earlier, we do  
25 have different priorities, different realities. And so putting us together in one district doesn’t  
26 make a lot of sense.” Exhibit 3018-K, Testimony, Senate Interim Committee on Redistricting,

1 SB 881, Sept 13, 2021, 8:00 a.m., 43:14–43:18 (statement of Levi Lopez); *see* Ex. 2550  
2 (showing Salem in District 6 and Silverton and Mount Angel in District 5).

3 147. General testimony about communities of interest—Some residents offered testimony  
4 commenting on communities of interest in general, and the types of communities who should be  
5 grouped together in districts. Some residents expressed support for creating districts with a  
6 broad range of urban, suburban, and rural communities.

7 148. Portland resident Lisa Gilham-Luginbill testified, “We have heard plenty about an urban-  
8 rural divide in our state’s politics, and I believe that [Congressional Plan B] only makes this  
9 worse by splitting us into Congressional Districts rigidly based on whether its respective  
10 community is urban or rural as opposed to giving us the opportunity to bridge this gap and come  
11 together as Oregonians.” Ex. 2026, Testimony, Senate Interim Committee on Redistricting,  
12 SB 881, Sept 8, 2021, 5:30 p.m. (statement of Lisa Gilham-Luginbill).

13 149. Eugene resident Carleen Reilly testified, “[D]istricts containing urban, suburban, and  
14 rural areas depict the broad spectrum of Oregonians’ needs. Representatives from these districts  
15 would propose legislation that would serve the overall needs of our state and help heal the rural-  
16 urban divide. Broadband internet is an example of services that must reach across all  
17 boundaries.” Ex. 2035, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 9,  
18 2021, 8:00 a.m. (statement of Carleen Reilly).

19 150. Springfield resident Chris Wig testified, “I think the Legislature should prioritize  
20 maintaining the voting strength of communities who have been historically marginalized and  
21 including the totality of a city in a single house district when the city is the approximate size of a  
22 house district (i.e. Springfield). After these two considerations, I think it is important that as  
23 many districts as possible contain areas that are urban, suburban, and rural within the same  
24 district. I learned from your retired colleague Rep. Phil Barnhart how providing constituent  
25 services to a broad array of constituents enhances the proficiency of the legislator. I would go a  
26 step farther and say this could be one of the most effective ways to bridge the urban-rural divide

1 - at least a[s] it manifests in our politics.” Ex. 2037, Testimony, Senate Interim Committee on  
2 Redistricting, SB 881, Sept 9, 2021, 8:00 a.m. (statement of Chris Wig).

3 151. Southwest Portland resident and former 1<sup>st</sup> District Congressman Les AuCoin testified,  
4 “My former Congressional District is a diverse district in NW Oregon, home to both urban and  
5 rural communities. In the two previous redistricting efforts ten and twenty years ago, some  
6 questioned the utility and responsiveness of a district in which a US House member residing,  
7 say, in an urban or suburban location could faithfully represent the interests of, say, commercial  
8 fishermen and their families on the Oregon coast. They were wrong. History demonstrates that in  
9 fact one who faithfully represents all residents of one’s district can do so without being  
10 pigeonholed as ‘that coastal congressperson.’.... I firmly believe, and history shows, that elected  
11 leaders can effectively represent both Urban and Rural communities.” Ex. 2093, Testimony,  
12 Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 pm. (statement of Les  
13 AuCoin).

14 **F. ORS 188.010(1)(e): Transportation Links**

15 152. The final criterion under ORS 188.010(1) is that each district, as nearly as practicable,  
16 shall “[b]e connected by transportation links.” ORS 188.010(1)(e). Each district is connected by  
17 transportation links.

18 153. The following subsections list some of the transportation links that connect residents and  
19 communities within each district, along with testimony from residents about the importance of  
20 those transportation links.

21 **1. District 1**

22 154. District 1 includes all of Clatsop, Columbia, and Tillamook Counties, as well as areas of  
23 Washington and Multnomah counties. *See* Ex. 2001; Ex. 2002; Ex. 2004. Transportation links  
24 connecting those areas include US-26, US-30, I-5, US-101, I-5, I-405, OR-6, OR-217, OR-8, and  
25 OR-47. *See* Exs. 2001, 2505 (maps showing transportation links); Ex. 2004 (Sen Taylor floor  
26 letter listing transportation links for each district.).

1 155. Vernonia resident Erika Paleck testified that “75% of Columbia County residents  
2 commute to Portland and the tech corridor in Washington County.” Ex. 2019, Testimony, Senate  
3 Interim Committee on Redistricting, SB 881, Sept 8, 2021, 8:00 a.m. (statement of Erika Paleck).

4 156. Hillsboro resident Ivette Pantoja testified that “HWY 26 is a major transportation link  
5 that connects the North Coast to Washington County and vice versa, leading us to have similar  
6 transportation needs.” Ex. 2018, Testimony, Senate Interim Committee on Redistricting, SB  
7 881, Sept 8, 2021, 8:00 a.m. (statement of Ivette Pantoja); *see* Ex. 2001 (showing Highway 26  
8 within District 1).

9 157. Kimberly Culbertson, a resident of Hillsboro (Washington County), submitted written  
10 testimony to the Redistricting Committees that “Washington County is connected to the coastal  
11 districts through key transit areas, not only the Columbia River Channel and Willamette River  
12 but also, HWY 101.” Ex. 2015, Testimony, Senate Interim Committee on Redistricting, SB 881,  
13 Sept 8, 2021, 8:00 a.m. (statement of Kimberly Culbertson); *see* Ex. 2505 (showing Highway 26  
14 and Highway 6 connecting to Highway 101, which links cities along the North Coast).

15 158. Seaside resident Laura Allen testified, “[T]wo of our three major—and only—highways .  
16 . . lead directly to the metro area, Hwy 26 thru the Coastal Range into part of Washington  
17 County and the N. Willamette Valley, and Hwy 30, a major commercial route thru Columbia  
18 County to the metro area and Lower Columbia region.” Ex. 2063, Testimony, Senate Interim  
19 Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Laura Allen); *see*  
20 Ex. 2505 (showing Highway 26 and Highway 30 connecting the Portland area to Seaside).

## 21 **2. District 2**

22 159. District 2 includes all of Malheur, Harney, Lake, Klamath, Jackson, Josephine, Baker,  
23 Grant, Crook, Wallowa, Union, Umatilla, Morrow, Gilliam, Sherman, and Wasco counties, as  
24 well as areas of Douglas, Jefferson, Deschutes County, Marion, and Clackamas Counties. *See*  
25 Ex. 2001; Ex. 2002; Ex. 2004. Transportation links connecting those areas include I-84, I-5, US-  
26 20, US-26, US-395, OR-140, US-97, and US-197. *See* Ex. 2001; Ex. 2004.

1 160. Ashland resident Cole Daneman testified: “The Rogue Valley’s population centers are  
2 located along the Rogue River and Bear Creek (which feeds into the Rogue River). Interstate 5,  
3 and to an extent Highway 99, follow Bear Creek between Ashland and Gold Hill. Interstate 5 and  
4 Highway 99 then follow the Rogue River between Gold Hill and Grants Pass.” Ex. 2095,  
5 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m.  
6 (statement of Cole Daneman); *see* Ex. 2505 (showing Highway 99 and Interstate 5 linking  
7 communities in Josephine and Jackson Counties); Ex. 2001 (showing Josephine and Jackson  
8 Counties in District 2).

9 161. Ashland resident Rebecca Pearson testified, “The proposed district lines take into account  
10 major transportation links such as I-5 and HWY99, that connect the community centers in the  
11 Rogue Valley to rural surrounding areas that makeup this unique portion of the state. These  
12 transportation links are also cr[i]tical to preserving communities of interest such as the Muslim  
13 and Jewish communities in southern Oregon, who rely on the Mosque located in Talent and the  
14 three Synagogues located in Ashland -- the only houses of worship for Muslim and Jewish  
15 community members between Roseburg and Redding, CA -- to practice their faith.” Ex. 2083,  
16 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m.  
17 (statement of Rebecca Pearson); *see* Exs. 2001, 2505 (showing Highway 99 and Interstate 5  
18 connecting Ashland and Talent to communities to the north and south).

19 162. Redmond resident Josephina Riggs testified, “Redmond is very connected to Ben[d] and  
20 Madras, and we go there for business[,] worshiping, shopping, entertain[ment], sport, and [to]  
21 enjoy outdoor activities. The community college also connected Ben[d] to Redmond and Madras  
22 as well, with the Oregon State University, Cascade Campus. Redmond, Madras and Ben[d]  
23 share the Highway 97, which links us all. We [were] sad[ened] when the St. Charles Health  
24 System closed down the Family Birth Center in Redmond in July 13, 2019. The only option for  
25 pregnant families [is] the St. Charles Main facility in Ben[d] and St. Charles facility in Madras.  
26 This is important to the [redistricting] to get people in Redmond together . . . .” Ex 3018-N,



1 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 10, 2021, 24:13–25:24  
2 (statement of Josephina Riggs); *see* Ex. 2543 (showing District 5 as including both Redmond and  
3 Bend).

