

HOUSE FILE 2366
BY COMMITTEE ON STATE GOVERNMENT

MAR 4 1994
Place On Calendar

(SUCCESSOR TO HSB 257)

Passed House, ^(P.570) Date 3-11-94 Passed Senate, ^(P.1294) Date 4/15/95
Vote: Ayes 97 Nays 0 Vote: Ayes 47 Nays 0
Approved May 13, 1994

A BILL FOR

1 An Act relating to reapportionment, redistricting, and
2 reprecincting by certain jurisdictions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2366

1 Section 1. Section 42.3, subsections 2 and 3, Code 1993,
2 are amended to read as follows:

3 2. If the bill embodying the plan submitted by the
4 legislative service bureau under subsection 1 fails to be
5 approved by a constitutional majority in either the senate or
6 the house of representatives, the secretary of the senate or
7 the chief clerk of the house, as the case may be, shall at
8 once transmit to the legislative service bureau information
9 which the senate or house may direct regarding reasons why the
10 plan was not approved. The legislative service bureau shall
11 prepare a bill embodying a second plan of legislative and
12 congressional districting prepared in accordance with section
13 42.4, and taking into account the reasons cited by the senate
14 or house of representatives for its failure to approve the
15 plan insofar as it is possible to do so within the
16 requirements of section 42.4. If a second plan is required
17 under this subsection, the bill embodying it shall be
18 delivered to the secretary of the senate and the chief clerk
19 of the house of representatives not later than May 1 of the
20 year ending in one, or ~~fourteen~~ twenty-one days after the date
21 of the vote by which the senate or the house of
22 representatives fails to approve the bill submitted under
23 subsection 1, whichever date is later. It is the intent of
24 this chapter that, if it is necessary to submit a bill under
25 this subsection, the bill be brought to a vote not less than
26 seven days after the bill is printed and made available to the
27 members of the general assembly, in the same manner as
28 prescribed for the bill required under subsection 1.

29 3. If the bill embodying the plan submitted by the
30 legislative service bureau under subsection 2 fails to be
31 approved by a constitutional majority in either the senate or
32 the house of representatives, the same procedure as prescribed
33 by subsection 2 shall be followed. If a third plan is
34 required under this subsection, the bill embodying it shall be
35 delivered to the secretary of the senate and the chief clerk

1 of the house of representatives not later than June 1 of the
2 year ending in one, or ~~fourteen~~ twenty-one days after the date
3 of the vote by which the senate or the house of
4 representatives fails to approve the bill submitted under
5 subsection 2, whichever date is later. It is the intent of
6 this chapter that, if it is necessary to submit a bill under
7 this subsection, the bill be brought to a vote within the same
8 time period after its delivery to the secretary of the senate
9 and the chief clerk of the house of representatives as is
10 prescribed for the bill submitted under subsection 2, but
11 shall be subject to amendment in the same manner as other
12 bills.

13 Sec. 2. Section 42.3, subsection 4, paragraph b, Code
14 1993, is amended to read as follows:

15 b. If the population data for legislative districting
16 which the United States census bureau is required to provide
17 this state under United States Pub. L. 94-171 and, if used by
18 the legislative service bureau, the corresponding
19 topologically integrated geographic encoding referencing data
20 file for that population data, is not available to the
21 legislative service bureau on or before February 1 of the year
22 ending in one, the dates set forth in this section shall be
23 extended by a number of days equal to the number of days after
24 February 1 of the year ending in one that the federal census
25 population data and the topologically integrated geographic
26 encoding referencing data file for legislative districting
27 becomes available.

28 Sec. 3. Section 42.4, subsection 2, Code 1993, is amended
29 to read as follows:

30 2. a. To the extent consistent with subsection 1,
31 district boundaries shall coincide with the boundaries of
32 political subdivisions of the state.

33 b. The number of counties and cities divided among more
34 than one district shall be as small as possible.

