Senate Refused to Concur - 4/24
House Insisted on the Amendments 4/24

April 9, 1959.

S. J. R. 16

By SHAFF, LONG and EDELEN.
(As Passed by the House.)

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

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

Approved.....

SENATE JOINT RESOLUTION

Senate adopted amen. 5-5
3rd Conf. Com.
Resolution tabled in Senate 5-5-59

A Joint Resolution proposing a constitutional amendment relating to representation in the senate and house of representatives and to the classification of senators.

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

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

1. Section six (6) of article three (III), section thirty-four (34) of article three (III) as amended in 1904 and 1928, sections thirty-five (35) and thirty-six (36) of article three (III) as amended in 1904, and section thirty-seven (37) of article three (III) are hereby repealed and the following adopted in lieu thereof:

Section 6. The senate shall consist of seventy (70) senators. Subject to the provisions of section thirty-five (35) of this article, senators shall be so classified by lot that one class, being as nearly one-half (½) as possible, shall be elected every two (2) years.

Section 34. In each redistricting accomplished under the provisions of section thirty-six (36) of this article, seventy (70) senatorial districts shall be established, each entitled to one (1) senator. The population unit in the senate shall be determined by dividing the whole number of the population of the state, as shown by the most recent decennial

20 United States census, by seventy (70). The boundaries of
21 senatorial districts shall be so drawn that each district
22 shall have a population, as shown by the most recent
23 decennial United States census, equal to that of every other
24 district, a deviation of not more than ten (10) per cent from
25 the population unit being allowed; shall consist of compact
26 and contiguous territory; and shall, as far as possible,
27 lie wholly within a single county. Areas joined only at
28 the corners thereof shall not be regarded as contiguous.
29 Section 25. The terms of senators serving at the
30 time of the first redistricting under the provisions of
31 section thirty-six (36) of this article shall terminate on
32 the last day of December following the first general election
33 held after such redistricting.
34 Following each subsequent redistricting under the
35 provisions of section thirty-six (36) of this article, the
36 terms of senators elected from those districts the boundary
37 lines of which shall be changed thereby shall terminate on
38 the last day of December following the first general election
39 held after such redistricting, except as hereinafter provided.
40 If the boundary lines of any senatorial district are not
41 changed by such redistricting, or if as a result of such
42 redistricting the territory of any senatorial district is
43 reduced and no new territory is added thereto and the
44 residence of the senator representing such senatorial district
45 was at the time of his election and is at the time of
46 such redistricting located within such new senatorial district,
47 then the term of the senator from such senatorial district
48 shall continue until the end of the term for which he was

49 elected.

50 The body accomplishing each redistricting under the
51 provisions of section thirty-six (36) of this article shall
52 number the senatorial districts and shall so classify such
53 senatorial districts by lot that the senators from one (1)
54 class of districts, being as nearly one-half (½) the total
55 number of districts as possible, shall be elected every two
56 (2) years. However, any senatorial district having a senator
57 whose term shall continue after the last day of December
58 following the first general election held after such redistricting,
59 pursuant to the foregoing provisions of this section, shall
60 be assigned to the class of districts which shall elect
61 senators two (2) years after such general election. The
62 first terms of senators elected at the first general election
63 held after each redistricting shall be two (2) or four (4)
64 years depending on the class of their respective districts.
65 The provisions of this section shall apply notwithstanding
66 the provisions of section five (5) of this article.

67 Section 36. The general assembly in nineteen hundred
68 sixty-three (1963) and every ten (10) years thereafter shall
69 redistrict the state into senatorial districts in a single
70 legislative enactment.

71 In the event that the general assembly shall fail by
72 the first day of May of any such year to so redistrict the
73 state, then such redistricting shall be accomplished by a
74 redistricting commission. On or before the last day of May
75 of such year the state central committee of each of the two
76 (2) political parties casting the highest number of votes
77 for governor in the past preceding election shall appoint

78 five (5) resident qualified voters as members of such
79 commission, and shall file with the secretary of state
80 the names of such members. If either of the state central
81 committees shall fail to file such names within the time
82 prescribed, the governor shall appoint five (5) members of
83 his choice from among the resident qualified voters of the
84 political party of such committee. Each member of the
85 redistricting commission may receive such compensation as
86 may be established by law. The redistricting commission
87 shall redistrict the state into senatorial districts and
88 shall file with the secretary of state a full statement of
89 the senatorial districts and their boundaries and classification.
90 No redistricting statement shall be valid unless it shall
91 have been approved and signed by at least seven (7) members
92 of such commission.

93 If the redistricting commission does not file the
94 required statement by the first day of October of such
95 year, it shall stand discharged and such redistricting
96 shall be accomplished by the supreme court of the state.
97 In such event, an appropriate order of the court setting
98 forth the senatorial districts and their boundaries and
99 classification shall be entered and certified to the
100 secretary of state on or before the last day of December
101 of such year; and such order shall be final.

102 Upon petition by any ten (10) members of the general
103 assembly within thirty (30) days after the adoption of the
104 legislative redistricting act or the filing of the statement
105 of the redistricting commission, as the case may be, the
106 supreme court shall review such redistricting by the general

107 assembly or the redistricting commission. The supreme court
108 shall give precedence to such petition over all other causes
109 and proceedings. If the supreme court finds that such
110 redistricting does not fully comply with the provisions
111 of the constitution, the court may enjoin any action thereunder
112 and the court shall accomplish such redistricting. In such
113 event, an appropriate order of the court setting forth the
114 senatorial districts and their boundaries and classification
115 shall be entered and certified to the secretary of state;
116 and such order shall be final.

117 In the event that prior to a final adjudication of
118 the constitutionality of the legislative redistricting act
119 or the statement of the redistricting commission, nominations
120 for senators shall have been made and such nominations shall
121 not be in accord with the court's order, the requisite number
122 of qualified candidates for senators shall be chosen in the
123 manner prescribed by law.