### 4 **3. District 3**

5 163. District 3 includes all of Hood River County and areas of Multnomah and Clackamas  
6 Counties. *See* Ex. 2001; Ex. 2002; Ex. 2004. Transportation links connecting those areas  
7 include US-26, I-84, and OR-35. *See* Ex. 2001; Ex. 2004.

8 164. Portland resident Barbara Casey testified, “My work with DHS Child Welfare brought  
9 me to many homes, families, and communities throughout the 3 metropolitan counties, most  
10 often the ‘Eastside’—outer East County all along the I 84 and I 205 corridor. . . . Daily we take  
11 MAX and ride the bus lines.” Ex. 2014, Testimony, Senate Interim Committee on Redistricting,  
12 SB 881, Sept 8, 2021, 8:00 a.m. (statement of Barbara Casey); *see* Exs. 2001, 2505 (showing  
13 I-84 and I-205 linking East Multnomah County to the Columbia River Gorge).

14 165. Portland resident Mercedes Morales testified: “I often drive to the Gorge, and Mt. Hood,  
15 on I-84.” Ex. 2028, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 8,  
16 2021, 5:30 p.m. (statement of Mercedes Morales); *see* Exs. 2001, 2505 (showing I-84 linking  
17 Portland to the Columbia River Gorge and Mount Hood).

18 166. Sandy resident Jan Lee testified that Highway 26 connects Sandy with the nearby  
19 “mountain communities” from “Brightwood to Government Camp,” and that the “Sandy/Mt.  
20 Hood Transit system bus route provides a loop including Sandy, mountain communities, and  
21 Hood river and return.” Ex. 2080, Testimony, Senate Interim Committee on Redistricting,  
22 SB 881, Sept 13, 2021, 1:00 p.m. (statement of Jan Lee).

23 167. Sandy resident Dave Kaechele testified “The communities along Hwy 26 use Sandy for  
24 their major needs.” Ex. 2027, Testimony, Senate Interim Committee on Redistricting, SB 881,  
25 Sept 8, 2021, 5:30 p.m. (statement of Dave Kaechele).

26

1 168. Sandy resident Karinna French testified that Sandy and its “Mountain neighbors up the  
2 road (Hwy 26) . . . share community resources and are bound together by common roads and  
3 services.” Ex. 2075, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13,  
4 2021, 1:00 p.m. (statement of Karinna French).

5 169. Alder Creek, Clackamas County resident Steve Smithsted testified that “communities  
6 along the mountain, gorge, and central Oregon . . . are also connected via transportation links  
7 like the Columbia Area Transit Bus, the Sandy Area Metro Bus, and major roads like I-84,  
8 HWY26, and HWY 35.” Ex. 2052, Testimony, Senate Interim Committee on Redistricting,  
9 SB 881, Sept 10, 2021, 1:00 p.m. (statement of Steve Smithsted).

10 170. Welches resident Cristina Saldivar testified, “Though some may argue that it doesn’t  
11 make sense to connect Portland to [the Columbia Gorge, Mount Hood, and Bend], the reality is  
12 that the communities in HD52 [which covers east Multnomah County, northeast Clackamas  
13 County, and Hood River County] are a short drive from Portland and that they are all connected  
14 by major roads such as I-84 and HWY-26.” Ex. 2051, Testimony, Senate Interim Committee on  
15 Redistricting, SB 881, Sept 10, 2021, 1:00 p.m. (statement of Cristina Saldivar).

16 **4. District 4**

17 171. District 4 includes all of Curry, Coos, Lane, Lincoln, and Benton Counties, as well as  
18 areas of Linn, Douglas, and Polk Counties. Ex. 2001; Ex. 2002; Ex. 2004. Transportation links  
19 connecting those areas include I-5, US-101, OR-126, US-20, OR-58, and OR-99W. *See*  
20 Ex. 2001; Ex. 2004.

21 172. Bill Kucha, a resident of Depoe Bay (Lincoln County), testified that “keep[ing] all of  
22 Lincoln and Benton counties together in the same district pairing Corvallis and Eugene with the  
23 Central Coast . . . makes sense because of the connection we have together in terms of our shared  
24 HWY 20, satellite campus connections between Oregon State and OCCC as well the need for us  
25 to have access to their major hospitals.” Ex. 2060, Testimony, Senate Interim Committee on  
26 Redistricting, SB 881, Sept 13, 2021, 8:00 a.m. (statement of Bill Kucha).

1 173. Eugene resident Philip N. Barnhart testified, “The railroad running from Coos Bay to the  
2 Eugene rail yard is a critical transportation link for current wood products and will become even  
3 more important if the container port planned for Coos Bay becomes a reality.” Ex. 2065,  
4 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m.  
5 (statement of Philip N. Barnhart).

6 174. Eugene resident Oliver Mintz-Lowe testified, “I like the way plan C is built around I5  
7 and the 58, because it reflects how I, and many people, move around our communities every day.  
8 The way maps A and C follow the 99 all the way up to Junction City makes perfect sense,  
9 because this is a heavily trafficked route that many people use to commute between their homes  
10 and work. For example as a state worker I know a number of people who work for OHA, at the  
11 State Hospital in Junction City, who make this commute daily.” Ex. 2057, Testimony, Senate  
12 Interim Committee on Redistricting, SB 881, Sept 10, 2021, 5:30 p.m. (statement of Oliver  
13 Mintz-Lowe).

14 175. Eugene resident Allen Hancock testified, “I support Congressional Map A because It  
15 keeps Lane County together - particularly west on HWY 126 towards the coast.” Ex. 2033,  
16 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 9, 2021, 8:00 a.m.  
17 (statement of Allen Hancock).

18 176. North Benton County resident Catherine Stearns testified, “[M]y neighbors and I . . .  
19 travel south on Hwy 99W to Corvallis for the majority of our business, medical and recreational  
20 activities. This part of Benton County is served by bus transportation out of Adair Village to the  
21 Corvallis Transit Depot where we make connections to travel to many other places including  
22 most major local employers, Linn-Benton Community College and even to the coast. There are  
23 no such connections to places north of us. There are many retired folks in our area who  
24 appreciate being a short drive to Corvallis for medical appointments, groceries, and many  
25 cultural or recreational activities a college town offers. Local children attend Corvallis School  
26 District schools by taking the school buses originating in Corvallis.” Ex. 2036, Testimony,

1 Senate Interim Committee on Redistricting, SB 881, Sept 9, 2021, 8:00 a.m. (statement of  
2 Catherine Stearns).

3 **5. District 5**

4 177. District 5 includes areas of Clackamas, Multnomah, Marion, Linn, Jefferson, and  
5 Deschutes Counties. *See* Ex. 2001; Ex. 2002; Ex. 2004. Transportation links connecting those  
6 areas include I-5, I-205, US-26, OR-22, OR-226, US-20, OR-99E, OR-213, OR-224, OR-43,  
7 OR-212, OR-126, and US-97. *See* Ex. 2001; Ex. 2004; Ex. 2581.

8 178. The Oregon Department of Transportation (“ODOT”) does not generally close state  
9 highways for weather-related reasons. Ex. 2582, ODOT Winter Levels of Service, Region 1  
10 Map, October 2021, Ex. B to Moore Decl., Ex. 2583, ODOT Winter Levels of Service, Region 2  
11 Map, October 2021, Ex. C to Moore Decl., 2584, ODOT Winter Levels of Service, Region 4  
12 Map, October 2021, Ex. D to Moore Decl. (all describing state highway winter roadway  
13 treatment levels; “[h]ighway closures should generally not occur for routine winter storms on  
14 highways” with levels of service A and B; for level of service C, “[s]hort term highway closures  
15 may occur during a storm” but are “limited in duration and highways are reopened as soon as  
16 possible.”); *see* Ex. 2580, Declaration of Lucinda Moore (declaration of ODOT State  
17 Maintenance and Operations Engineer regarding exhibits 2581, 2582, 2583,2884); Ex. 2581,  
18 ODOT Winter Levels of Service, Statewide Map, October 2021, Ex. A to Moore Decl.<sup>2</sup>

19 179. ODOT’s policy during inclement weather is to maintain highways according to the  
20 designated service level and require motorists to use traction devices such as snow tires and/or  
21 chains in order to ensure safe travel on the road in winter conditions. Exs. 2581-2584.

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24 <sup>2</sup> The only exceptions are that the west side of McKenzie Pass Highway, OR 242, closes for the  
25 winter season, depending on weather conditions, as does a short stretch of Highway 413,  
26 between Halfway and Cornucopia, in Baker County. Exs. 2583 and 2584 (Legends: Level of  
Service E description; Exs. 2581, 2583, 2584, Maps: Highway 242 between Sisters and Highway  
126 near Blue River indicating level of service E; Ex. 2581, Map: Highway 413 between  
Halfway and Cornucopia in Baker County).

