



State Question 748

S.Q. 748 Could Enlarge Apportionment Commission, Impact Races

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Under State Question 748, citizens will have the opportunity to change the state's redistricting "back up plan" if the Legislature ever fails to reach an agreement in a timely manner.

The redistricting process occurs every 10 years following the completion of the U.S. Census count. After receiving data from the Census, the Oklahoma Legislature is required to redraw the district lines for all 101 state House districts, 48 state Senate seats, and (currently) five congressional districts.

The population of each district must be approximately the same to provide all citizens equal say in their government, regardless of where they live, ensuring the concept of "one person, one vote."

Under State Question 748, if the Legislature fails to redraw state House and Senate seats following a U.S. Census, a revised, bipartisan seven-person Apportionment Commission will do so. The measure also renames the commission, making it the Bipartisan Commission on Legislative Apportionment.

Currently, the Apportionment Commission is comprised of the state Superintendent of Public Instruction, the Attorney General and the state Treasurer. The commission is responsible for designing new legislative district lines following a federal Census if the Legislature is unable within 90 days to compromise on the redrawing of the districts.

Had redistricting gone to the commission after the 2000 Census, the task of drawing new lines would have been decided solely by three statewide-elected Democrats.

If the process remains the same next year, there is at least a possibility the situation could be reversed after the 2010 elections. Analysts say it is not out of the question that Republicans will be serving as State Superintendent, Attorney General and state Treasurer in 2011, although the first two of those races appear competitive at this writing.

However, if State Question 748 is approved by the voters, the make-up of the commission would be increased and revised to ensure it is comprised of an equal number of Republicans and Democrats with voting power.

Under the proposal, the governor, Speaker of the House and President Pro Tem of the Senate would each make two appointments to the commission, one Republican and one Democrat each. The lieutenant governor would also serve on the commission as a non-voting member and as chair of the commission.

Any redistricting plan approved by the commission must have majority support on the board (four votes), meaning any plan approved would have bipartisan support.

Senate Joint Resolution 25, which sent State Question 748 to the voters, passed the Legislature in 2009. The Senate vote was 25-21, while the margin in the House of Representatives was 59-38.

Although the likelihood of the commission ever having to redraw legislative and congressional seats is slim, the process of drawing lines based on equal population is a relatively recent development in Oklahoma history.

Prior to the 1965 session, seats in the Oklahoma House of Representatives were assigned by county instead of being drawn based on population. According to "A Century to Remember" (a history of the Oklahoma House), starting in 1911 each county with at least 0.5 percent of the state's population was entitled to at least one House seat.

Counties that fell below 0.5 percent of the state population were to be joined with an adjacent county, and counties with more than 1.75 percent of the state's population would have more than one seat. No county was allowed to have more than seven seats, which is what Oklahoma and Tulsa Counties each generally received.

However, lawmakers ignored some of those provisions and later allowed counties falling below the 0.5 percent threshold to continue having a representative. As a result, the number of House seats eventually grew to as many as 124 members in the 1953 session (compared to 101 today).

As a result of that method of designing legislative seats, a University of Oklahoma study in the 1950s found that the vote of a citizen in Cimarron County was effectively equal to the votes of 10.1 individuals in Oklahoma County. That was due to the legislative failure to create districts with similar-sized populations, according to "A Century to Remember."

By the 1960s, an estimated 29 percent of the state's citizens actually elected a majority of House members.

That system was destroyed by the 1962 U.S. Supreme Court decision *Baker v. Carr* (enshrining the "one person, one vote" principle), which led to the modern system, including numbered House districts drawn based on population.

After court-ordered reapportionment in 1964, there were 48 new members elected to the Oklahoma House of Representatives.