124 Redistricting shall be deemed to have taken place
125 thirty (30) days after the adoption of the legislative
126 redistricting act or the filing of the statement of the
127 redistricting commission, if no petition for judicial review
128 shall have been filed within said period of thirty (30) days
129 as provided herein; or upon the certification to the secretary
130 of state of the supreme court's redistricting order as
131 provided herein. However, such redistricting shall become
132 effective on the first day of January following the first
133 general election held after such redistricting; but the
134 senatorial districts established by such redistricting shall
135 be the senatorial districts for the purpose of such election.

136 Redistricting under the provisions of this section
137 shall be final and binding upon all concerned until the next
138 redistricting under the provisions of this section becomes
139 effective, notwithstanding any other provisions of the
140 constitution.

141 Wherever used in this section and in section thirty-
142 five (35) of this article, the words "general election" shall
143 mean a general election at which members of the general
144 assembly are elected.

145 Section 37. The house of representatives shall consist
146 of ninety-nine (99) members. The representative districts
147 shall be the same as and identical to the area encompassed
148 by the county lines as said county lines exist on January 1,
149 1959, and the voters of each of the representative districts
150 shall elect a representative from each of said representative
151 districts.

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

SENATE JOINT RESOLUTION 16

1 Amend the House amendment to Senate Joint Resolution 16, section 1,
2 as follows:
3 1. By striking from line 9 the words "seventy (70)" and inserting
4 in lieu thereof the words "sixty (60)".
5 2. By striking from line 16 the words "seventy (70)" and inserting
6 in lieu thereof the words "sixty (60)".
7 3. By striking from line 20 the words "seventy (70)" and inserting
8 in lieu thereof the words "sixty (60)".
9 4. By striking lines 26, 27 and 28 and inserting in lieu thereof
10 the following:
11 "and contiguous territory; and shall, as far as practicable, lie
12 wholly within a single county and conform to the boundaries of town-
ships
13 and voting precincts. Areas joined only at the point of a corner thereof
14 shall not be regarded as contiguous.".
15 5. By inserting in line 52 after the word "the" the words "new
16 or changed".
17 6. By striking all of lines 67 through 144 and inserting in lieu
18 thereof the following:
19 "Section 36. In nineteen hundred sixty-three (1963) and every
20 tenth (10th) year thereafter, the state shall be redistricted into
21 senatorial districts as hereinafter provided. On or before the fifteenth
22 (15th) day of November of nineteen hundred sixty-two (1962), and
on or
23 before the first (1st) day of July of nineteen hundred seventy-two
(1972)
24 and every tenth (10th) year thereafter, the state central committee
25 of each of the two (2) political parties casting the highest number of
votes
26 for governor in the last preceding election shall appoint five
27 (5) qualified voters as members of a redistricting commission,
28 and shall file with the secretary of state the names of such
29 members. If either state central committee fails to file such
30 names within the time prescribed, the governor shall promptly
31 appoint five (5) members of his choice from among the qualified
32 voters of the political party of such committee. Each member of
33 the redistricting commission may receive such compensation as
34 may be established by law.
35 The redistricting commission shall redistrict the state into
36 senatorial districts and shall, on or before the first day of
37 February of the year in which such redistricting is to take place,

38 file with the secretary of state a full statement of the
39 redistricting action of the commission, including the boundaries
40 and classification of the senatorial districts. No redistricting
41 statement shall be valid unless it shall have been approved and
42 signed by at least seven (7) members of such commission.
43 The redistricting action of the redistricting commission
44 may be amended, or a substitute therefor enacted, by the general
45 assembly on or before the first (1st) day of April of such year.
46 If the redistricting commission does not file the required
47 statement by the first (1st) day of February of such year, the
48 general assembly shall redistrict the state into senatorial
49 districts in a single legislative enactment by the first (1st)
50 day of April of such year.
51 If neither the redistricting commission nor the general
52 assembly takes such redistricting action within the time
53 hereinabove prescribed, the supreme court of the state
54 shall accomplish such redistricting. In such event, an appropriate
55 order of the court setting forth its redistricting action, including
56 the boundaries and classification of the senatorial districts, shall be
57 entered and certified to the secretary of state by the first (1st) day of
58 October of such year. Such order shall be final.
59 Upon the petition of any ten (10) members of the general assembly,
60 filed by the first (1st) day of May of such year, the supreme court shall
61 determine by the first (1st) day of August of such year whether the
62 redistricting action of the redistricting commission or of the general
63 assembly substantially complies with the redistricting provisions of
64 the constitution, and shall enter and certify to the secretary of state
65 its determination by the first day of August of such year. Such
66 determination shall be final. If the court's determination is that such
67 redistricting action does not substantially comply, an appropriate
68 order of the court setting forth its redistricting action, including the
69 boundaries and classification of the senatorial districts, shall be entered
70 and certified to the secretary of state by the first (1st) day of October
71 of such year. Such order shall be final.
72 Redistricting under the provisions of this section shall be deemed
73 to have taken place on the first (1st) day of May of such year, if
74 redistricting action has been taken by the redistricting commission
75 or the general assembly and if no such petition for judicial review shall
76 have been filed by such date; or upon the certification to the secretary of
77 state of the supreme court's determination of substantial compliance or
78 redistricting order as hereinabove provided. However, such redistricting
79 shall become effective on the first (1st) day of January following the
80 first general election held after such redistricting is accomplished;
81 but the senatorial districts established by such redistricting shall
82 be the senatorial districts for the purpose of such election and any
83 primary election at which candidates for senator at such general election
84 shall be chosen.
85 Redistricting under the provisions of this section shall be
86 final and binding upon all concerned until the next redistricting
87 under the provisions of this section becomes effective,
88 notwithstanding any other provisions of the constitution.
89 Wherever used in this section and in section thirty-five (35)
90 of this article, the words, 'general election' shall mean a
91 general election at which members of the general assembly are
92 elected."

Substituted, filed and lost
April 22, 1959.

By Shaff, Getting, Boothby, Shoeman, Gillespie, Scott, Ringgenberg, Long, Lynes, Weber, Butler, Walker, Prince, Elijah, Henry, Hoxie, Harbor, Miller, Turner, Grimstead, Price and Prentis.

