

CHAPTER 1021

GENERAL ASSEMBLY AND CONGRESSIONAL DISTRICTS

H. F. 707

AN ACT authorizing certain preparations for and prescribing a procedure for the redistricting of the general assembly and the redrawing of congressional districts following the 1980 federal decennial census.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. DEFINITIONS. As used in this Act, unless the context requires otherwise:

1. "Chief election officer" means the state commissioner of elections as defined by section forty-seven point one (47.1) of the Code.

2. "Commission" means the temporary redistricting advisory commission established pursuant to this Act.

3. "Federal census" means the decennial census required by federal law to be conducted by the United States bureau of the census in every year ending in zero.

4. "Four selecting authorities" means:

a. The majority floor leader of the state senate.

b. The minority floor leader of the state senate.

c. The majority floor leader of the state house of representatives.

d. The minority floor leader of the state house of representatives.

5. "Plan" means a plan for legislative and congressional reapportionment drawn up pursuant to the requirements of this Act.

6. "Political party office" means an elective office in the national or state organization of a political party, as defined by section forty-three point two (43.2) of the Code.

7. "Partisan public office" means:

a. An elective or appointive office in the executive or legislative branch or in an independent establishment of the federal government.

b. An elective office in the executive or legislative branch of the government of this state, or an office which is filled by appointment and is exempt from the merit system under section nineteen A point three (19A.3), subsection fourteen (14) of the Code.

c. An office of a county, city or other political subdivision of this state which is filled by an election process involving nomination and election of candidates on a partisan basis.

8. "Relative" means an individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

Sec. 2. NEW SECTION. PREPARATIONS FOR REDISTRICTING.

1. The legislative service bureau shall acquire appropriate information, review and evaluate available facilities, and develop programs and procedures in preparation for drawing congressional and legislative redistricting plans on the basis of each federal census. Funds shall be expended for the purchase or lease of equipment and materials only with prior approval of the legislative council.

2. By December thirty-first of each year ending in zero, the legislative service bureau shall obtain from the United States bureau of the census information regarding geographic and political units in this state for which federal census population data has been gathered and will be tabulated. The legislative service bureau shall use the data so obtained to:

a. Prepare necessary descriptions of geographic and political units for which census data will be reported, and which are suitable for use as components of legislative districts.

b. Prepare maps of counties, cities and other geographic units within the state, which may be used to illustrate the locations of legislative district boundaries proposed in plans drawn in accordance with section four (4) of this Act.

3. As soon as possible after January first of each year ending in one, the legislative service bureau shall obtain from the United States bureau of the census the population data needed for legislative districting which the census bureau is required to provide this state under United States Pub. L. 94-171, and shall use that data to assign a population figure based upon certified federal census data to each geographic or political unit described pursuant to subsection two (2), paragraph a of this section. Upon completing that task, the legislative service bureau shall begin the preparation of congressional and legislative districting plans as required by section three (3) of this Act.

Sec. 3. NEW SECTION. TIMETABLE FOR PREPARATION OF PLAN.

1. Not later than April first of each year ending in one, the legislative service bureau shall deliver to the secretary of the senate and the chief clerk of the house of representatives identical bills embodying a plan of legislative and congressional districting prepared in accordance with section four (4) of this Act. It is the intent of this Act that the general assembly shall bring the bill to a vote in either the senate or the house of representatives expeditiously, but not less than seven days after the report of the commission required by section six (6) of this Act is received and made available to the members of the general assembly, under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this Act that if the bill is approved by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar procedure or rule.

2. If the bill embodying the plan submitted by the legislative service bureau under subsection one (1) of this section fails to be approved by a constitutional majority in either the senate or the house of representatives, the secretary of the senate or the chief clerk of the house, as the case may be, shall at once transmit to the legislative service bureau information which the senate or house may direct regarding reasons why the plan was not

approved. The legislative service bureau shall prepare a bill embodying a second plan of legislative and congressional districting prepared in accordance with section four (4) of this Act, and taking into account the reasons cited by the senate or house of representatives for its failure to approve the plan insofar as it is possible to do so within the requirements of section four (4) of this Act. If a second plan is required under this subsection, the bill embodying it shall be delivered to the secretary of the senate and the chief clerk of the house of representatives not later than May first of the year ending in one, or fourteen days after the date of the vote by which the senate or the house of representatives fails to approve the bill submitted under subsection one (1) of this section, whichever date is later. It is the intent of this Act that, if it is necessary to submit a bill under this subsection, the bill be brought to a vote not less than seven days after the bill is printed and made available to the members of the general assembly, in the same manner as prescribed for the bill required under subsection one (1) of this section.