1 180. The major highway routes between Bend and Portland are maintained at a high level of  
2 service in the winter, keeping transportation links within District 5 intact year round. *See*  
3 Exs. 2581, 2582, and 2584 (OR-26 to OR-97 route); Exs. 2581, 2582, and 2584 (I-5 to OR-22  
4 to US-20); Exs. 2581, 2582, 2584 (I-84 to US-197 to US-97).

5 181. Petitioner Clarno testified that during the years that she served as Secretary of State, she  
6 drove back and forth between Salem and Redmond every week. She spent the week in Salem  
7 and returned home to Redmond during the weekends, traveling on the Santiam Pass State  
8 Highway (OR-22) throughout the year, including during winter conditions. Ex. 2400 at 5, 1:23,  
9 Clarno Depo. Trans.; *see* Ex. 2500, Oregon Blue Book, *Oregon Officials*, at 4 (Petitioner Clarno  
10 served as Secretary of State from March 31, 2019–Jan. 2, 2021).

11 182. Therefore, based on paragraphs 178-181 above, Petitioners’ allegation that District 5  
12 stretches across “mountains that can be impassible during winter conditions,” Pet. ¶¶ 52 & 101,  
13 is false.

14 **a. Deschutes County**

15 183. Bend resident Kavi Chokshi testified in support of including Bend in a district that  
16 includes “Redmond, Redmond Airport, and other similar parts of Deschutes County. I believe  
17 Redmond Airport is the primary airport used by most Bend residents.” Ex. 2069, Testimony,  
18 Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Kavi  
19 Chokshi)..

20 184. Redmond resident Josephina Riggs testified, “Redmond is very connected to Ben[d] and  
21 Madras, and we go there for business[,] worshiping, shopping, entertain[ment], sport, and [to]  
22 enjoy outdoor activities. The community college also connected Ben[d] to Redmond and Madras  
23 as well, with the Oregon State University, Cascade Campus. Redmond, Madras and Ben[d]  
24 share the Highway 97, which links us all. We [were] sad[ened] when the St. Charles Health  
25 System closed down the Family Birth Center in Redmond in July 13, 2019. The only option for  
26 pregnant families [is] the St. Charles Main facility in Ben[d] and St. Charles facility in Madras.

1 This is important to the [redistricting] to get people in Redmond together . . . .” Ex. 3018-N,  
2 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 10, 2021, 8:00 a.m.,  
3 24:13–25:24 (statement of Josephina Riggs); *see* Ex 2543 (showing District 5 as including both  
4 Redmond and Bend).

5 185. Sisters resident Tara Redfield testified, “Sisters residents like myself, commute to Bend  
6 from HWY 20 which connects to HWY 97.” Ex. 2087, Testimony, Senate Interim Committee  
7 on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Tara Redfield).

8 186. Bend resident Dave Paulson testified, “[A]ttaching us to Portland and, North Hood River  
9 definitely reflects the commercial centers that we have with Bend. When we don't have  
10 something in Bend, we look to Portland. We look for medical work. We look for educational  
11 and commercial interests. Our economy is supported by the people of Portland and the tourism  
12 that comes from there. Our transportation links to Portland through [Highway] 97 and over  
13 Mount Hood and to Santiam make us part of the Portland commercial area. Ex. 3018-N,  
14 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 10, 2021, 8:00 a.m.,  
15 62:24–63:22 (statement of Dave Paulson); *see* Ex. 2001 (showing Bend as part of District 5 with  
16 part of Portland).

17 **b. Clackamas County**

18 187. Milwaukie resident Brad Reed testified in support of “group[ing] my community in  
19 Clackamas together with our neighbors mostly East of the river in the Willamette Valley, Marion  
20 and Linn counties. Many times I’ve traveled I-5 and 99E to visit the wonderful communities in  
21 our three counties with their farmers’ markets, breweries, beautiful natural areas, and you-pick  
22 farms for berries, pumpkins, and Christmas Trees.” Ex. 2040, Testimony, Senate Interim  
23 Committee on Redistricting, SB 881, Sept 9, 2021, 1:00 p.m. (statement of Brad Reed).

24 188. Albany resident Eric Aguinaga testified, “The I-5 corridor that runs through House  
25 District 15 is a farming community, is a growing historic community, and a fun community to be  
26 in. It’s hard to tell the difference when you are driving through Millersburg, Albany, and

1 Tangent to see what city you are actually in. Little roads like Santiam Boulevard, Seven Mile  
2 Lane mean a lot to us, and we have become a very strong community working together.”  
3 Exhibit 3018-Q, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 9, 2021,  
4 8:00 a.m., 52:16–52:24 (statement of Eric Aguinaga).

5 **6. District 6**

6 189. District 6 includes all of Yamhill County, as well as areas of Polk, Marion, Clackamas,  
7 and Washington Counties. *See* Ex. 2001; Ex. 2002; Ex. 2004. Transportation links connecting  
8 those areas include I-5, OR-99W, OR-217, OR-210, OR-47, and OR-219. *See* Ex. 2001;  
9 Ex. 2004.

10 190. Woodburn resident Debbie Cabrales testified, “Although we have been able to grow as a  
11 community, we depend on some services in Salem, this is easy to do via I-5. Salem and  
12 Woodburn are only 15-20 minutes away.” Ex. 2040, Testimony, Senate Interim Committee on  
13 Redistricting, SB 881 Sept 9, 2021, 1:00 p.m. (statement of Debbie Cabrales).

14 191. Salem resident Maria Hinojos Pressey testified, “Although I live in Salem, I work in  
15 Woodburn and commute there via I-5 which takes me about 20 minutes depending on traffic.....  
16 [T]he Salem area is home to a thriving and vibrant Latinx community, and many of us who live  
17 in North East Salem, travel up to Woodburn where you can find Lucero’s shop, to pick up platos  
18 de barro, and Luis’s Taqueria, to get authentic food or buy a piñata for a family birthday party. I  
19 also like that these maps follow the I-5 and would like to highlight that the farming communities  
20 along it are central to this area and I appreciate that this map respects that. If you drive through  
21 this highway, after leaving Woodburn and entering NE Salem, it is as if you never left either  
22 city.” Ex. 2098, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021,  
23 5:30 p.m. (statement of Maria Hinojos Pressey).

24 192. Salem resident Cynthia Martinez testified, “Lancaster Road is also important  
25 transportation link because you can find everything you need there, from a Starbucks, to a  
26 pan[a]d[e]ria, to gas stations, grocery stores, and even some fun recreational things to do, in

1 almost—an almost anything else you can think of. Before, Lancaster Road was seen as a marker  
2 between urban and rural areas. And so many people have moved to the east of Lancaster Road,  
3 so it would make sense to have Cordon Road be an indicator where the district could stop.”  
4 Exhibit 3018-K, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021,  
5 8:00 a.m., 13:21–14:6 (statement of Cynthia Martinez).

6 193. Salem resident Ira Martinez testified about connections between Southeast and Northeast  
7 Salem, as well as adjacent communities: “I want to specifically focus on Lancaster Drive, as it is  
8 a very important transportation link for us. Along this road you can find the local flea market,  
9 Mirandes Bakery, El Toritos Meat Market, Courthouse Club Fitness, La Tapatia Market, among  
10 many other businesses. House proposal B does not take into consideration the significance that  
11 this road has in our communities and proposes to split the area into three distinct districts.”  
12 Exhibit 3018-K, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021,  
13 8:00 a.m., 10:14–10:22 (statement of Ira Martinez).

14 194. Salem resident Michael Powers testified, “I would also work to keep the area along  
15 Lancaster Road together as well, perhaps using Cordon Road as a boundary.” Exhibit 3018-K,  
16 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m.,  
17 34:12– 34:14 (statement of Michael Powers).

18 195. Janet Lorenzen, from Salem, testified, “I work at Willamette University, about half of our  
19 faculty and staff members live in Portland or Wilsonville and commute to Salem. And several  
20 faculty members live in Salem and travel to Portland to teach classes. It’s also my understanding  
21 that homes in North-West Salem are often used as a bedroom community for travel to  
22 Wilsonville and Portland. I think of the I-5 corridor between Portland and Salem as deeply  
23 interconnected in terms of home-life and work-life.” Ex. 2099, Testimony, Senate Interim  
24 Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m. (statement of Janet Lorenzen).

25 **F. The Legislative Assembly Considered Each Criterion of ORS 188.010(1)**

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1 196. SB 881 comports with each of the criteria listed under ORS 188.010(1) as nearly as  
2 practicable. Each district is contiguous. *See* ORS 188.010(1)(a). Each district is of almost  
3 exactly equal population. *See* ORS 188.010(1)(b). The boundaries of each district follow  
4 various geographic or political boundaries, including county lines, city boundaries, reservation  
5 boundaries, rivers, and shorelines. *See* ORS 188.010(c). Communities within each district are  
6 connected by transportation links, including U.S. Route 20 linking Deschutes County to the  
7 Willamette Valley in District 5. *See* ORS 188.010(1)(e); Ex. 2543.