26, 1959.
on File.

S. J. R. 16
By SHAFF, LONG and EDELEN.
(As Passed by the Senate.)

Passed Senate, Date 3/26 Passed House, Date 4-9-59
Vote: Ayes 37 Nays 11 Vote: Ayes 91 Nays 15
Approved

SENATE JOINT RESOLUTION

A Joint Resolution proposing a constitutional amendment relating to representation in the senate and house of representatives and to the classification of senators.

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

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

Section six (6) of article three (III), legislative department, constitution of the state of Iowa, and sections thirty-four (34), thirty-five (35) and thirty-six (36) of article three (III), legislative department, constitution of the state of Iowa as adopted by amendment in 1904, and the amendment to section thirty-four (34) of article three (III) as adopted in 1928 are hereby repealed and the following is adopted as a substitute therefor:

"Section 34. The state shall be divided into fifty-three (53) legislative districts along county boundaries as they existed on January 1, 1959 as follows:

1st District—Lee and Van Buren counties

2nd District—Davis and Appanoose counties

3rd District—Wayne and Lucas counties

4th District—Clarke and Decatur counties

5th District—Ringgold and Union counties

6th District—Taylor and Adams counties

7th District—Fremont and Page counties

8th District—Des Moines and Henry counties

9th District—Jefferson and Washington counties

10th District—Wapello and Monroe counties

11th District—Mills and Montgomery counties

12th District—Muscatine and Louisa counties

13th District—Mahaska and Keokuk counties

14th District—Marion and Warren counties

15th District—Madison and Adair counties

16th District—Cass and Shelby counties

17th District—Pottawattamie county

18th District—Scott county

19th District—Cedar and Jones counties

20th District—Johnson and Iowa counties

21st District—Jasper and Poweshiek counties

22nd District—Polk county

23rd District—Dallas and Greene counties

24th District—Audubon and Guthrie counties

25th District—Harrison and Monona counties

26th District—Clinton and Jackson counties

27th District—Linn county

28th District—Tama and Benton counties

29th District—Marshall and Grundy counties

30th District—Boone and Story counties

31st District—Carroll and Sac counties

32nd District—Ida and Crawford counties

33rd District—Dubuque county

34th District—Buchanan and Delaware counties

35th District—Black Hawk county

36th District—Hardin and Franklin counties

49 37th District—Hamilton and Wright counties

50 38th District—Calhoun and Webster counties

51 39th District—Woodbury county

52 40th District—Allamakee and Clayton counties

53 41st District—Fayette and Winneshiek counties

54 42nd District—Butler and Bremer counties

55 43rd District—Humboldt and Kossuth counties

56 44th District—Buena Vista and Pocahontas counties

57 45th District—Plymouth and Cherokee counties

58 46th District—Floyd and Chickasaw counties

59 47th District—Hancock and Cerro Gordo counties

60 48th District—Emmet and Palo Alto counties

61 49th District—Clay and Dickinson counties

62 50th District—Sioux and O'Brien counties

63 51st District—Howard and Mitchell counties

64 52nd District—Winnebago and Worth counties

65 53rd District—Lyon and Osceola counties

66 "Section 35. Each legislative district shall be entitled to one

67 senator. Representation in the house of representatives from each

68 of the legislative districts shall be determined as follows:

69 Divide the whole number of the population of the state of Iowa

70 as shown by the last United States decennial census by one hundred

71 ten (110) and the resultant quotient shall be the population unit; each

72 legislative district shall be entitled to have one representative elected

73 therefrom for each population unit or a major fraction thereof, except

74 each legislative district shall be entitled to at least one representative.

75 "Section 36. 1. Each legislative district which is entitled to

76 two (2) or more representatives shall be divided into subdistricts

77 corresponding in number to the number of representatives to which

78 the legislative district is entitled.

79 2. Representatives shall be residents of the subdistricts from
80 which they are elected and shall be elected by the voters residing
81 in the respective subdistricts from which the representatives are
82 elected.

83 3. The general assembly shall provide by law a means whereby,
84 upon receipt by the secretary of state of the official, certified
85 population figures of the state and of each county after each United
86 States decennial census, each legislative district, entitled to more
87 than one (1) representative, will be divided without further legis-
lative
88 action into representative subdistricts of contiguous territory, of
89 like interest and as compact and nearly equal in population as
90 possible, in each of which one (1) representative shall be elected
91 in the succeeding general election; except in such legislative
92 districts each county shall be entitled to at least one (1) represent-
ative.

93 In the event the general assembly fails to provide such a law,
94 or in the event of repeal of such a law once adopted, or in the event
95 the legislative districts have not been subdivided in accordance with
96 such law by the first day of May following the convening of any
97 session at which provision for such subdividing was to be provided,
98 said subdividing of such legislative districts shall be accomplished
99 by a commission as follows:

100 Within thirty (30) days after such first day of May, the executive
101 council of the state of Iowa shall appoint a commission of ten (10)
102 members, one (1) from each United States congressional district in
103 the state of Iowa and the remaining members at large, and in the
104 event there are more than ten (10) United States congressional
105 districts in the state of Iowa then said commission shall be composed
106 of the same number of members as there are congressional districts,

107 one (1) member to be appointed from each congressional district,
108 except when the total congressional districts result in an odd
109 number, then one (1) additional member shall be appointed at large,
110 and said commission so appointed shall have equal representatives
111 from the two (2) political parties casting the highest number of
112 votes for the governor in the last preceding general election.
113 Said commission shall subdivide the legislative districts into sub-
114 districts in the manner herein prescribed and shall file with the
115 secretary of state a full statement of the legislative districts
116 and their subdistricts by the first day of September in the year
117 the general assembly should have and failed to subdivide the
118 legislative districts. Their said statement when signed by a majority
119 of said commission shall have the force and effect of law. Dividing
120 of the legislative districts by such commission shall be binding
121 upon the people until the next United States decennial census, not-
122 withstanding to the contrary the provisions of section one (1), article
123 three (III) of the distribution of the powers of the constitution of the
124 state of Iowa."