35 c. When there is a choice between dividing local political

1 subdivisions, the more populous subdivisions shall be divided
2 before the less populous, but this statement does not apply to
3 a legislative district boundary drawn along a county line
4 which passes through a city that lies in more than one county.

5 d. Notwithstanding paragraph "c", when there is a choice
6 between dividing a city other than along the county line into
7 an additional district or dividing a township, the township
8 shall be divided.

9 Sec. 4. Section 42.4, subsection 8, paragraph b,
10 subparagraph (1), Code 1993, is amended to read as follows:

11 (1) If one and only one incumbent state senator is
12 residing in an ~~odd-numbered~~ even-numbered senatorial district
13 on ~~March 13, 1992~~ February 1, 2002, and that senator meets all
14 of the following requirements, the senator shall represent the
15 district in the senate for the ~~Seventy-fifth~~ Eightieth General
16 Assembly:

17 (a) The senator was elected to a four-year term which
18 commenced in January ~~1991~~ 2001 or was subsequently elected to
19 fill a vacancy in such a term.

20 (b) The senatorial district in the plan which includes the
21 place of residence of the state senator on the date of the
22 senator's last election to the senate is the same as the ~~odd-~~
23 ~~numbered~~ even-numbered senatorial district in which the
24 senator resides on ~~March 13, 1992~~ February 1, 2002, or is
25 contiguous to such ~~odd-numbered~~ even-numbered senatorial
26 district. Areas which meet only at the points of adjoining
27 corners are not contiguous.

28 The secretary of state shall prescribe a form to be
29 completed by all senators to declare their residences as of
30 February 1, 2002. The form shall be filed with the secretary
31 of state no later than five p.m. on February 1, 2002.

32 Sec. 5. Section 49.3, unnumbered paragraph 1, Code 1993,
33 is amended to read as follows:

34 Election precincts shall be drawn by the county board of
35 supervisors or the temporary county redistricting commission

1 in all unincorporated portions of each county, and by the city
2 council of each city in which it is necessary or deemed
3 advisable to establish more than one precinct. Precincts
4 established as provided by this chapter shall be used for all
5 elections, except where temporary merger of established
6 precincts is specifically permitted by law for certain
7 elections, and no political subdivision shall concurrently
8 maintain different sets of precincts for use in different
9 types of elections. Election precincts shall be drawn so
10 that:

11 Sec. 6. Section 49.3, Code 1993, is amended by adding the
12 following new subsections:

13 NEW SUBSECTION. 3. Precincts established after the
14 effective date of this Act shall be composed of contiguous
15 territory within a single county. The boundaries of all
16 precincts shall follow the boundaries of areas for which
17 official population figures are available from the most recent
18 federal decennial census.

19 NEW SUBSECTION. 4. All election districts, including city
20 wards and county supervisor districts, shall be drawn
21 according to the following standards:

22 a. All boundaries, except for supervisor districts for
23 counties using supervisor representation plan "two" pursuant
24 to section 331.209, shall follow precinct boundaries.

25 b. All districts shall be as nearly equal as practicable
26 to the ideal population for the districts as determined by
27 dividing the number of districts to be established into the
28 population of the city or county.

29 c. All districts shall be composed of contiguous territory
30 as compact as practicable.

31 d. Consideration shall not be given to the addresses of
32 incumbent officeholders, political affiliations of registered
33 voters, previous election results, or demographic information
34 other than population head counts, except as required by the
35 Constitution and the laws of the United States.

1 e. Cities shall not be divided into two or more county
2 supervisor districts unless the population of the city is
3 greater than the ideal size of a district. Cities shall be
4 divided into the smallest number of county supervisor
5 districts possible.