3. If the bill embodying the plan submitted by the legislative service bureau under subsection two (2) of this section fails to be approved by a constitutional majority in either the senate or the house of representatives, the same procedure as prescribed by subsection two (2) of this section shall be followed. If a third plan is required under this subsection, the bill embodying it shall be delivered to the secretary of the senate and the chief clerk of the house of representatives not later than June first of the year ending in one, or fourteen days after the date of the vote by which the senate or the house of representatives fails to approve the bill submitted under subsection two (2) of this section, whichever date is later. It is the intent of this Act that, if it is necessary to submit a bill under this subsection, the bill be brought to a vote within the same time period after its delivery to the secretary of the senate and the chief clerk of the house of representatives as is prescribed for the bill submitted under subsection two (2) of this section, but shall be subject to amendment in the same manner as other bills.

4. Notwithstanding subsections one (1), two (2) and three (3) of this section:

a. If population data from the federal census which is sufficient to permit preparation of a congressional districting plan complying with article three (III), section thirty-seven (37) of the Constitution of the State of Iowa becomes available at an earlier time than the population data needed to permit preparation of a legislative districting plan in accordance with section four (4) of this Act, the legislative service bureau shall so inform the presiding officers of the senate and house of representatives. If the presiding officers so direct, the legislative service bureau shall prepare a separate bill establishing congressional districts and submit it separately from the bill establishing legislative districts. It is the intent of this Act that the general assembly shall proceed to consider the congressional districting bill in substantially the manner prescribed by subsections one (1), two (2) and three (3) of this section.

b. If the population data for legislative districting which the United States census bureau is required to provide this state under United States Pub. L. 94-171 is not available to the legislative service bureau on or before February first of the year ending in one, the dates set forth in this section shall be extended by a number of days equal to the number of days after February first of the year ending in one that the federal census population data for legislative districting becomes available.

Sec. 4. NEW SECTION. REDISTRICTING STANDARDS.

1. Legislative and congressional districts shall be established on the basis of population.

a. Senatorial and representative districts, respectively, shall each have a population as nearly equal as practicable to the ideal population for such districts, determined by dividing the number of districts to be established into the population of the state reported in the federal decennial census. Senatorial districts and representative districts shall not vary in population from the respective ideal district populations except as necessary to comply with one of the other standards enumerated in this section. In no case shall the quotient, obtained by dividing the total of the absolute values of the deviations of all district populations from the applicable ideal district population by the number of districts established, exceed one percent of the applicable ideal district population. No senatorial district shall have a population which exceeds that of any other senatorial district by more than five percent, and no representative district shall have a population which exceeds that of any other representative district by more than five percent.

b. Congressional districts shall each have a population as nearly equal as practicable to the ideal district population, derived as prescribed in paragraph a of this subsection. No congressional district shall have a population which varies by more than one percent from the applicable ideal district population, except as necessary to comply with article three (III), section thirty-seven (37) of the Constitution of the State of Iowa.

c. If a challenge is filed with the supreme court alleging excessive population variance among districts established in a plan adopted by the general assembly, the general assembly has the burden of justifying any variance in excess of one percent between the population of a district and the applicable ideal district population.

2. To the extent consistent with subsection one (1) of this section, district boundaries shall coincide with the boundaries of political subdivisions of the state. The number of counties and cities divided among more than one district shall be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions shall be divided before the less populous, but this statement does not apply to a legislative district boundary drawn along a county line which passes through a city that lies in more than one county.

3. Districts shall be composed of convenient contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous.

4. It is preferable that districts be compact in form, but the standards established by subsections one (1), two (2) and three (3) of this section

take precedence over compactness where a conflict arises between compactness and these standards. In general, compact districts are those which are square, rectangular or hexagonal in shape to the extent permitted by natural or political boundaries. When it is necessary to compare the relative compactness of two or more districts, or of two or more alternative districting plans, the tests prescribed by paragraphs b and c of this subsection shall be used. Should the results of these two tests be contradictory, the standard referred to in paragraph b of this subsection shall be given greater weight than the standard referred to in paragraph c of this subsection.

a. As used in this subsection:

(1) "Population data unit" means a civil township, election precinct, census enumeration district, census city block group, or other unit of territory having clearly identified geographic boundaries and for which a total population figure is included in or can be derived directly from certified federal census data.

(2) The "geographic unit center" of a population data unit is that point approximately equidistant from the northern and southern extremities, and also approximately equidistant from the eastern and western extremities, of a population data unit. This point shall be determined by visual observation of a map of the population data unit, unless it is otherwise determined within the context of an appropriate coordinate system developed by the federal government or another qualified and objective source and obtained for use in this state with prior approval of the legislative council.

