

February 9, 1959.

Apportionment of the
General Assembly.

H. J. R. 10

By SWISHER, BALCH, WILSON, ALLEN,
HAGEDORN and STANLEY (Dewel,
Gilmour, Eyers, Coleman, Henry and Mc-
Curdy).

Passed House, Date..... Passed Senate, Date.....

Vote: Ayes..... Nays..... Vote: Ayes..... Nays.....

Approved.....

HOUSE JOINT RESOLUTION

A Joint Resolution proposing amendments to the constitution of the state of Iowa relating to the apportionment, the terms and qualifications, the time and manner of the election of members of the house of representatives and senators in the general assembly, the establishment of the ratio of representation in the house of representatives and in the senate, the manner of establishing representative and senatorial districts, the formation of a congressional, senatorial or representative district composed of two (2) or more counties or parts of two (2) or more counties, and the amount of compensation to senators whose terms shall expire at the end of a session of redistricting before the time such terms would otherwise expire and who shall not be elected senators, by proposing to repeal section three (3) of article three (III) as amended in eighteen hundred eighty-four (1884) and nineteen hundred sixteen (1916), A.D., section four (4) of article three (III) as amended in eighteen hundred eighty (1880) and nineteen hundred twenty-six (1926), A.D., sections five (5) and six (6) of article three (III), section thirty-four (34) of article three (III) as amended in nineteen hundred four (1904) and nineteen hundred twenty-eight (1928), A.D., sections thirty-five (35) and thirty-six (36) of article three (III) as amended in nineteen hundred four (1904), A.D., and section thirty-seven (37) of article three (III), and proposing to adopt substitutes in lieu thereof, to redesignate section thirty-eight (38) of article three (III) as section thirty-nine (39) of article three (III), and to adopt a new section thirty-eight (38) of article three (III).

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

This is a Companion Resolution; for complete text see S. J. R. 9.

EXPLANATION OF H. J. R. 10

A joint resolution proposing amendments to the Constitution of the State of Iowa relating to the apportionment, the terms and qualifications, the time and manner of the election of members of the House of Representatives and Senators in the General Assembly.

HOUSE JOINT RESOLUTION 10

1 Amend House Joint Resolution 10 by striking all after
2 the resolving clause and substituting in lieu thereof as follows:

3 Section 1. The following amendment to the Constitution
4 of the State of Iowa is hereby proposed:

5 Sec. 2. Section three (3) of Article three (III),
6 Legislative Department of the Constitution of the State of
7 Iowa is hereby repealed and the following is adopted in
8 lieu thereof:

9 "The members of the House of Representatives shall be
10 chosen every fourth year by qualified electors of their
11 respective districts on the Tuesday next after the first
12 Monday in November; and their term of office shall commence
13 on the first day of January next after their election, and
14 continue four (4) years and until their successors are elected
15 and qualify."

16 Sec. 3. Section six (6) Article three (III)
17 Legislative Department of the Constitution of the State of
18 Iowa is hereby repealed and the following adopted in lieu
19 thereof:

20 "The number of Senators shall not be less than one
21 third nor more than one half the representative body."

22 Sec. 4. Section thirty-four (34) Article three
23 (III) Legislative Department of the Constitution of the
24 State of Iowa is hereby repealed.

25 Sec. 5. Section thirty-five (35) Article three (III),
26 Legislative Department of the Constitution of the State of
27 Iowa is hereby repealed and the following adopted in lieu
28 thereof:

29 "The Senate shall consist of not more than seventy-
30 five (75) members and the House of Representatives shall
31 consist of not more than one hundred fifty (150) members
32 and they shall be apportioned among the several counties
33 and representative districts of the state according to
34 the number of inhabitants in each upon ratios to be fixed
35 by law; but no senatorial district and no representative
36 district shall contain more than four (4) organized
37 counties and each such district shall be entitled to at
38 least one senator and one representative. Every county
39 and district which shall have a number of inhabitants equal
40 to three-fourths ($\frac{3}{4}$) of the senatorial and representative
41 ratio fixed by law shall be entitled to one senator and one
42 representative as the case may be; and any county containing
43 in addition to the ratio fixed by law, three fourths
44 ($\frac{3}{4}$) of that number or more shall be entitled to one
45 additional representative or senator as the case may be.
46 In the event any county shall have population in excess
47 of twice the ratio fixed by law, that county shall be
48 entitled to an additional senator or representative, as
49 the case may be, for each number of inhabitants equal to
50 the full ratio as fixed by law."

51 Sec. 6. Section thirty-six (36) Article three (III)
52 Legislative Department of the Constitution of the State of
53 Iowa is hereby repealed and the following adopted in lieu
54 thereof:

55 "The ratio of representation shall be determined by
56 dividing the total state population as determined by the
57 last United States census figures by the number of
58 representatives fixed by the General Assembly to determine
59 the ratio for the House of Representatives and the total
60 state population as determined by the last United States
61 census figures by the number of senators fixed by the
62 General Assembly for the Senate. The General Assembly
63 shall form into districts those counties which will not be
64 entitled singly to a representative or a senator."