8 197. As for the criterion that a district shall, as nearly as practicable, “[n]ot divide  
9 communities of common interest,” the nebulous, overlapping, and interconnected nature of  
10 “communities” makes it difficult to objectively determine the extent to which communities have  
11 been divided. *See* ORS 188.010(d). However, the Redistricting Committees held extensive  
12 public hearings at which they received oral and written testimony from dozens of Oregonians  
13 concerning how their communities should be organized into districts so as to give each  
14 community a voice. The district plan that the legislature finally enacted reflected many of the  
15 wishes expressed by residents at those hearings, indicating that the legislature considered and  
16 responded to the needs of the communities within each district.

17 198. The dissatisfaction of some Oregonians with the district plan is not strong evidence that  
18 the plan fails to comport with ORS 188.010(1)(d). The Redistricting Committees heard  
19 testimony expressing a variety of views, and it was not possible to satisfy them all. *See, e.g.,*  
20 Ex. 3018-I, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021,  
21 5:30 p.m., 87:12–87:19 (statement of Sarah Ballenson) (Hood River resident stating that Hood  
22 River and The Dalles are “closely tied”); Ex. 2096, Testimony, Senate Interim Committee on  
23 Redistricting, SB 881, Sept 13, 2021, 5:30 p.m. (statement of Jessica DeVlaeminck) (The Dalles  
24 resident stating that The Dalles “do[es] not have anything in common with” Hood River).

25 199. Further, the extent to which any district plan can fulfill any one of the ORS 188.010(1)  
26 criteria is limited by the need to consider the other criteria. In particular, compliance with the

1 “equal population” criterion makes it effectively impossible to entirely adhere to county lines or  
2 to avoid dividing any communities of common interest. *See* 10/27/2021 Hr. Trans. (Rough) at  
3 176:17–176:19 (Brunell) (acknowledging that “it’s not like there’s just six communities of  
4 interest in Oregon”). Accordingly, ORS 188.010(1) provides that each criterion shall be fulfilled  
5 “as nearly as practicable.”

6 200. SB 881 strikes a balance between the expressed wishes of various Oregonians and the  
7 objective criteria of contiguousness, equal population, geographic and political boundaries, and  
8 transportation links. SB 881 thus comports with Oregon’s traditional redistricting criteria under  
9 ORS 188.010(1).

### 10 G. Compactness

11 201. Compactness is not a statutory criterion for redistricting under Oregon law.  
12 ORS 188.010(1). Compactness is not a useful redistricting criterion. 10/27/2021 Hrg. Trans.  
13 (Rough vol. 1) at 189:8-13 (Brunell) (“[C]ompactness is rarely -- is rarely a reason for a map to  
14 get thrown out. So oftentimes there will be really funny districts but a judge or judges will let the  
15 map stand, so that’s what I was trying to say. There’s been a lot of really non-compact districts  
16 that judges have said these are fine.”); 2701A at 6 (Brunell (2006)) (“Compactness is rarely an  
17 issue in court, although it can be, depending upon the judge or judges involved”).

18 202. There are no reliable measures of compactness. 2701A at 6 (Brunell (2006))  
19 (“Compactness is, at least in part, in the eye of the beholder.”).

20 203. There is no basis in the record to draw any conclusions about the compactness of the  
21 enacted map.

22

## 23 III. SB 881 DOES NOT FAVOR ANY POLITICAL PARTY, INCUMBANT LEGISLATOR, OR ANY OTHER PERSON.

### 24 A. SB 881 was not enacted for a partisan purpose.

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26 Paragraphs 204-212 are omitted.

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**1. Representative Bonham’s testimony does not prove partisan intent.**

213. Petitioners cannot prove through Representative Bonham’s testimony that the legislature acted with partisan intent. Indeed, their reliance on that testimony as the “big ticket” to their claims demonstrates the dearth of evidence on that issue. 10/27/2021 Hrg. Trans. (Rough vol. 1) at 316:2-6 (Petitioners’ counsel explaining, “I really think Representative Bonham is going to kind of be the big ticket here . . . .”). At most, Representative Bonham’s testimony—which is largely inadmissible for a variety of reasons<sup>3</sup>—shows only his own personal opinions.

214. Representative Bonham was effectively a bystander to the congressional redistricting process. He served on the House Redistricting Committee only until September 20, 2021, when Speaker Kotek replaced that committee with the House Committee on Congressional Redistricting. See Ex. 1003, at ¶ 1, Declaration of Representative Daniel Bonham. 10/27/2021 Hrg. Trans. (Rough vol. 1) at 154:16-17. Crucially, Representative Bonham was not part of the reconstituted committee during the critical period leading up to the enactment of SB 881 on September 27, 2021, and was thus not in a position to gain personal knowledge about the Legislative Assembly’s intent during congressional -redistricting proceedings.

215. Although Representative Bonham testified that he believed that he would have likely been informed of any communications by his caucus’s members regarding redistricting, 10/27/2021 Hrg. Trans. (Rough vol. 1) at 156:23–157:17, he admitted that he had no basis to testify that no members of the Republican caucus had private conversations with Democratic legislators without his participation, *id.* at 115:13–116:19, which renders meaningless his assertions that no political negotiations took place. See also Ex. 1003, ¶ 20, Bonham Dec. (Representative Bonham no longer on congressional redistricting committee); *id.* at ¶ 22

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<sup>3</sup> Respondent maintains all objections to Representative Bonham’s declaration and testimony, including the legislative privilege objection to Representative Bonham’s declaration and testimony under the Debate Clause, asserted in the Legislative Assembly’s October 26, 2021, Motion to Strike. Respondent’s remaining objections (including relevance, hearsay, and lack of foundation) will be presented on Tuesday, November 2.

1 (Representative Boshart Davis—not Representative Bonham—attended House Committee on  
2 State Legislative Redistricting); 10/27/2021 Hrg. Trans. (Rough vol. 1) at 96:17-21  
3 (Representative Bonham did not converse with Speaker Kotek about the reconstitution of the  
4 redistricting committee), 106:14–107:5 (Representative Bonham not involved in congressional  
5 redistricting; instead limited to being “together in our caucus room”), 113:3-12 (Representative  
6 Bonham’s belief that Minority Leader Drahan and Representative Boshart Davis received the  
7 enacted map at the same time as him based solely on fact that “they were sitting with me when I  
8 received it”), 116:16-19 (admitting inability to know about all conversations between Minority  
9 Leader Drahan and Democratic leadership). SB 881 was not even before the House until  
10 Representative Bonham was no longer a member of the congressional-redistricting committee.  
11 Ex. 1003, ¶¶ 17-21, Bonham Dec; *see* Ex. 2006, at p. 4, 2021, 1st Special Session (showing vote  
12 of House committee).

13 216. Without any personal knowledge of his colleagues’ subjective intent, Representative  
14 Bonham’s belief of partisan purpose is pure lay opinion based on the form of the final map. He  
15 implicitly admits as much by asserting that the “partisan design” is apparent from the breaking  
16 up of the greater Portland area into four districts. Ex. 1003, at ¶ 11, Bonham Dec. And  
17 Petitioners do not offer the representative’s testimony as expert testimony (nor would it be  
18 appropriate to do so). 10/27/2021 Hrg. Trans. (Rough vol. 1) at 124:16-17. The representative’s  
19 opinion is far outweighed by the copious amount of public input, described above, that supports  
20 the Legislative Assembly’s enacted map. *See also id.* at 140:13–141:18 (Representative Bonham  
21 acknowledging the voluminous public feedback received by the legislature for state-legislative  
22 and congressional redistricting). Whatever the case, although Representative Bonham is  
23 certainly entitled to his opinion, that opinion is of no probative value in this action.

24 217. And Representative Bonham’s factual testimony actually cuts against Petitioners, by  
25 confirming the Legislative Assembly’s exceedingly short time constraints resulting from the U.S.  
26 Census Bureau’s release of redistricting data in mid-August. Ex. 1003, at ¶ 7, Bonham Dec.

1 Indeed, with a deadline of September 27, 2021, to enact maps for state congressional and  
2 legislative districts, the legislature had about one-and-a-half months to analyze census data, draw  
3 proposed maps, obtain public input, and draw and enact final maps. Ex. 1003, at ¶ 33, Bonham  
4 Dec.

5 218. Representative Bonham’s testimony also confirms that Republican legislators in fact  
6 acceded to the passage of SB 881 by showing up for the votes on September 27, 2021.  
7 Specifically, Representative Bonham acknowledged that Republican legislators “made the  
8 decision to appear on the House floor on September 27, 2021,” to vote on the redistricting maps,  
9 because “there was an insufficient number of Legislative Assembly Republicans who wanted to  
10 deny quorum.” Ex. 1003, ¶¶ 33, 37-38, 40, Bonham Dec. In fact, he and other Republican  
11 legislators appeared on the House floor “to ensure that a [state-]legislative redistricting plan  
12 passed the House.” 10/27/2021 Hrg. Trans. (Rough vol. 1) at 117:1-5. To achieve that end,  
13 Representative Bonham and other Republican legislators “voted to suspend the rules to prevent  
14 [extended<sup>4</sup>] consideration” of the congressional-redistricting bill, SB 881. *Id.* at 119:19–120:4.