125 Further amend the constitution by adding as section seventeen
126 (17) to article twelve (XII) the following:

127 "In the general election for members of the general assembly in
128 1962 the senators representing the odd-numbered districts shall be
129 elected for four (4) year terms and the senators representing the
130 even-numbered districts shall be elected for two (2) year terms.
131 Thereafter all senators shall be elected for four (4) year terms as
132 provided in section five (5) of article three (III). The terms of all
133 senators elected prior to the effective date of this amendment shall
134 terminate on December 31, 1962.

135 After approval of this amendment by the general assembly in

136 1961, the assembly shall provide by law for the implementation of
137 subsection three (3) of section thirty-six (36) of article three (III)
138 as herein provided, contingent upon the approval of said amendment
139 by a majority of the electors."

1 Sec. 2. The foregoing proposed amendment is hereby referred
2 to the general assembly to be chosen at the next general election
3 for members of the general assembly and if approved such amendment
4 shall be submitted to the people at a special election held in 1961,
5 and the secretary of state shall cause the same to be published for
6 three (3) consecutive months previous to the date of said election
7 as provided by law.

SENATE JOINT RESOLUTION 16

1 Amend Senate Joint Resolution 16 as follows:
2 Amend Senate Joint Resolution 16 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 "1. Section six (6) of article three (III), section
8 thirty-four (34) of Article three (III) as amended in 1904
9 and 1928, sections thirty-five (35) and thirty-six (36) of
10 article three (III) as amended in 1904, and section thirty-
11 seven (37) of article three (III) are hereby repealed and
12 the following adopted in lieu thereof:
13 "Section 6. The senate shall consist of seventy (70)
14 senators. Subject to the provisions of section thirty-five
15 (35) of this article, senators shall be so classified by
16 lot that one class, being as nearly one-half (½) as possible,
17 shall be elected every two (2) years.
18 "Section 34. In each redistricting accomplished under
19 the provisions of section thirty-six (36) of this article,
20 seventy (70) senatorial districts shall be established, each
21 entitled to one (1) senator. The population unit in the senate
22 shall be determined by dividing the whole number of the
23 population of the state, as shown by the most recent decennial
24 United States census, by seventy (70). The boundaries of
25 senatorial districts shall be so drawn that each district
26 shall have a population, as shown by the most recent
27 decennial United States census, equal to that of every other
28 district, a deviation of not more than ten (10) per cent from
29 the population unit being allowed; shall consist of compact
30 and contiguous territory; and shall, as far as possible,
31 lie wholly within a single county. Areas joined only at
32 the corners thereof shall not be regarded as contiguous.
33 "Section 25. The terms of senators serving at the
34 time of the first redistricting under the provisions of
35 section thirty-six (36) of this article shall terminate on
36 the last day of December following the first general election
37 held after such redistricting.

"Following each subsequent redistricting under the provisions of section thirty-six (36) of this article, the terms of senators elected from those districts the boundary lines of which shall be changed thereby shall terminate on the last day of December following the first general election held after such redistricting, except as hereinafter provided. If the boundary lines of any senatorial district are not changed by such redistricting, or if as a result of such redistricting the territory of any senatorial district is reduced and no new territory is added thereto and the residence of the senator representing such senatorial district was at the time of his election and is at the time of such redistricting located within such new senatorial district, then the term of the senator from such senatorial district shall continue until the end of the term for which he was elected.

"The body accomplishing each redistricting under the provisions of section thirty-six (36) of this article shall number the senatorial districts and shall so classify such senatorial districts by lot that the senators from one (1) class of districts, being as nearly one-half (½) the total number of districts as possible, shall be elected every two (2) years. However, any senatorial district having a senator whose term shall continue after the last day of December following the first general election held after such redistricting, pursuant to the foregoing provisions of this section, shall be assigned to the class of districts which shall elect senators two (2) years after such general election. The first terms of senators elected at the first general election held after each redistricting shall be two (2) or four (4) years depending on the class of their respective districts. The provisions of this section shall apply notwithstanding the provisions of section five (5) of this article.

"Section 36. The general assembly in nineteen hundred sixty-three (1963) and every ten (10) years thereafter shall redistrict the state into senatorial districts in a single legislative enactment.

"In the event that the general assembly shall fail by the first day of May of any such year to so redistrict the state, then such redistricting shall be accomplished by a redistricting commission. On or before the last day of May of such year the state central committee of each of the two (2) political parties casting the highest number of votes for governor in the last preceding election shall appoint five (5) resident qualified voters as members of such commission, and shall file with the secretary of state the names of such members. If either of the state central committees shall fail to file such names within the time prescribed, the governor shall appoint five (5) members of his choice from among the resident qualified voters of the political party of such committee. Each member of the redistricting commission may receive such compensation as may be established by law. The redistricting commission shall redistrict the state into senatorial districts and shall file with the secretary of state a full statement of the senatorial districts and their boundaries and classification. No redistricting statement shall be valid unless it shall have been approved and signed by at least seven (7) members of such commission.

"If the redistricting commission does not file the required statement by the first day of October of such year, it shall stand discharged and such redistricting shall be accomplished by the supreme court of the state. In such event, an appropriate order of the court setting forth the senatorial districts and their boundaries and classification shall be entered and certified to the secretary of state on or before the last day of December of such year; and such order shall be final.