(3) The "x coordinate" of a point in this state refers to the relative location of that point along the east-west axis of the state. Unless otherwise measured within the context of an appropriate coordinate system obtained for use as permitted by subparagraph two (2) of this paragraph, the x coordinate shall be measured along a line drawn due east from a due north and south line running through the point which is the northwestern extremity of the state of Iowa, to the point to be located.

(4) The "y coordinate" of a point in this state refers to the relative location of that point along the north-south axis of the state. Unless otherwise measured within the context of an appropriate coordinate system obtained for use as permitted by subparagraph two (2) of this paragraph, the y coordinate shall be measured along a line drawn due south from the northern boundary of the state or the eastward extension of that boundary, to the point to be located.

b. The compactness of a district is greatest when the length of the district and the width of the district are equal. The measure of a district's compactness is the absolute value of the difference between the length and the width of the district.

(1) In measuring the length and the width of a district by means of electronic data processing, the difference between the x coordinates of the easternmost and the westernmost geographic unit centers included in the district shall be compared to the difference between the y coordinates of the northernmost and southernmost geographic unit centers included in the district.

(2) To determine the length and width of a district by manual measurement, the distance from the northernmost* point or portion of the boundary of a district to the southernmost point or portion of the boundary of the same district and the distance from the westernmost point or portion of the boundary of the district to the easternmost point or portion of the boundary of the same district shall each be measured. If the northernmost or southernmost portion of the boundary, or each of these points, is a part of the boundary running due east and west, the line used to make the measurement required by this paragraph shall either be drawn due north and south or as nearly so as the configuration of the district permits. If the easternmost or westernmost portion of the boundary, or each of these points, is a part of the boundary running due north and south, a similar procedure shall be followed. The lines to be measured for the purpose of this paragraph shall each be drawn as required by this paragraph, even if some part of either or both lines lies outside the boundaries of the district which is being tested for compactness.

(3) The absolute values computed for individual districts under this paragraph may be cumulated for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for the state, or for a portion of the state. However, it is not valid to cumulate or compare absolute values computed under subparagraph one (1) with those computed under subparagraph two (2) of this paragraph.

c. The compactness of a district is greatest when the ratio of the dispersion of population about the population center of the district to the dispersion of population about the geographic center of the district is one to one, the nature of this ratio being such that it is always greater than zero and can never be greater than one to one.

(1) The population dispersion about the population center of a district, and about the geographic center of a district, is computed as the sum of the products of the population of each population data unit included in the district multiplied by the square of the distance from that geographic unit center to the population center or the geographic center of the district, as the case may be. The geographic center of the district is defined by averaging the locations of all geographic unit centers which are included in the district. The population center of the district is defined by computing the population-weighted average of the x coordinates and y coordinates of each geographic unit center assigned to the district, it being assumed for the purpose of this calculation that each population data unit possesses uniform density of population.

(2) The ratios computed for individual districts under this paragraph may be averaged for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for the state, or for a portion of the state.

5. No district shall be drawn for the purpose of favoring a political party, incumbent legislator or member of congress, or other person or group, or for the purpose of augmenting or diluting the voting strength of a language or racial minority group. In establishing districts, no use shall be made of any of the following data:

*According to enrolled Act

- a. Addresses of incumbent legislators or members of congress.
- b. Political affiliations of registered voters.
- c. Previous election results.

d. Demographic information, other than population head counts, except as required by the constitution and the laws of the United States.

6. In order to minimize electoral confusion and to facilitate communication within state legislative districts, each plan drawn under this section shall provide that each representative district is wholly included within a single senatorial district and that, so far as possible, each representative and each senatorial district shall be included within a single congressional district.

7. Each bill embodying a plan drawn under this section shall provide that any vacancy in the general assembly which takes office in the year ending in one, occurring at a time which makes it necessary to fill the vacancy at a special election held pursuant to section sixty-nine point fourteen (69.14) of the Code, shall be filled from the same district which elected the senator or representative whose seat is vacant.

8. Each bill embodying a plan drawn under this section shall include provisions for election of senators to the general assemblies which take office in the years ending in three and five, which shall be in conformity with article three (III), section six (6) of the Constitution of the State of Iowa. With respect to any plan drawn for consideration in the year 1981, those provisions shall be substantially as follows:

a. Each odd-numbered senatorial district shall elect a senator in 1982 for a four-year term commencing in January, 1983. If an incumbent senator who was elected to a four-year term which commenced in January, 1981, or was subsequently elected to fill a vacancy in such a term, is residing in an odd-numbered senatorial district on April 2, 1982, that senator's term of office shall be terminated on January 1, 1983.

b. Each even-numbered senatorial district shall elect a senator in 1984 for a four-year term commencing in January, 1985.