15 **2. The testimony of Melissa Unger, SEIU Executive Director, does not**  
16 **support Petitioners’ allegations of partisan intent.**

17 219. The testimony of Melissa Unger, SEIU Executive Director, does not indicate partisan  
18 intent. The Unger testimony reveals nothing more than an advocacy group engaging in the  
19 legislative process and advocating on behalf of its members.

20 220. Petitioners presented no evidence to support their theory that SEIU 503 or Melissa Unger  
21 had any involvement whatsoever in drawing the SB 881-A map or any other map.

22

23

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24 <sup>4</sup> The quote in the Rought Transcript is that legislators “voted to suspend the rules to prevent  
25 *expedited* consideration of that bill.” *Id.* at 119:21-22 (emphasis added). But, from context, it is  
26 clear that the rules-suspension vote was for the purpose of expediting the process, not for  
preventing expedition of the process. Having not yet had the opportunity to review the audio  
recording of the hearing, the bracketed correction is Respondent’s best effort to correct the  
record.

1 221. Upon being repeatedly questioned about what conversations members of SEIU had with  
2 members of the Oregon legislative assembly about the city of Portland in connection with  
3 congressional redistricting, Unger answered that some SEIU members testified before the  
4 legislature; that there was an ongoing general conversation with legislators about redistricting  
5 that naturally included the Portland, the largest city in Oregon; and that she was not personally  
6 part of any conversations about how Portland should be divided, and she doesn't believe that  
7 SEIU was either. Ex. 1045, at 40-47, 54-55 (Unger Depo. Trans.).

8 222. When asked repeatedly about whether SEIU 503 provided information to members of the  
9 Legislative Assembly about Bend in connection with congressional district boundaries, the  
10 witness testified that, similar to Portland, SEIU members did testify before the legislature "as a  
11 part of the overall congressional and legislative redistricting process. I do not know what they  
12 said about where they thought Bend should sit in that process." The witness also testified that  
13 she did not discuss how Bend should be apportioned with any member of the Legislative  
14 Assembly or with legislative staffers. Ex. 1045, at 53-54.

15 223. Ms. Unger repeatedly attested that conversations between SEIU and legislators were  
16 focused not on the specifics or details of the map but rather on whether the map could pass  
17 through the representative legislative process, with a particular focus on getting a map that the  
18 Republicans would show up for a vote for (as opposed to walking out and denying a quorum),  
19 which was SEIU's primary interest. Ex. 1045, at 56-59, 69, 71-72, 74-75. *See, e.g., id.* at 58 ("I  
20 was not involved in the details of the map, the actual, like, districts. I was involved in the  
21 strategy of which map would be acceptable to get the Republicans to show up and vote for it.").

22 224. Ms. Unger's testimony provides no support whatsoever for Petitioners' allegation that  
23 members of the Legislative Assembly acted with an intent to draw a supposedly "5-1" map  
24 favoring Democrats. When asked if any member of the Legislative Assembly had told her that  
25 "SB 881-A had an expected 5 to 1 split among repub- -- Democrats or Republicans?", Unger  
26 answered: I actually don't think that's what they believed; so no." Ex. 1045, at 63. Unger also

1 denied any knowledge that the assembly had consulted with any third parties regarding  
2 projections of the number of seats Republicans or Democrats are expected to win under  
3 SB 881-A. Ex. 1045 at 84-85.

4 225. When asked about what data she discussed with members of the Legislative Assembly,  
5 Ms. Unger replied: “The legislators did not tell me about what data had been provided. Like I  
6 said, there was just so many different analyses and data going around. I cannot -- like, there was  
7 just -- it was constant. Everyone's perceived sense of these maps was different and I assume -- it  
8 was just different. Everyone's perceived sense of these maps was different.” Ex. 1045 at 86, *see*  
9 *also id.* at 84-85.

10 226. Paragraph 226 is intentionally left blank

11

12 **B. SB 881 does not have the effect of partisan bias**

13

14

1. **Republican legislators could have and did not prevent enactment of  
SB 881**

15

16 227. BRIAN PARAG 1

17 228. BRIAN PARAGRAPH 2

18

19

2. **EXPERT TESTIMONY PROVES THAT SB 881 DOES NOT HAVE  
A PARTISAN BIAS**

20

a. **PROFESSOR KATZ**

21

i. **PROFESSOR KATZ’S QUALIFICATIONS**

22 229. Prof. Katz is qualified to testify in the field of political science with respect to the  
23 electoral consequences of redistricting. RPF0F 230-232, below.

24 230. Prof. Katz is a professor of social sciences and statistics at the California Institute of  
25 Technology and holds a Ph.D. in political science. Ex. 2300 at 1 (¶ 1).

26

1 231. Prof. Katz has published numerous peer-reviewed articles, including on the topic of  
2 measures of partisan fairness. Ex. 2301.

3 232. Prof. Katz has testified as an expert witness in more than 20 election law cases, including  
4 cases regarding partisan gerrymandering claims. In those cases, he was retained by counsel  
5 representing Republican, Democratic, governmental, and nonpartisan clients, and has been called  
6 to testify for both plaintiffs and defendants. Ex. 2300 at 2 (¶ 3).

7 **ii. PROFESSOR KATZ’S TESTIMONY**

8 233. Prof. Katz’s testimony was credible. RPFOF at ¶¶ 234-235.

9 234. Prof. Katz’s methods in this case are consistent with his previously expressed academic  
10 views and are generally accepted in the field of political science. Ex. 2302-2305.

11 235. On the cross-examination and redirect examination before the Special Master, Prof.  
12 Katz’s testimony was direct, forthright, clear, and convincing. Prof. Katz demonstrated a strong  
13 command of the relevant background principles of political science as well as the opinions and  
14 analysis in his report. 10/28/2021 Hrg. Trans. (Rough vol. 2) at 66:19-127:25.

15 **b. THE ENACTED MAP IS FAIR AND NOT BIASED  
16 TOWARD DEMOCRATIC PARTY CANDIDATES**

17 **The symmetry of the seats-vote curve is the best standard for partisan fairness. RPFOF ¶¶  
18 236-239, below.**

19 236. The most commonly accepted standard in political science to judge the partisan fairness  
20 of voting districts for a legislature is partisan symmetry. Ex. 2300 at 2 (¶ 6) (Katz); 10/27/2021  
21 Hrg. Trans. (Rough vol. 1) at 189:8-13 (Brunell) (“I know I’ve read some criticism on symmetry,  
22 but in general, that’s the approach of most political scientists.”); 10/28/2021 Hrg. Trans. (Rough  
23 vol. 3) at 45: 3-21, (Caughey); Ex. 3001 (Caughey).

24 237. “Because most electoral systems in the United States are single-member districts that are  
25 winner-take-all, as Congressional elections are, in practice they normally give a ‘bonus’ of  
26 varying sizes (above proportionality) in seats to the party that wins a majority of the votes across



1 a state.” Ex. 2300 at 3 (¶ 7), 8 (Katz Decl.); Ex. 2303 (adopted by reference in Ex. 2300 at 3  
2 (¶ 8)); *accord* 10/27/2021 Hrg. Trans. (Rough) at 210:8-211:25 (Brunell). To mitigate this  
3 inherent feature of single-member district elections, a mapmaker must intentionally pack co-  
4 partisans into a single district. Ex. 2701A at 4.

5 238. In the United States, a one percent increase in votes for a party normally leads to a two to  
6 three percent increase in seats. Ex. 2300 at 3; Ex. 2303 at 14 n.4 (adopted by reference in Ex.  
7 2300 at 3 (¶ 8)).

8 239. The “winner’s bonus” is even larger in states with fewer than seven congressional seats.  
9 10/27/2021 Hrg. Trans. (Rough) at 250:25-251:4 (Brunell).

10 **The best measure of partisan symmetry is the full seats-votes curve. RPFOF ¶¶ 240-247,**  
11 **below.**

12 240. The most reliable measure of partisan symmetry is the full seats-vote curve. Ex. 2300 at  
13 7-8 (Katz Decl.); Ex. 2304 (adopted by reference in Ex. 2300 at 3 (¶ 10) (Katz Decl.);  
14 10/28/2021 Hrg. Trans. (Rough vol. 3) at 20:1-25 (Caughey); *see also* 10/28/2021 Hrg. Trans.  
15 (Rough vol. 2) at 107:15–111:9 (Katz) (explaining full seat-votes curve).

16 241. Efficiency gap is not a reliable measure of partisan symmetry. RPFOF ¶¶ 242–247,  
17 below.

18 242. Prof. Katz testified that the efficiency gap “does not measure partisan symmetry or any  
19 other quantity of the seats-votes curve.” Ex. 2300 at 10.