106 "Upon petition by any ten (10) members of the general
107 assembly within thirty (30) days after the adoption of the
108 legislative redistricting act or the filing of the statement
109 of the redistricting commission, as the case may be, the
110 supreme court shall review such redistricting by the general
111 assembly or the redistricting commission. The supreme court
112 shall give precedence to such petition over all other causes
113 and proceedings. If the supreme court finds that such
114 redistricting does not fully comply with the provisions
115 of the constitution, the court may enjoin any action thereunder
116 and the court shall accomplish such redistricting. In such
117 event, an appropriate order of the court setting forth the
118 senatorial districts and their boundaries and classification
119 shall be entered and certified to the secretary of state;
120 and such order shall be final.
121 "In the event that prior to a final adjudication of
122 the constitutionality of the legislative redistricting act
123 or the statement of the redistricting commission, nominations
124 for senators shall have been made and such nominations shall
125 not be in accord with the court's order, the requisite number
126 of qualified candidates for senators shall be chosen in the
127 manner prescribed by law.
128 "Redistricting shall be deemed to have taken place
129 thirty (30) days after the adoption of the legislative
130 redistricting act or the filing of the statement of the
131 redistricting commission, if no petition for judicial review
132 shall have been filed within said period of thirty (30) days
133 as provided herein; or upon the certification to the secretary
134 of state of the supreme court's redistricting order as
135 provided herein. However, such redistricting shall become
136 effective on the first day of January following the first
137 general election held after such redistricting; but the
138 senatorial districts established by such redistricting shall
139 be the senatorial districts for the purpose of such election.
140 "Redistricting under the provisions of this section
141 shall be final and binding upon all concerned until the next
142 redistricting under the provisions of this section becomes
143 effective, notwithstanding any other provision of the
144 constitution.
145 "Wherever used in this section and in section thirty-
146 five (35) of this article, the words "general election" shall
147 mean a general election at which members of the general
148 assembly are elected.
149 "Section 37. The house of representatives shall consist
150 of ninety-nine (99) members. The representative districts
151 shall be the same as and identical to the area encompassed
152 by the county lines as said county lines exist on January 1,
153 1959, and the voters of each of the representative districts
154 shall elect a representative from each of said representative
155 districts.
156 "Sec. 2. The foregoing proposed amendment is hereby
157 referred to the general assembly to be chosen at the next
158 general election for members of the general assembly, and the
159 secretary of state is directed to cause the same to be published
160 for three (3) consecutive months before the date of said
161 election as provided by law".

Filed in committee of the whole and adopted
April 8, 1959.

STANLEY of Muscatine.

EXPLANATION OF STANLEY AMENDMENT TO S.J.R. 16

The author of this amendment strongly prefers the Study Committee reapportionment plan (H.J.R. 10) or the Stuart plan (S.J.R. 16, as passed by the Senate) to the reapportionment plan set out in this amendment. However, in the event that the Shaff-Walter plan is substituted for the Stuart plan by the House of Representatives, this amendment will be offered. Its purpose is to change the Shaff-Walter plan to make it what its supporters advocate: a reapportionment plan with House representation based entirely upon area and Senate representation based entirely upon population. The amendment provides for the following:

1. House: 99 Representatives, one from each county. This section is the same as in the Shaff bill.

2. Senate: 70 Senators; representation on a true population basis. The population unit is determined by dividing the state population by 70. Deviation of up to 10% from the population unit is allowed. County lines must be followed wherever possible, but county lines may be crossed where necessary to keep the population of each senatorial district within 10% of the population unit.

3. This plan assumes that advocates of "one house on area, one house on population" are sincere. Under the Shaff-Walter plan, the Senate does not represent population because of the wide variation in population of senatorial districts. In order to get true population representation in the Senate, it is necessary to cross county lines in some cases.

4. The increase to 70 Senators cuts the size of senatorial districts; this change will prevent any 5-county or 6-county districts for many years. This is an increase of only 6 Senators over the maximum number under the Shaff bill (which allows up to 64 Senators).

5. Redistricting in 1963 and every 10 years thereafter shall be done: (1) by the legislature; (2) if the legislature fails to act, by a redistricting commission with equal representation from both major political parties; (3) if the commission fails to act, or if the Supreme Court finds the redistricting unconstitutional upon appeal by 10 members of the General Assembly, then the state Supreme Court shall redistrict.

Filed in committee of the whole and amendment adopted
April 8, 1959.

STANLEY of Muscatine.

See Reprints

bruary 25, 1959.
ssed on File.

S. J. R. 16
By SHAFF, LONG and EDELEN.

Passed Senate, Date 3/26 Passed House, Date
Vote: Ayes 37 Nays 11 Vote: Ayes Nays
Approved

SENATE JOINT RESOLUTION

A Joint Resolution proposing a constitutional amendment relating to representation in the senate and house of representatives and to the classification of senators.

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

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

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

"Section 6. Senators shall be so classified by lot, that one (1) class, being as nearly one-half (½) as possible, shall be elected every two (2) years. When either class consists of a greater number than one-half (½) of the total number of senators, newly elected senators shall be annexed by lot to one (1) or the other of the two (2) classes so as to keep such classes equal, and the senators annexed to the greater of the two (2) classes shall serve for a term of two (2) years notwithstanding

20 the provisions of section five (5) of article three
21 (III), legislative department, constitution of the state
22 of Iowa.
23 "Section 34. The senate shall consist of sixty (60)
24 senators, to be elected from sixty (60) senatorial dis-
25 tricts established by law. The state shall be divided
26 into sixty (60) senatorial districts having as nearly
27 equal population as possible. Where a senatorial dis-
28 trict is constituted of more than one (1) county, the
29 counties shall be contiguous, and no county shall be
30 divided in forming such a district. At the first session
31 of the general assembly following the adoption of this
32 amendment and at each session immediately following the
33 official publication of each succeeding decennial United
34 States census thereafter, the general assembly shall take
35 notice of the last preceding decennial United States cen-
36 sus and shall reapportion the senatorial districts as
37 above prescribed. If the general assembly fails to act
38 at the first session following the adoption of this amend-
39 ment, or the first session following the official publica-
40 tion of each succeeding decennial United States census
41 enumerating the population of the several counties in this
42 state, the supreme court shall take judicial notice of the
43 most recent decennial United States census, and shall pro-
44 ceed to designate and apportion the senatorial districts
45 as above provided, and shall file a report of its action
46 with the secretary of the state of Iowa before November 1
47 of the year in which the general assembly should have and
48 failed to reapportion the senatorial districts. Redistrict-

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

78 division of districts within a county entitled to more
79 than one senator when changes in population, rather than
80 changes in the number of districts within the county,
81 indicate a change in district boundaries is needed.
82 "Section 36. The house of representatives shall
83 consist of ninety-nine (99) members. The representative
84 districts shall be the same as and identical to the area
85 encompassed by the county lines as said county lines
86 exist on January 1, 1959, and the voters of each of
87 the representative districts shall elect a representa-
88 tive from each of said representative districts."