6 Sec. 7. Section 49.4, unnumbered paragraph 1, Code 1993,
7 is amended to read as follows:

8 Where action by the board of supervisors is necessary or
9 deemed advisable by the board of supervisors or the temporary
10 county redistricting commission, the boundaries of precincts
11 shall be definitely fixed by ordinance. A public hearing
12 shall be held before final action is taken to adopt changes in
13 the precinct boundaries. Notice of the date, time, and place
14 of the hearing shall be given as provided in chapter 21. In
15 the absence of contrary action by the board of supervisors or
16 the temporary county redistricting commission, each civil
17 township which does not include any part of a city of over two
18 thousand population, and the portion of each civil township
19 containing any such city which lies outside the corporate
20 limits of that city or those cities, shall constitute an
21 election precinct. If no action is necessary to change the
22 county election precincts, the board of supervisors shall
23 certify the retained boundaries to the state commissioner, as
24 required by section 49.7.

25 Sec. 8. Section 49.5, unnumbered paragraph 1, Code
26 Supplement 1993, is amended to read as follows:

27 The council of a city where establishment of more than one
28 precinct is necessary or deemed advisable shall at the time
29 required by law, ~~by ordinance definitely fixing the~~
30 ~~boundaries,~~ divide the city into ~~such~~ the number of election
31 precincts as will best serve the convenience of the voters.
32 As used in this section, the term "the convenience of the
33 voters" refers to, but is not necessarily limited to, the use
34 of precinct boundaries which can be readily described to and
35 identified by voters and for which there is ease of access by

1 voters to their respective precinct polling places by
2 reasonably direct routes of travel.

3 The precinct boundaries shall conform to section 49.3 and
4 shall be described in an ordinance adopted by the council
5 within the time required by section 49.7. Before final
6 adoption of any change in election precinct boundaries
7 pursuant to this section or section 49.6, the council shall
8 permit the commissioner not less than seven and not more than
9 ten days time to offer comments on the proposed reprecincting.
10 A public hearing shall be held before final adoption of the
11 ordinance. Notice of the date, time, and place of the hearing
12 shall be given as provided in chapter 21.

13 Sec. 9. Section 49.5, subsections 1, 2, and 3, Code
14 Supplement 1993, are amended by striking the subsections.

15 Sec. 10. Section 49.6, Code 1993, is amended to read as
16 follows:

17 49.6 POWER TO COMBINE TOWNSHIP AND CITY PRECINCTS.

18 Election precincts composed partially of unincorporated
19 territory and partially of all or any part of a city may be
20 established within a single county in any manner which is not
21 contrary to section 49.3 ~~and is~~. An agreement mutually
22 satisfactory to the board of supervisors or the temporary
23 county redistricting commission and the city council of the
24 city involved shall be adopted and a copy of the agreement
25 shall be submitted to the state commissioner as part of the
26 certification of precinct boundaries required by section 49.7.

27 Sec. 11. Section 49.7, Code 1993, is amended by striking
28 the section and inserting in lieu thereof the following:

29 49.7 REPRECINCTING SCHEDULE AND FILING REQUIREMENTS.

30 Where reprecincting is necessary, city councils and county
31 boards of supervisors or the temporary county redistricting
32 commission shall make any necessary changes in precincts as
33 soon as possible after the redistricting of congressional and
34 legislative districts becomes law.

35 City councils shall complete any changes in precinct and

1 ward boundaries necessary to comply with section 49.3 and 49.5
2 not later than sixty days after the redistricting of
3 congressional and legislative districts becomes law, or
4 September 1 of the year immediately following each year in
5 which the federal decennial census is taken, whichever is
6 later. Different compliance dates may be set by the general
7 assembly by joint resolution.

8 County boards of supervisors or the temporary county
9 redistricting commission shall complete any changes in
10 precinct and supervisor district boundaries necessary to
11 comply with sections 49.3, 49.4, and 331.209 not later than
12 ninety days after the redistricting of congressional and
13 legislative districts becomes law, or October 15 of the year
14 immediately following each year in which the federal decennial
15 census is taken, whichever is later. Different compliance
16 dates may be set by the general assembly by joint resolution.