20 243. Prof. Katz testified that, like other purportedly simplified measures of partisan fairness,  
21 the efficiency gap cannot “measure the partisan fairness of a proposed electoral map.” Ex. 2300  
22 at 9.

23 244. Prof. Katz (with two co-authors) previously came to the same conclusion in an article in  
24 *American Political Science Review*, a preeminent peer-reviewed journal in the field of political  
25 science. Ex. 2304 at 13-14 (adopted by reference Ex. 2300 at 3 (¶ 10) (“That paper fairly and  
26 accurately reflected my professional opinion at the time and still does so today.”)).

1 245. *American Political Science Review* is a preeminent journal in the field of political  
2 science. Ex. 2300 at 3 (¶ 10).

3 246. No party questioned Prof. Katz about his testimony concluding that the efficiency gap is  
4 not a reliable measure of partisan fairness. 10/28/2021 Hrg. Trans. (Rough vol. 2) at 125:18-  
5 126:25 (colloquy between counsel and the Court in which Mr. Altura noted “I examined this  
6 morning’s witness on efficiency gap, but not Professor Katz.”).

7 247. Efficiency gap is an even less reliable measure of partisan fairness for congressional  
8 elections in Oregon, because Oregon has only six seats. 10/27/2021 Hrg. Trans. (Rough) at  
9 215:21-217:24 (Brunell); Ex. 2703.

10 **The seats-votes curve for the enacted map does not favor Democratic Party candidates.**  
11 **RPFOF ¶¶ 248–250, below.**

12 248. Professor Katz’s regression methodology to produce the seats-votes curve is reliable and  
13 generally accepted in the field of political science. Ex. 2300 at 3-4 (¶¶ 12-13); Ex. 2300 at 12-13  
14 (§ 3 of Katz report).

15 249. Prof. Katz implementation of this method is reliable. RPFOF ¶¶ 229-235, above.

16 250. Prof. Katz’s estimate of the seats-votes curve demonstrates there is no statistically  
17 significant bias toward either party under the enacted map. His point-estimates of the bias ranges  
18 from 0.03 seats in favor of the Democrats (when one party wins 55%-60% of the two-party vote)  
19 to 0.12 seats in favor of Republicans (when each party wins 49%-51% of the two-party vote).  
20 Ex. 2300 at 4 (¶ 14), 15-17 (Figures 1-2 & accompanying text).

21 **c. PETITIONERS’ ALLEGATION THAT THE ENACTED**  
22 **MAP IS A “5-1 MAP” IS AGAINST THE WEIGHT OF THE**  
23 **EVIDENCE**

24 251. Prof. Katz’s model is reliable. RPFOF at 248–249.

25 252. Based on Prof. Katz’s model, the expected outcome of the enacted map is 3.86  
26 Democratic seats to 2.14 Republican seats. 10/28/2021 Hrg. Trans. (Rough vol. 2) at 118:16-  
119:16 (Katz); Ex. 2300 at 14 (Table 2).

1 253. Assuming Democratic incumbents run in Districts 1, 3, 4, and 5, the expected seat share  
2 is 4.16 Democratic seats to 1.84 seats. 10/28/2021 Hrg. Trans. (Rough vol. 2) at 117:15-118:12  
3 (Katz); Ex. 2300 at 14 (Table 3).

4 254. Political scientists generally do not specify incumbency, because incumbency is  
5 unpredictable over the course of the decade. 10/28/2021 Hrg. Trans. (Rough vol. 2) at 113:11-  
6 117:12 (Katz); Ex. 2300 at 10 & n.11.

7 255. Prof. Brunell's model and testimony are unreliable. RPFOF 260-301, below.

8 256. Thus, if expected seat share is relevant to a claim or defense, the Court should find that  
9 the expected outcome of the enacted map is 3.86 Democratic seats to 2.14 Republican seats.  
10 RPFOF 252, above.

11 257. Even under Prof. Brunell's method, the enacted map does not consistently produce 5-1  
12 results. RPFOF 258-259.

13 258. Under the results Prof. Brunell disclosed Thursday evening, statewide races in Oregon  
14 since 2012 were:

- 15 • 5 Democrats, 1 Republican: 11 contests
- 16 • 4 Democrats, 2 Republicans: 3 contests
- 17 • 3 Democrats, 3 Republicans: 3 contests
- 18 • 2 Democrats, 4 Republicans: 1 contest

19 Ex. 1048 at 2 (¶ 4).

20 259. Averaging the results under these maps, Prof. Brunell's method would yield a result of  
21 4.33 Democrats to 1.67 Republicans. *See* RPFOF 258 (78 Democratic wins and 30 Republican  
22 wins, respectively, divided by 18 contests).

23

24 **d. Prof. Brunell's Testimony is Unreliable**

25 **i. Prof. Brunell's Testimony was Inaccurate**

26 260. Prof. Brunell has served as an expert witness in more than 15 court cases. Ex. 1007 at 17.

1 261. Prof. Brunell’s signed declaration states “I hereby declare that the above statement is true  
2 to the best of my knowledge and belief, and that I understand it is made for us as evidence in  
3 court and is subject to penalty for perjury.” Ex. 1005 at 5.

4 262. **Prof. Brunell did not disclose four sets of material facts in his expert report.** RPFOF  
5 ¶¶ 263, 273, 281,284, below.

6 263. **Prof. Brunell did not disclose the result of the 2014, 2016, and 2018 Governor’s race**  
7 **under his methodology in his report.** Ex. 1006 at 3-6.

8 264. Prof. Brunell used his method to report to the Court the enacted map produced results of  
9 5 Democratic seats and 1 Republican seat based on an analysis of statewide races. Ex. 1005 at 3  
10 (¶ 14); Ex. 1006 at 3-4.

11 265. But the results of Brunell’s methods as applied to the 2014-2018 Governor’s races tended  
12 to undermine his opinion. RPFOF ¶¶ 266–269, below.

13 266. Under Prof. Brunell’s method, the 2018 Governor’s race, which was won by the  
14 Democratic candidate, produced results of 4 Democratic seats and 2 Republican seats. Ex. 3006  
15 at 8; Ex. 1048 at 2 (¶ 4).

16 267. Under Prof. Brunell’s method, the 2016 Governor’s race, which was won by the  
17 Democratic candidate, produced results of 3 Democratic seats and 3 Republican seats. Ex. 1048  
18 at 2 (¶ 4).

19 268. Under Prof. Brunell’s method, the 2014 Governor’s race, which was won by the  
20 Democratic candidate, produced results of 3 Democratic seats and 3 Republican seats. Ex. 1048  
21 at 2 (¶ 4).

22 269. Prof. Brunell knew of the results of the 2014–2018 Governor’s races under his method  
23 were unfavorable to his methodology at the time he produced his report. 10/27/2021 Hrg. Trans.  
24 (Rough) at 206:3-11

25

26

1 270. Prof. Brunell's explained his non-disclosure of the results of the 2014-2018 Governor's  
2 races under his method by testifying: "The gubernatorial races stood out -- looked like an  
3 outli[er], right." 10/27/2021 Hrg. Trans. (Rough) at 206:12-19.

4 271. There is no credible explanation for Prof. Brunell's decision not to disclose the  
5 unfavorable results of the 2016 and 2018 Gubernatorial elections in his report. RPFOF ¶¶ 272-  
6 273.

7 272. The scandal identified by Prof. Brunell occurred in 2014 and related to Gov. Kitzhaber,  
8 who was not a candidate in the 2016 or 2018 Gubernatorial elections. Ex. 1049 at 9.

9 273. Prof. Brunell's explanation that he discarded the results of three consecutive races for a  
10 state's highest office, because each of the three races was an "outlier," is not credible.

11 274. **Prof. Brunell did not disclose that he did not conduct his own analysis of city and**  
12 **county splits. RPFOF ¶¶ 275-282, below.**

13 275. Prof. Brunell's sole source for the county and municipal split data report was the  
14 representation of a mapmaker conveyed to him by counsel. 10/27/2021 Hrg. Trans. (Rough) at  
15 168:25-170:6, 218:15-219:3.

16 276. Prof. Brunell does not know the identity of the mapmaker. 10/27/2021 Hrg. Trans.  
17 (Rough) at 169:4-6.

18 277. Prof. Brunell's declaration testimony states: "Under the county and city split analysis, I  
19 found that the Neutral Map splits fewer counties and cities compared to the other two maps. SB  
20 881-A splits 11 counties and 23 cities." Ex. 1005 at 4 (¶ 17).

21 278. Prof. Brunell's report does not disclose that he relied on the representation of counsel,  
22 characterizing the work of an unnamed mapmaker, for his conclusions regarding county and  
23 municipal splits. Ex. 1006 at 9 (Table 13 & accompanying text).

24 279. Prof. Brunell's report of 11 county splits is misleading.

25 280. Four of the county splits reported are immaterial. RPFOF ¶¶ 44, above; RPFOF ¶¶ 281-  
26 282, below.