1 Amend House Joint Resolution 10 as follows:
2 1. Amend House Joint Resolution 10 by striking all after
3 the resolving clause and inserting in lieu thereof the
4 following:
5 Section 1. The following amendment to the constitution
6 of the state of Iowa is hereby proposed:
7 Section thirty-five (35) of article three (III), legislative
8 department, of the Constitution of the State of Iowa is hereby
9 repealed and the following is adopted as a substitute therefor:
10 "The House of Representatives shall consist of one hundred
11 thirty (130) members, and they shall be fully apportioned
12 among the several counties on the basis of the population of
13 the state as indicated by the last preceding decennial national
14 census at the first regular session of the General Assembly
15 following said census, except that each county shall be entitled
16 to at least one representative."
17 Sec. 2. The foregoing proposed amendment is hereby
18 referred to the General Assembly to be chosen at the next
19 general election for members of the General Assembly, and
20 the Secretary of State shall cause the same to be published
21 for three (3) consecutive months previous to the date of
22 said election as provided by law.
23 2. Further amend House Joint Resolution 10 by striking all
24 of the title after the word "Resolution" in the first line
25 thereof and inserting in lieu thereof the following: "proposing
26 an amendment to the Constitution of the State of Iowa, relating
27 to representation in the House of Representatives of the
28 General Assembly."

Filed
March 17, 1959.

REPORT of Polk.

55 Sec. 7. Article three (III), Legislative Department
56 of the Constitution of the State of Iowa is hereby amended
57 by adding the following section:
58 "In the event the General Assembly fails to apportion
59 the House of Representatives or the Senate or both as
60 provided by law immediately upon adjournment or upon the
61 Supreme Court's decision that the General Assembly has
62 improperly apportioned the House or the Senate, or both,
63 the Governor shall forthwith appoint a commission of ten
64 (10), five (5) of each major political party, to apportion
65 the General Assembly as herein provided by law. Such report
66 of commission shall be presented to the Supreme Court of the
67 state and upon approval of the Supreme Court of the state
68 such apportionment shall become effective.

69 In the event the Governor fails or refuses to appoint
70 such commission or such commission fails or refuses to file
71 a majority report or the Supreme Court of Iowa fails or
72 refuses to approve the commission's report the candidates
73 for office to the General Assembly shall be elected at
74 large at the next general election and shall be elected
75 at large at each succeeding general election until the
76 requirements of the law governing apportionment of the
77 General Assembly have been complied with as herein set
78 out."

79 Sec. 8. Article three (III), Legislative Department
80 of the constitution of the State of Iowa is hereby amended
81 by adding the following section:

82 "The first apportionment of the General Assembly
83 under this amendment shall be placed into operation in
84 the second Legislative session after this amendment
85 becomes law and shall be for a two (2) year period and at
86 the next election thereafter and at each succeeding election
87 both representatives and senators shall be elected to four
88 (4) year terms."

89 Further amend by striking the title of House Joint
90 Resolution 10 and substitute in lieu thereof the following:
91 A Joint Resolution proposing to repeal sections three (3),
92 six (6), thirty-four (34), thirty-five (35) and thirty-
93 six (36) of Article three (III), Legislative Department
94 of the Constitution of the State of Iowa and to adopt
95 substitutes therefor relating to representation in the
96 Senate and House of Representatives.

97 Further amend by striking the Explanation of House Joint
98 Resolution 10 and inserting in lieu thereof the following:
99 "This proposal would reapportion the General Assembly
100 on a population basis, setting up districts on county lines
101 and would provide a guarantee to the people that the General
102 Assembly would reapportion themselves following each federal
103 census or the members of the General Assembly would be
104 elected at large."

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FREED of Webster.

1 Amend House Joint Resolution 10 by striking all after the
2 resolving clause and inserting in lieu thereof the following:

3 Section 1. The following amendment to the constitution of
4 the state of Iowa is hereby proposed:

5 Section six (6) of article three (III), legislative department,
6 constitution of the state of Iowa, and sections thirty-four (34),
7 thirty-five (35) and thirty-six (36) of article three (III),
8 legislative department, constitution of the state of Iowa as
9 adopted by amendment in 1904, and the amendment to section
10 thirty-four (34) of article three (III) as adopted in 1928 are
11 hereby repealed and the following adopted in lieu thereof:

12 "Section 6. Senators shall be so classified by lot, that
13 one (1) class, being as nearly one-half ($\frac{1}{2}$) as possible, shall
14 be elected every two (2) years. When either class consists of
15 a greater number than one-half ($\frac{1}{2}$) of the total number of
16 senators, newly elected senators shall be annexed by lot to
17 one (1) or the other of the two (2) classes so as to keep such
18 classes equal, and the senators annexed to the greater of the
19 two (2) classes shall serve for a term of two (2) years
20 notwithstanding the provisions of section five (5) of article
21 three (III), legislative department, constitution of the state of
22 Iowa.