17 Each county board of supervisors or the temporary county
18 redistricting commission and city council shall immediately
19 notify the state commissioner and the commissioner when the
20 boundaries of election precincts are changed, and shall
21 provide a map showing the new boundary lines. Each county
22 board or the temporary county redistricting commission and
23 city council shall certify to the state commissioner the
24 populations of the new election precincts or retained election
25 precincts as determined by the latest federal decennial
26 census. Materials filed with the state commissioner shall be
27 postmarked no later than the deadline specified in this
28 section.

29 If the state commissioner determines that a county board or
30 the temporary county redistricting commission or city council
31 has failed to make the required changes by the dates specified
32 by this section, the state commissioner shall make or cause to
33 be made the necessary changes as soon as possible. The state
34 commissioner shall assess to the county or city, as the case
35 may be, the expenses incurred in making the necessary changes.

1 The state commissioner may request the services of personnel
2 and materials available to the legislative service bureau to
3 assist the state commissioner in making required changes in
4 election precincts which become the state commissioner's
5 responsibility.

6 Precinct boundaries shall become effective on January 15 of
7 the second year following the year in which the census was
8 taken and shall be used for all subsequent elections.

9 Precinct boundaries drawn by the state commissioner shall be
10 incorporated into the ordinances of the city or county.

11 Changes made to precincts in years other than the year
12 following the year in which the federal decennial census is
13 taken shall be filed with the state commissioner as soon as
14 possible.

15 Sec. 12. Section 49.8, subsection 4, Code 1993, is amended
16 to read as follows:

17 4. When the boundaries of a county supervisor, city
18 council, or school director district, or any other district
19 from which one or more members of any public representative
20 body other than the general assembly are elected by the voters
21 thereof, are changed by annexation, ~~reprecincting~~ or other
22 means other than reprecincting, the change shall not result in
23 the term of any officer elected from the former district being
24 terminated before or extended beyond the expiration of the
25 term to which the officer was last elected, except as provided
26 under section 275.23A and section 331.209, subsection 1. If
27 more than one incumbent officeholder resides in a district
28 redrawn during reprecincting, their terms of office shall
29 expire after the next election in the political subdivision.

30 Sec. 13. Section 49.8, subsection 4, Code 1993, is amended
31 by adding the following new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. When a vacancy occurs in the
33 office of county supervisor, city council, or school director
34 following the effective date of new district boundaries, the
35 vacancy shall be filled using the new boundaries.

1 Sec. 14. Section 49.11, unnumbered paragraph 1, Code
2 Supplement 1993, is amended by striking the paragraph and
3 inserting in lieu thereof the following:

4 The board of supervisors or the temporary county
5 redistricting commission or city council shall number or name
6 the precincts established by the supervisors or council
7 pursuant to sections 49.3, 49.4, and 49.5. The boundaries of
8 the precincts shall be recorded in the records of the board of
9 supervisors, temporary county redistricting commission, or
10 city council, as the case may be.

11 The board of supervisors or city council shall publish
12 notice of changes in the county or city precinct boundaries in
13 a newspaper of general circulation published in the county or
14 city once each week for three consecutive weeks. The series
15 of publications shall be made after the changes in the
16 precincts have been approved by the state commissioner of
17 elections. The last of the three publications shall be made
18 no later than thirty days before the next general election. A
19 map showing the new boundaries may be used. No publication is
20 necessary if no changes were made.

21 The precincts established pursuant to section 49.7 shall
22 not be changed except in the manner provided by law. However,
23 for any election other than the primary or general election or
24 any special election held under section 69.14, the county
25 commissioner of elections may:

26 Sec. 15. Section 260C.13, subsection 1, Code 1993, is
27 amended to read as follows:

28 1. The board of a merged area may change the number of
29 directors on the board and shall make corresponding changes in
30 the boundaries of director districts. Changes shall be
31 completed not later than ~~July 1 of a fiscal year~~ June 1 for
32 the regular school election to be held the next following
33 September. As soon as possible after adoption of the boundary
34 changes, notice of changes in the director district boundaries
35 shall be submitted by the merged area to the county

1 commissioner of elections in all counties included in whole or
2 in part in the merged area.