1 281. The entire population of 3 of the 11 “split counties” is in a single congressional district  
2 and a fourth county (Jefferson) includes only 20 people in District 5 (versus 24,482 in District 2).  
3 Ex. 2572; 10/27/2021 Hrg. Trans. (Rough) at 174:10-175:19.

4 282. Prof. Brunell agrees that insubstantial county splits should not be considered important  
5 factors in a redistricting analysis. 10/27/2021 Hrg. Trans. (Rough) at 267: 2-13.

6 283. **Prof. Brunell did not disclose that he did not conduct his own analysis of**  
7 **compactness. RPFOF ¶¶ 284–285, below.**

8 284. Prof. Brunell’s sole source for compactness data was the representation of an unnamed  
9 mapmaker, which was conveyed to him by counsel. 10/27/2021 Hrg. Trans. (Rough) at 268:7–  
10 268:24; RPFOF 276.

11 285. Prof. Brunell’s report does not disclose that he relied on the representation of counsel,  
12 conveying the representation of an unnamed mapmaker, for his report of purported compactness  
13 metrics. Ex. 1006 at 8 (Table 12 & accompanying text).

14 286. **Prof. Brunell did not disclose that he did not verify the accuracy of the maps he**  
15 **provided to the Court. RPFOF ¶¶ 287–291, below.**

16 287. Prof. Brunell’s declaration states that it is “based on [his] personal knowledge....” Ex.  
17 1005 at 1 (¶ 2).

18 288. Prof. Brunell declared that the maps produced as Exhibits 1008–1016 were “true and  
19 correct.” Ex. 1005 at 4-5 (¶¶ 20-28).

20 289. But Prof. Brunell played no part in the making or drawing of the maps produced as  
21 Exhibits 1008–1016. 10/27/2021 Hrg. Trans. (Rough) at 268:7–24.

22 290. Prof. Brunell has no personal knowledge of the mapmaker’s identity or reliability.  
23 10/27/2021 Hrg. Trans. (Rough) at 169:4–6; RPFOF 276.

24 291. Prof. Brunell was unable to testify whether the lines represented on these maps were  
25 accurate or not. 10/27/2021 Hrg. Trans. (Rough) at 268:25–269:14 (Brunell).

26



1           **C.     SB 881 was not enacted with the purpose or effect of favoring Rep. Salinas**

2 302.   The evidence does not support the allegation of the Petition (§ 69) that District 6 was  
3 drawn to favor Representative Andrea Salinas. RPF0F 303 - 305.

4 303.   Representative Andrea Salinas resides at 42 Aquinas Street, Lake Oswego, OR 97035.  
5 *See* Ex. 2510 (Statement of Organization for Candidate Committee, Friends of Andrea Salinas  
6 (ID: 18825), ORESTAR).

7 304.   Representative Salinas resides in District 5. *See* RPF0F 303; Ex. 2512, Oregon  
8 Legislature – Interactive Webmap (ArcGIS), [Screenshot](#) of location of 42 Aquinas Street, Lake  
9 Oswego, OR 97035.

10 305.   Representative Salinas residence is less than one mile from the District 6. *See* RPF0F  
11 303, 304; Ex. 2513, [Screenshot](#) of measurement from District 5–District 6 border to 42 Aquinas  
12 Street, Lake Oswego, OR 97035.

13 **IV.    REPUBLICAN LEGISLATORS ACCEDED TO THE PASSAGE OF SB 881**

14       **A.     Republican legislators could have and did not prevent enactment of SB 881**

15       **B.     Republican legislators recognized that SB 881 does not**

16                   **a.     Republican legislators could have and did not prevent**  
17                   **enactment of SB 881**

18 306.   Article IV, section 12 of the Oregon Constitution provides that “[t]wo thirds of each  
19 house shall constitute a quorum to do business...”

20 307.   House Rule 3.05 provides that a quorum is forty members. Ex. 2103, Special Session  
21 Rules of the House of Representatives, 81st Legislative Assembly, September 20, 2021 Special  
22 Session.

23 308.   Several times over the past several years, Republican legislators have secreted themselves  
24 in order to deny a quorum and prevent the conduct of legislative business.

25 309.   On Monday, September 20, 2021, the Oregon House of Representatives convened, for the  
26 primary purpose of enacting redistricting legislation, in accordance with a gubernatorial



1 proclamation issued under Article V, section 12 of the Oregon Constitution. A quorum was  
2 present. Ex. 2105, House Daily Journal, September 20, 2021.

3 310. On Saturday, September 25, 2021, the House of Representatives attempted to verify a  
4 quorum for nearly 4 hours. See Ex. 2200, Video Recording, Oregon House of Representatives,  
5 September 25, 2021, 30:44 to 4:34:00; Ex. 2106, House Daily Journal, September 25, 2021;  
6 Ex. 2109, Oregon State House of Representatives 81st Legislative Assembly Recording Log,  
7 2021 1st Special Session, 9/25/2021.

8 311. Five legislators were recorded as Absent and 21 legislators were recorded as Excused.  
9 The speaker noted that she was being generous with “excused” absences. Only one member of  
10 the House Republican caucus was present. Unable to verify a quorum on Saturday,  
11 September 25, 2021, the House of Representatives recessed until Monday, September 27, 2021.  
12 *Id.* Exs. 2200, 2109, 2106.

13 312. On Monday, September 27, 2021, the Oregon House of Representatives verified the  
14 presence of a quorum at two separate times. Ex. 2107, House Daily Journal, September 27,  
15 2021. *See also* Ex. 2201, Video Recording, Oregon House of Representatives, September 27,  
16 2021, 21:04 to 28: 14 and 33:15 to 40:50; Ex. 2110, Oregon State House of Representatives  
17 81<sup>st</sup> Legislative Assembly Recording Log, 2021 1st Special Session, 9/27/2021

18 313. On both occasions on Monday, September 27, 2021, at least 12 members of the House of  
19 Representatives, from both parties, were excused from attending the floor session. *Id.* Exs. 2107,  
20 2201, 2110.

21 314. Republican lawmakers have often staged walkouts to deprive the legislature of the  
22 quorum required by to conduct legislative business.

23 315. Article IV, section 12 of the Oregon Constitution provides:

24 Section 12. Quorum; failure to effect organization. *Two thirds of each*  
25 *house shall constitute a quorum to do business, but a smaller number may meet;*  
26 *adjourn from day to day, and compel the attendance of absent members. A*

1 quorum being in attendance, if either house fail to effect an organization within  
2 the first five days thereafter, the members of the house so failing shall be entitled  
3 to no compensation from the end of the said five days until an organization shall  
4 have been effected.—

5 316. Senate Rule 3.01(2) provides: “If a quorum is present, the Senate shall proceed with the  
6 transaction of business. When there is no quorum present, a lesser number of members may  
7 adjourn from day to day and compel the attendance of absent members.” Ex. 2104, Rules of the  
8 Senate for the Eighty-first Legislative Assembly.

9 317. During the 2021 Regular Session, Republican Senators walked out once, on Thursday  
10 February 25, 2021. *See* Ex. 2108, 2/25/21 Recording Log (“Pursuant to Article IV, section 12 of  
11 the Oregon Constitution, and Senate Rule 3.012, without objection, the Senate is adjourned,  
12 without a quorum”).

13 318. In 2019, Republican Senators also walked out, denying a quorum, on May 7, 2019;  
14 May 8, 2019; May 9, 2019; and May 10, 2019. *See* 5/7/19 Recording Log; 5/8/19 Recording  
15 Log (same); 5/9/19 Recording Log (same). During the 2020 Regular Session, Republican  
16 Senators walked out Monday, February 24, 2020, continuing through the end of the legislative  
17 session, which ended without a quorum on Thursday, March 5, 2020. *See* 2/24/20 Recording  
18 Log; 2/25/20 Recording Log (same); 2/27/20 Recording Log (same); 3/2/20 Recording Log  
19 (same); 3/3/20 Recording Log (same); 3/4/20 Recording Log (same); 3/5/20 Recording Log  
20 (same).

21  
22  
23 **b. Suspension of the Rules**

24 319. Article IV, section 19 of the Oregon Constitution provides:

25 Every bill shall be read by title only on three several days, in each house,  
26 unless in case of emergency two-thirds of the house where such bill may  
be pending shall, by a vote of yeas and nays, deem it expedient to dispense  
with this rule; provided, however, on its final passage such bill shall be  
read section by section unless such requirement be suspended by a vote of

1 two-thirds of the house where such bill may be pending, and the vote on  
2 the final passage of every bill or joint resolution shall be taken by yeas and  
nays.

3 320. The [Rules](#) of Proceeding of the House of Representatives applicable to the Special  
4 Session supplement this constitutional provision by providing that a bill may not “pass the House  
5 until after third reading and no measure shall be read more than once in any one day.” The rules  
6 also allow a bill to be re-referred to committee on third reading. Ex. 2103, House Rule §3.50;  
7 *See also* Ex. 2103, House Rule §9.32 (“No motion affecting the status of the bill on second  
8 reading will be in order.”); §9.37 (“A bill shall be placed on the Third Reading Calendar on the  
9 session day following its second reading or the next available calendar if the bill is reported after  
10 having previously been read for a second time.”).