23 "Section 24. The senate shall consist of sixty (60) senators,
24 to be elected from sixty (60) senatorial districts established
25 by law. The state shall be divided into sixty (60) senatorial
26 districts having as nearly equal population as possible. Where
27 a senatorial district is constituted of more than one (1) county,
28 the counties shall be contiguous, and no county shall be
29 divided in forming such a district. At the first session of the
30 general assembly following the adoption of this amendment and
31 at each session immediately following the official publication
32 of each succeeding decennial United States census thereafter,
33 the general assembly shall take notice of the last preceding
34 decennial United States census and shall reapportion the
35 senatorial districts as above prescribed. If the general assembly
36 fails to act at the first session following the adoption of
37 this amendment, or the first session following the official
38 publication of each succeeding decennial United States census
39 enumerating the population of the several counties in this state,
40 the supreme court shall take judicial notice of the most recent
41 decennial United States census, and shall proceed to designate
42 and apportion the senatorial districts as above provided,
43 and shall file a report of its action with the secretary of
44 the state of Iowa before November 1 of the year in which the
45 general assembly should have and failed to reapportion the
46 senatorial districts. Redistricting of senatorial districts
47 by the supreme court shall be binding upon the people until the
48 next decennial census, the provisions of section one (1), article
49 three (III), of the distribution of powers, constitution of the
50 state of Iowa to the contrary notwithstanding.

51 "Section 35. Where a county is entitled to more than one (1)
52 senator, such county shall be divided into the number of
53 senatorial districts to which the county is entitled, and each
54 senatorial district shall elect one (1) senator. Each district
55 in a county shall be composed of contiguous territory as
56 nearly equal in population as possible. The division of each
57 such county into districts shall be made by a county districting
58 commission within six (6) months of any reapportionment by the
59 general assembly or supreme court. The county districting
60 commission shall consist of eight (8) members, four (4) members
61 of the senate to be appointed by the president of the senate
62 and four (4) members of the house to be appointed by the speaker
63 of the house, with equal representation from the two (2) major
64 political parties in each house. If the county districting
65 commission fails to act within six (6) months, the division
66 of each such county into districts shall be made by the supreme
67 court within the next six (6) months. The county districting
68 commission or the supreme court, as the case may be, shall file
69 a report of its decision with the secretary of state which, upon
70 filing, shall have the force and effect of law.

71 The general assembly shall provide by law for the division
72 of districts within a county entitled to more than one senator
73 when changes in population, rather than changes in the number
74 of districts within the county, indicate a change in district
75 boundaries is needed.

76 "Section 36. The house of representatives shall consist of
77 ninety-nine (99) members. The representative districts shall
78 be the same as and identical to the area encompassed by the
79 county lines as said county lines exist on January 1, 1959, and
80 the voters of each of the representative districts shall elect
81 a representative from each of said representative districts."

82 Sec. 2. The foregoing proposed amendment is hereby referred
83 to the general assembly to be chosen at the next general
84 election for members of the general assembly, and the secretary
85 of state is directed to cause the same to be published for
86 three (3) consecutive months before the date of said election
87 as provided by law.

88 Further amend House Joint Resolution 10 by striking all
89 of the title after the word "Resolution" in the first
90 line thereof and substituting in lieu thereof the following:
91 "proposing an amendment to the constitution of the state of
92 Iowa relating to representation in the senate and the house of
93 representatives; providing for the number of senatorial dis-
94 tricts and the number of senators to be elected therefrom;
95 providing for the number of members in the house of representa-
96 tives, and fixing the representative districts from which
97 they shall be elected.

Filed
March 16, 1959.

WALTER of Hardin.

1 Amend House Joint Resolution 10 by striking lines eighty-nine
2 (89) through one hundred (100) and inserting in lieu thereof
3 the following:
4 "Sec. 34. The senate shall consist of fifty (50) senators,
5 to be elected from fifty (50) senatorial districts. One (1)
6 district shall be composed of the county in which the state
7 capital is located. The remaining districts shall each be
8 composed of two (2) contiguous counties."

Filed
March 17, 1959.

HAGEDORN of Clay.
McNEAL of Wright.

1 Amend House Joint Resolution 10 as follows:
2 By striking lines eighty-nine (89) through one-hundred
3 (100) and inserting in lieu thereof the following:
4 "Sec. 34. In each redistricting accomplished under
5 Section 36 of this Article, Senatorial districts shall be
6 established, each entitled to one Senator. Senatorial
7 districts shall be so established that the seven counties
8 having the largest population as shown by the most recent
9 national decennial census shall each constitute a senatorial
10 district. The remaining counties shall be divided into
11 senatorial districts, each composed of two contiguous
12 counties."

Filed
March 18, 1959.

BALCH of Black Hawk,
WILSON of Linn.

HOUSE JOINT RESOLUTION 10

1 Amend House Joint Resolution 10 by striking all of section
2 thirty-five (35).

Filed
April 7, 1959.

REPPERT of Polk.