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

EXPLANATION OF S. J. R. 16

The joint resolution provides for a representative from each county as they now exist and 60 senatorial districts to be apportioned on a population basis by the General Assembly. Provision is made for the supreme court to reapportion senatorial districts if the General Assembly fails to do this after each federal census. Some counties would be allotted more than one senator, and senatorial districts within such counties would be formed by a county districting commission comprised of four Senators and four Representatives, with equal representation from each political party. Other counties would be joined together, but not divided, to form senatorial districts.

SENATE JOINT RESOLUTION 16

Amend the amendment to Senate Joint Resolution 16 by Stuart et al., filed March 10, 1959 as follows:

1. Strike section 35 in its entirety and insert in lieu thereof the following:

"Sec. 35. Each legislative district shall be entitled to one senator. Representation in the house of representatives from each of the legislative districts shall be determined as follows:

Divide the whole number of the population of the state of Iowa as shown by the last United States decennial census by one hundred ten (110) and the resultant quotient shall be the population unit; each legislative district shall be entitled to have one representative elected therefrom for each population unit or a major fraction thereof, except each legislative district shall be entitled to at least one representative."

2. Amend section 36 by striking subsections 1 and 2 and inserting in lieu thereof the following:

"1. Each legislative district which is entitled to two (2) or more representatives shall be divided into subdistricts corresponding in number to the number of representatives to which the legislative district is entitled."

"2. Representatives shall be residents of the subdistricts from which they are elected and shall be elected by the voters residing in the respective subdistricts from which the representatives are elected."

3. Further amend section 36 by striking lines 89 through 94 and inserting in lieu thereof the following:

"In the event the general assembly fails to provide such a law, or in the event of repeal of such a law once adopted, or in the event the legislative districts have not been subdivided in accordance with such law by the first day of May following the convening of any session at which provision for such subdividing was to be provided, said subdividing of such legislative districts shall be accomplished by a commission as follows:

Within thirty (30) days after such first day of May, the executive council of the State of Iowa shall appoint a commission of ten (10) members, one (1) from each United States congressional district in the State of Iowa and the remaining members at large, and in the event there are more than ten (10) United States congressional districts in the State of Iowa then said commission shall be composed of the same number of members as there are congressional districts, one (1) member to be appointed from each congressional district, except when the total congressional districts result in an odd number, then one (1) additional member shall be appointed at large, and said commission so appointed shall have equal representatives from the two (2) political parties casting the highest number of votes for the governor in the last preceding general election. Said commission shall subdivide the legislative districts into subdistricts in the manner herein prescribed and shall file with the secretary of state a full statement of the legislative districts and their subdistricts by the first day of September in the year the general assembly should have and failed to subdivide the legislative districts. Their said statement when signed by a majority of said commission shall have the force and effect of law. Dividing of the legislative districts by such commission shall be binding upon the people until the next United States decennial census, notwithstanding to the contrary the provisions of Section 1, Article III, of the distribution of the powers of the constitution of the State of Iowa."

Filed
March 24, 1959

By Stuart

SENATE JOINT RESOLUTION 16(A)

Amend the amendment to Senate Joint Resolution 16 by Stuart et al., filed March 10, 1959, by striking the word "federal" in line 81 and inserting the word "United States".

Filed
March 24, 1959

By Stuart

SENATE JOINT RESOLUTION 16

1 Amend Senate Joint Resolution 16 as follows:
2 1. Amend Senate Joint Resolution 16 by striking from
3 section 1, lines 23 to 53, inclusive, and inserting in lieu
4 thereof the following: "The state shall be divided into
5 the number of senatorial districts equal to the number
6 between 56 and 64, both inclusive, which number when divided
7 into the total population of the state as shown by the last
8 United States decennial census, results in a ratio of
9 representation that is most nearly equal to the senatorial
10 district population of the greatest number of senatorial
11 districts thus established. One senator shall be elected
12 from each such senatorial district and the senate shall consist
13 of the same number of senators as there are senatorial districts.
14 Where a senatorial district is constituted from more than one
15 county, it shall not be entirely separated by any county
16 [illegible] other district, and [illegible]
17 in forming such district. Counties [illegible]
18 corners thereof shall be considered as being not entirely
19 separated. At the first regular session following the official
20 publication of the next decennial United States census, and
21 at the first regular session immediately following the official
22 publication of each succeeding decennial United States census
23 thereafter, the General Assembly shall redistrict the state
24 into the number of senatorial districts as above prescribed,
25 and shall determine which counties shall be combined to form
26 a senatorial district, which counties shall constitute a single
27 county senatorial district and the total number of senatorial
28 districts within any county which is entitled to more than one
29 senatorial district. In the event any such session of the
30 General Assembly shall fail by the first day of May following
31 the convening of any such session to so redistrict the state,
32 redistricting shall be accomplished by a commission. Within
33 30 days after such first day of May the Executive Council of
34 the State of Iowa shall appoint a commission of ten members,
35 one from each United States congressional district in the
36 state and the remaining members at large, and having equal
37 representation from the two political parties casting the
38 highest number of votes for governor in the last preceding
39 election, and in the event there are more than ten United
40 States congressional districts in the State of Iowa then said
41 commission shall be composed of the same number of members as
42 there are congressional districts, one member to be appointed
43 from each congressional district, except when the total
44 congressional districts result in an odd number, then one
45 additional member shall be appointed at large.
46 "The redistricting commission shall redistrict the state
47 into senatorial districts in the manner herein prescribed and
48 shall file with the secretary of state a full statement of
49 the senatorial districts and their boundaries by the first day
50 of September of the year in which the General Assembly should
51 have and failed to reapportion the senatorial districts, and
52 said statement when signed by a majority of said commission
53 and so filed, shall have the force and effect of law. Redistrict-
54 ing of senatorial districts by such redistricting commission
55 shall be binding upon the people until the next decennial census,
56 the provisions of section one (1), article three (III), of the
57 distribution of powers, constitution of the State of Iowa,
58 to the contrary notwithstanding.
59 "The terms of senators serving at the time when the first
60 redistricting is to be placed in effect, irrespective of whether
61 said senator is serving one or more counties, shall terminate on
62 the last day of December following the general election at which
63 the senators have been elected for said newly established
64 senatorial districts. Following each subsequent redistricting
65 of senatorial districts composed of one or more counties, and
66 in the event the area of any senatorial district is reduced in
67 area and no new counties are added and the term of the senator
68 representing said senatorial district has not then expired,
69 and provided further that the residence of said senator is in
70 one of the counties remaining in said senatorial district, or
71 if the boundary lines of any senatorial district remain