11 321. On September 27, 2021, the Oregon House of Representatives, by voice vote, suspended  
12 the requirement that Senate Bill 881 be read section by section and authorized the reading of  
13 Senate Bill 881 by title only. Ex. 2107, House Daily Journal, September 27, 2021; *see also*  
14 Ex. 2201, Video Recording, Oregon House of Representatives, September 27, 2021 – 28:45 to  
15 31:22; Ex. 2111, Oregon State Senate 81st Legislative Assembly Recording Log, 2021  
16 1<sup>st</sup> Special Session, 9/27/2021.

17 322. On September 27, 2021, the Oregon House of Representatives, by unanimous consent,  
18 suspended the rules in order to re-refer Senate Bill 881 to the Special Committee on  
19 Congressional Redistricting. *Id.* Exs. 2107, 2201.

20 323. Without the suspension of these rules, Senate Bill 881 could not have been amended by  
21 the Special Committee on Congressional Redistricting and returned to the floor for a vote, all on  
22 the same day, and without the requirement that the 30-page bill be read section by section.  
23 Ex. 277, House Daily Journal, September 27, 2021.

## 24 **V. PETITIONERS SUFFERED NO PERSONAL INJURY**

25 324. None of the four petitioners reside in District 3. *See* Pet. ¶¶ 13–16; Answer ¶¶ 13–16.

26 325. None of the four petitioners reside in District 6. *See* Pet. ¶¶ 13–16; Answer ¶¶ 13–16.

1 **VI. PETITIONERS’ REMEDIAL PLAN DOES NOT MEET THE ORS 188.010**  
2 **CRITERIA**

3 **A. The remedial plan does not meet, as nearly as practicable, the**  
4 **ORS 188.010(1) criteria.**

5 326. Petitioners have proposed a remedial redistricting plan, which they refer to as the  
6 “Neutral Map.” *See* Ex. 1014 (overview of the map); Ex. 2574 (detailed map, including city  
7 boundaries in red). Petitioners have presented almost no evidence that the plan complies with  
8 the ORS 188.010(1) criteria.

9 327. Each of the districts in Petitioners’ plan appears to be contiguous and of almost exactly  
10 equal population, satisfying ORS 188.010(1)(a) and (b). *See* Ex. 2574; Exs. 1019–1020 (files  
11 containing the exact map data). The districts appear to utilize existing geographic and political  
12 boundaries, relying mostly on county lines. *See* Ex. 2574. But Petitioners have not presented  
13 any evidence that the districts are connected by transportation links. Nor have they presented  
14 any evidence that their plan does not unnecessarily divide communities of common interest  
15 beyond a simple counting of how many counties and cities are “split” between multiple districts.

16 328. The extent of Petitioners’ evidence related to the “communities of common interest”  
17 criterion is a table in Professor Thomas L. Brunell’s report that appears to compare the numbers  
18 of cities and counties that are split in the SB 881 map, the “Plan A” map proposed in the  
19 Legislature, and Petitioners’ remedial map. *See* Ex. 1006 at 9. Professor Brunell’s report states  
20 that comparing such numbers “is a typical method of quantifying how well a map preserves  
21 communities of interest.” *Id.* The report concludes that Petitioners’ map “splits fewer counties  
22 and cities compared to the other two maps.” *Id.*

23 329. That analysis is of no value. There is no indication of how the numbers of county and  
24 city splits were determined. Professor Brunell testified that Petitioners’ counsel provided him  
25 with the numbers and that he did not investigate or verify their accuracy in any way. 10/27/2021  
26 Hrg. Trans. (Rough) at 168:25–169:16, 218:15–219:3 (Brunell). The number of county splits for  
SB 881 appears to be accurate, according to the text of SB 881. *See* Ex. 2002 (listing 11 counties  
with a “portion” in two or more districts). Assuming that the rest of the numbers are accurate,

1 they indicate only the number of cities and counties that were split. The report does not indicate  
2 the number of residents, if any, affected by each of those splits. The report does not consider any  
3 other factors to determine how well the map preserves communities of common interest. In  
4 contrast to the extensive public testimony considered by the Redistricting Committees  
5 concerning how the proposed redistricting plans would affect various communities, Professor  
6 Brunell simply compared three unverified pairs of numbers and determined which were the  
7 lowest.

8 330. Even under Professor Brunell’s simple, split-based analysis, Petitioners’ map fails to  
9 preserve communities. If the numbers in Professor Brunell’s table are correct, Petitioners’ map  
10 splits almost as many cities as SB 881. *See* Ex. 1006 at 19 (indicating that Petitioners’ “Neutral  
11 Map” splits 20 cities and SB 881 splits 23). Petitioners’ map splits multiple major cities in  
12 western Oregon, including Salem, Medford, and Eugene. *See* Ex. 2574. Further, the remedial  
13 map’s adherence to the Marion/Linn county line results in splits of cities along Oregon Highway  
14 22. *See* Ex. 2574 (showing the boundary between Districts 4 and 5 following the Marion/Linn  
15 county line southeast of Salem); *see also* Ex. 2549 (showing Mill City, Gates, and Idanha  
16 straddling the county line, contained within one district on the SB 881 map).

17 331. In light of the public testimony that the Redistricting Committee considered, Petitioners’  
18 remedial map appears to divide significant communities of common interest. The district line  
19 running along the Marion/Linn county line divides a community in the Santiam Canyon. *See*  
20 Exhibit 3018-K, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021,  
21 8:00 a.m., 25:22–26:23 (statement of Tricia Hafner) (“Splitting it up straight down Highway 22  
22 would put many of these small towns in two districts. This map just does not feel like my rural  
23 community that has gone through so much was taken into consideration, and all they went with  
24 was an easy transportation route to draw, rather than caring about the people that it would  
25 affect.”). The splitting of Salem divides a significant Latino community of common interest, as  
26 does separating the majority of Salem from nearby Woodburn. *See, e.g.,* Ex. 2040, Testimony,

1 Senate Interim Committee on Redistricting, SB 881 Sept 9, 2021, 1:00 p.m. (statement of Debbie  
2 Cabrales) (opposing an Oregon House district plan that would “split[] up Salem and Woodburn,  
3 two areas that are so connected that folks travel in between them every single day”). The  
4 remedial map places Bend and Hood River in District 2 with Eastern Oregon, *see* Ex. 2574,  
5 contradicting Bend and Hood River residents’ testimony that they share communities of common  
6 interest with Western Oregon. *See, e.g.,* Ex. 2097, Testimony, Senate Interim Committee on  
7 Redistricting, SB 881, Sept 13, 2021, 5:30 p.m. (statement of Tia M. Hatton) (“[I]t makes a lot of  
8 sense for the growing community of Bend to be linked to more urban areas such as Hood River  
9 and outskirts of Portland - such as Sandy and the outskirts of Gresham.”). Petitioners have  
10 presented no evidence that their remedial plan, “as nearly as practicable,” avoids such divisions.  
11 332. Petitioners have presented almost no evidence that their remedial plan complies with the  
12 ORS 188.010(1) criteria. In particular, their evidence concerning communities of common  
13 interest relies wholly on county and city lines, so that the “communities” criterion is subsumed  
14 by the “existing boundaries” criterion. The plan achieves a low number of county splits at the  
15 cost of splitting cross-county communities of common interest. Petitioners’ remedial plan does  
16 not, as nearly as practicable, comply with the ORS 188.010(1) criteria.

17  
18 **B. The remedial plan is strongly biased in favor of Republican candidates for  
the U.S. House**

19 333. Prof. Katz’s model is reliable. RPFOF at 248-250\_\_.

20 334. Prof. Katz’s point estimates of the bias of the Petitioners’ map is a 4% to 10.54% bias  
21 toward Republican candidates. Ex. 2306 at 6 (Figure 2).

22 335. Prof. Katz’s analysis of the Petitioners’ map shows that it is more likely than not that  
23 Democrats would need to receive more than half the votes in congressional races to win to be  
24 expected to win half of the seats (i.e., a 3-3 delegation). Ex. 2306 at 5 (Figure 1).

25

26

1 336. Prof. Katz’s analysis of the Petitioners’ map shows that it is more likely than not that  
2 Republicans would not need to receive to win to be an expected to win half of the seats (i.e., a 3-  
3 3 delegation). Ex. 2306 at 4-6.

4 337. Prof. Brunell reports two examples of contests in which a Democratic candidate received  
5 more votes than the Republican candidate but would nevertheless (applying his report’s method  
6 described in Ex. 1006 at 3-6), would result in a congressional delegation of 4 Republicans to 2  
7 Democrats.

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1 DATED October 29, 2021.

2 Respectfully submitted,

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