(1) If one and only one incumbent state senator is residing in an even-numbered senatorial district on April 2, 1982, and that senator was elected to a four-year term which commenced in January, 1981 or was subsequently elected to fill a vacancy in such a term, the senator shall represent the district in the senate for the Seventieth General Assembly.

(2) Each even-numbered senatorial district to which subparagraph one (1) of this paragraph is not applicable shall elect a senator in 1982 for a two-year term commencing in January, 1983.

Sec. 5. NEW SECTION. TEMPORARY REDISTRICTING ADVISORY COMMISSION.

1. Not later than February fifteenth of each year ending in one, a five member temporary redistricting advisory commission shall be established as provided by this section. The commission's only functions shall be those prescribed by section six (6) of this Act.

a. Each of the four selecting authorities shall certify to the chief election officer his or her appointment of a person to serve on the commission. The certifications may be made at any time after the majority and minority floor leaders have been selected for the general assembly which

takes office in the year ending in one, even though that general assembly's term of office has not actually begun.

b. Within thirty days after the four selecting authorities have certified their respective appointments to the commission, but in no event later than February fifteenth of the year ending in one, the four commission members so appointed shall select, by a vote of at least three members, and certify to the chief election officer the fifth commission member, who shall serve as chairperson.

c. A vacancy on the commission shall be filled by the initial selecting authority within fifteen days after the vacancy occurs.

d. Members of the commission shall receive a per diem of forty dollars, travel expenses at the rate provided by section seventy-nine point nine (79.9) of the Code, and reimbursement for other necessary expenses incurred in performing their duties under this section and section six (6) of this Act. The per diem and expenses shall be paid from funds appropriated by section two point twelve (2.12) of the Code.

2. No person shall be appointed to the commission who:

- a. Is not an eligible elector of the state at the time of selection.
- b. Holds partisan public office or political party office.
- c. Is a relative of or is employed by a member of the general assembly or of the United States congress, or is employed directly by the general assembly or by the United States congress.

Sec. 6. NEW SECTION. DUTIES OF COMMISSION. The functions of the commission shall be as follows:

1. If, in preparation of plans as required by this Act, the legislative service bureau is confronted with the necessity to make any decision for which no clearly applicable guideline is provided by section four (4) of this Act, the bureau may submit a written request for direction to the commission.

2. Prior to delivering any plan and the bill embodying that plan to the secretary of the senate and the chief clerk of the house of representatives in accordance with section three (3) of this Act, the legislative service bureau shall provide to persons outside the bureau staff only such information regarding the plan as may be required by policies agreed upon by the commission. This subsection does not apply to population data furnished to the legislative service bureau by the United States bureau of the census.

3. Upon each delivery by the legislative service bureau to the general assembly of a bill embodying a plan, pursuant to section three (3) of this Act, the commission shall at the earliest feasible time make available to the public the following information:

- a. Copies of the bill delivered by the legislative service bureau to the general assembly.
- b. Maps illustrating the plan.
- c. A summary of the standards prescribed by section four (4) of this Act for development of the plan.
- d. A statement of the population of each district included in the plan, and the relative deviation of each district population from the ideal district population.

4. Upon the delivery by the legislative service bureau to the general assembly of a bill embodying an initial plan, as required by section three (3), subsection one (1) of this Act, the commission shall:

a. As expeditiously as reasonably possible, schedule and conduct at least three public hearings, in different geographic regions of the state, on the plan embodied in the bill delivered by the legislative service bureau to the general assembly.

b. Following the hearings, promptly prepare and submit to the secretary of the senate and the chief clerk of the house a report summarizing information and testimony received by the commission in the course of the hearings. The commission's report shall include any comments and conclusions which its members deem appropriate on the information and testimony received at the hearings, or otherwise presented to the commission.

Sec. 7. SPECIAL ARRANGEMENTS FOR 1980-1981.

1. Beginning not later than July 1, 1980 and continuing until the legislative service bureau has discharged the responsibilities imposed on it by this Act, the department of general services shall provide the bureau space in the same state office building in which is located the state electronic data processing facilities which may be used to assist in preparation of districting plans. The space shall be reasonably near the data processing facilities, and shall be suitably arranged and equipped for storage and use of the maps and other materials necessary for preparation and drawing of congressional and legislative districting plans.

2. If the general assembly fails to enact a legislative districting plan by September 15, 1981, or a plan enacted by the general assembly is nullified by the Iowa supreme court, all materials gathered and prepared by the legislative service bureau under section one (1) of this Act shall be made available to the supreme court or any other person or agency designated by the supreme court pursuant to article three (III), sections thirty-five (35) and thirty-six (36) of the Constitution of the State of Iowa.

3. This section is repealed effective December 31, 1981 or on the date a legislative districting plan based on the 1980 federal decennial census takes effect or is upheld by the supreme court, whichever is later.

Approved May 19, 1980