unchanged, then and in either such event the terms of such senators from such senatorial districts shall continue until the end of the terms to which they were elected. The terms of all other senators shall expire on the last day of December following the general elections.

"A redistricting shall become effective on the first day of January following the general election first held after the adoption of the legislative redistricting act or the filing of the redistricting statement, as the case may be."

Filed
March 24, 1959

By SHAFF

SENATE JOINT RESOLUTION 16

Amend Senate Joint Resolution 16, by striking from section 1, lines 54 to 81, inclusive, and inserting in lieu thereof the following:

"Where a county is entitled to more than one (1) senator, such county shall be divided into the number of senatorial districts to which the county is entitled, and each such senatorial district shall elect one (1) senator. The boundaries of such senatorial districts shall be so established that each such senatorial district shall have a population as nearly equal as possible to that of every other senatorial district in the state and the boundary lines of said districts shall be so established as to follow township lines wherever possible. No district shall be entirely separated by any area belonging to any other senatorial district. Areas joined only at the corners thereof shall be considered as being not entirely separated. The division of each such county into districts, which said division results either from a change in the number of senatorial districts to which the county is entitled or a change in boundary lines of existing districts necessitated by a change in population not requiring any change in the number of senatorial districts to which the county is entitled, shall be made by a county districting commission within ninety (90) days of any reapportionment adopted by the legislature or commission provided for in section thirty-four (34) of this article. The county districting commission shall consist of eight (8) members to be appointed by the Executive Council of the State of Iowa, with equal representation from the two (2) major political parties, none of whom shall be members of either the senate or the house. The county districting committee shall file a report of its decision with the secretary of state, within the time above noted, which report, when signed by a majority of said commission, shall have the force and effect of law.

"Following each senatorial redistricting after the first such redistricting and in the event the area of any senatorial district within a county is reduced in area and no new area is added and the term of the senator representing said senatorial district has not then expired, and provided further that the residence of said senator is in the said senatorial district after such reduction in area or if the boundary lines of any senatorial district in said county remain unchanged, then and in either such event the terms of such senators shall continue until the end of the terms to which they were elected. The terms of all other senators in districts within such county shall expire on the last day of December following the general election."

Filed
March 24, 1959

By SHAFF

SENATE JOINT RESOLUTION 16

Amend Senate Joint Resolution 16 as follows:

Amend Senate Joint Resolution 16, section 1, line 19, by inserting after the word "shall" the words "in such event and in the event the term of any senator is terminated at the time of any reapportionment of senatorial districts".

Filed
March 24, 1959

By SHAFF

SENATE JOINT RESOLUTION 16

1 Amend the Stuart, et al., amendment to Senate Joint
2 Resolution 16, filed March 10, 1959, by striking lines
3 16 to 65, inclusive, and inserting in lieu thereof
4 the following:
5 1st District—Lee and Van Buren counties
6 2nd District—Davis and Appanoose counties
7 3rd District—Wayne and Lucas counties
8 4th District—Clarke and Decatur counties
9 5th District—Ringgold and Union counties
10 6th District—Taylor and Adams counties
11 7th District—Fremont and Page counties
12 8th District—Des Moines and Henry counties
13 9th District—Jefferson and Washington counties
14 10th District—Wapello and Monroe counties
15 11th District—Mills and Montgomery counties
16 12th District—Muscatine and Louisa counties
17 13th District—Mahaska and Keokuk counties
18 14th District—Marion and Warren counties
19 15th District—Madison and Adair counties
20 16th District—Cass and Shelby counties
21 17th District—Pottawattamie county
22 18th District—Scott county
23 19th Distirct—Cedar and Jones counties
24 20th District—Johnson and Iowa counties
25 21st District—Jasper and Poweshiek counties
26 22nd District—Polk county
27 23rd District—Dallas and Greene counties
28 24th District—Audubon and Guthrie counties
29 25th District—Harrison and Monona counties
30 26th District—Clinton and Jackson counties
31 27th District—Linn county
32 28th District—Tama and Benton counties
33 29th District—Marshall and Grundy counties
34 30th District—Boone and Story counties
35 31st District—Carroll and Sac counties
36 32nd District—Ida and Crawford counties
37 33rd District—Dubuque county
38 34th District—Buchanan and Delaware counties
39 35th District—Black Hawk county
40 36th District—Hardin and Franklin counties
41 37th District—Hamilton and Wright counties
42 38th District—Calhoun and Webster counties
43 39th District—Woodbury county
44 40th District—Allamakee and Clayton counties
45 41st District—Fayette and Winneshiek counties
46 42nd District—Butler and Bremer counties
47 43rd District—Humboldt and Kossuth counties
48 44th District—Buena Vista and Pocahontas counties
49 45th District—Plymouth and Cherokee counties
50 46th District—Floyd and Chickasaw counties
51 47th District—Hancock and Cerro Gordo counties
52 48th District—Emmet and Palo Alto counties
53 49th District—Clay and Dickinson counties
54 50th District—Sioux and O'Brien counties
55 51st District—Howard and Mitchell counties
56 52nd District—Winnebago and Worth counties
57 53rd District—Lyon and Osceola counties

Filed — Adopted 3/25
March 24, 1959.

By O'Connor, Mincks and [illegible]

SENATE JOINT RESOLUTION 16

1 Amend Senate Joint Resolution 16 as follows:
2 1. Amend Senate Joint Resolution 16, section 1, by
3 adding after line 22 the following: "A senator shall be
4 elected from each senatorial district as provided for
5 herein and in section five (5) of this article."

Filed
March 24, 1959.

By Shaff

SENATE JOINT RESOLUTION 16

Amend the amendment to Senate Joint Resolution 16 filed by Shaff on March 24, 1959, and found in the Senate Journal commencing on page 696 as follows:

Strike all of lines 32 through 68 and insert in lieu thereof the following: "such redistricting shall be carried out by the Supreme Court of the State of Iowa. In such event an appropriate order of the Court setting forth such redistricting determination shall be entered and certified to the secretary of state setting forth a full statement of the senatorial districts and their boundaries by the first day of September of the year in which the General Assembly should have and failed to reapportion the senatorial districts. Such order shall be effective until reapportionment action as above provided after the next succeeding decennial United States census.

"Upon petition by any member of the General Assembly, the Court shall render its decision on whether or not redistricting action by the General Assembly has fully complied with the redistricting provisions set forth above. Upon a finding by the Court that there has not been full compliance, the Court shall proceed with such redistricting."

Filed, lost, reconsidered and adopted
March 25, 1959.

By MILLER, LONG and SHAFF.

SENATE JOINT RESOLUTION 16

Amend the Shaff amendment to Senate Joint Resolution 16, filed March 24, 1959, and found on pages 696, 697 and 698 of the Senate Journal, by striking the following words in line 56: "the next decennial census" and inserting in lieu thereof the words "the senatorial districts are again redistricted as above provided."

Filed and adopted
March 25, 1959.

By SHAFF.

SENATE JOINT RESOLUTION 16

Amend the Shaff amendment to Senate Joint Resolution 16, filed March 24, 1959, and found on pages 696 and 698 of the Senate Journal, by striking the period (.) in line 43 thereof and adding the following: "first held after each such redistricting."

Filed and adopted
March 25, 1959.

By SHAFF.

SENATE JOINT RESOLUTION 16

Amend the Shaff amendment to Senate Joint Resolution 16, filed March 24, 1959, and found on pages 696, 697 and 698 of the Senate Journal, line 4, by inserting after the quotation mark the following: "Section 34."

Filed and adopted
March 25, 1959.

By SHAFF.

SENATE JOINT RESOLUTION 16

Amend Senate Joint Resolution 16, Section 1, by striking from line 15 the words "newly elected senators" and inserting in lieu thereof the words "those senators to be elected at the general election following each redistricting of senatorial districts".

Filed and adopted
March 25, 1959.

By SHAFF.

SENATE JOINT RESOLUTION 16

1 Amend the Shaff amendment to Senate Joint Resolution 16, filed
2 March 24, 1959, and found on pages 696, 697, and 698 of the Senate
3 Journal by striking the period (.) in line 76 and adding the
4 following: "first held after each such redistricting."

Filed and adopted
March 25, 1959.

By SHAFF

SENATE JOINT RESOLUTION 16

1 Amend the Shaff amendment to Senate Joint Resolution 16, filed
2 March 24, 1959, and found on pages 695 and 696 of the Senate Journal,
3 line 4, by inserting after the quotation mark the following: "Section
35."

Filed and adopted
March 25, 1959.

By SHAFF

SENATE JOINT RESOLUTION 16

1 Amend the Dewel amendment to Senate Joint Resolution 16
2 filed February 27, 1959 by striking in line 20 the words
3 "one hundred thousand" and insert in lieu thereof the words
4 "two percent of the total population of the state of Iowa".

Filed and adopted
March 25, 1959.

By DEWEL

SENATE JOINT RESOLUTION 16

1 Amend the Shaff amendment filed March 24, 1959, and found
2 on pages 696, 697 and 698 of the Senate Journal, line 20, by
3 striking the word "next" and inserting in lieu thereof "1960".

Filed and adopted
March 25, 1959.

By BENG

SENATE JOINT RESOLUTION 16

1 Amend the amendment to Senate Joint Resolution 16 filed by
2 Shaff on March 24, 1959, and found in the Senate Journal com-
3 mencing on page 696 as follows:
4 Strike all after the period (.) in line 19 and all of lines
5 20 through 53, and insert in lieu thereof the following:
6 "The Supreme Court of the State of Iowa shall, within ninety
7 (90) days following the official publication of each succeeding
8 decennial United States census, take notice of the last pre-
9 ceding decennial United States census and proceed to designate
10 and apportion the senatorial districts as above provided, and
11 shall determine which counties shall be combined to form a sena-
12 torial district, which counties shall constitute a single
13 county senatorial district, and the total number of senatorial
14 districts within any county which is entitled to more than one
15 senatorial district. An appropriate order of the court setting
16 forth its determination and action shall be entered forthwith,
17 be certified to the governor and to the presiding officers of
18 the general assembly, and be effective until reapportionment
19 action by the court after the next succeeding decennial United
20 States census.

Filed and withdrawn
March 25, 1959.

SENATE JOINT RESOLUTION 16

1 Amend the Shaff amendment to Senate Joint Resolution 16, filed
2 March 24, 1959 and commencing on page 695 of the Senate Journal,
3 line 28, by striking the word "commission" and inserting in lieu
4 thereof the following: "the Supreme Court of the state of Iowa an-

Filed and adopted
March 26, 1959.

By SHAFF

SENATE JOINT RESOLUTION 16

1 Amend the Stuart et al. amendment to Senate Joint Resolution 16
2 filed March 10, 1959, line 13, by striking "fifty (50)" and inserting in
3 lieu thereof the following: "fifty-three (53)".

Filed and adopted
March 26, 1959.

By O'CONNOR