3 Sec. 16. Section 260C.13, subsections 3 and 4, Code 1993,
4 are amended by striking the subsections and inserting in lieu
5 thereof the following:

6 3. Boundary lines of director districts shall be drawn
7 according to the following standards:

8 a. All boundaries shall follow precinct boundaries or
9 school director district boundaries unless a merged area
10 director district boundary follows the boundary of a school
11 district which divides one or more election precincts.

12 b. To the extent possible in order to comply with
13 paragraph "a", all districts shall be as nearly equal as
14 practicable to the ideal population for the districts as
15 determined by dividing the number of districts to be
16 established into the population of the merged area.

17 c. All districts shall be composed of contiguous territory
18 as compact as practicable.

19 d. Consideration shall not be given to the addresses of
20 incumbent officeholders, political affiliations of registered
21 voters, previous election results, or demographic information
22 other than population head counts, except as required by the
23 Constitution and the laws of the United States.

24 e. Cities shall not be divided into two or more districts
25 unless the population of the city is greater than the ideal
26 size of a district. Cities shall be divided into the smallest
27 number of districts possible.

28 4. If more than one incumbent office holder resides in a
29 district redrawn during reprecincting, their terms of office
30 expire after the next regular school election.

31 Sec. 17. Section 275.12, subsection 3, Code Supplement
32 1993, is amended to read as follows:

33 3. If the petition proposes the division of the school
34 district into director districts, the boundaries of such the
35 proposed director districts shall be described in the petition

1 and shall be drawn according to the standards described in
2 section 275.23A, subsection 1.

3 Sec. 18. Section 275.23A, subsections 1 and 2, Code 1993,
4 are amended by striking the subsections and inserting in lieu
5 thereof the following:

6 1. School districts which have directors who represent
7 director districts as provided in section 275.12, subsection
8 2, paragraphs "d" and "e" shall be divided into director
9 districts according to the following standards:

10 a. All director district boundaries shall follow the
11 precinct boundaries of areas for which official population
12 figures are available from the most recent federal decennial
13 census and, wherever possible, shall follow precinct
14 boundaries.

15 b. To the extent possible in order to comply with
16 paragraph "a", all director districts shall be as nearly equal
17 as practicable to the ideal population for the districts as
18 determined by dividing the number of districts to be
19 established into the population of the school district.

20 c. All districts shall be composed of contiguous territory
21 as compact as practicable unless the school district is
22 composed of marginally adjacent territory. A school district
23 which is composed of marginally adjacent territory shall have
24 director districts composed of contiguous territory to the
25 extent practicable.

26 d. Consideration shall not be given to the addresses of
27 incumbent officeholders, political affiliations of registered
28 voters, previous election results, or demographic information
29 other than population head counts, except as required by the
30 Constitution and the laws of the United States.

31 e. Cities shall not be divided into two or more districts
32 unless the population of the city is greater than the ideal
33 size of a director district. Cities shall be divided into the
34 smallest number of director districts possible.

35 2. Following each federal decennial census the school

1 board shall determine whether the existing director district
2 boundaries meet the standards in subsection 1 according to the
3 most recent federal decennial census. If necessary, the board
4 of directors shall redraw the director district boundaries.
5 The director district boundaries shall be described in a
6 resolution adopted by the school board. The resolution shall
7 be adopted no earlier than November 15 of the year immediately
8 following the year in which the federal decennial census is
9 taken nor later than April 30 of the second year immediately
10 following the year in which the federal decennial census is
11 taken. A copy of the plan shall be filed with the area
12 education agency administrator of the area education agency in
13 which the school's electors reside.

14 Sec. 19. Section 275.23A, subsections 3 and 4, Code 1993,
15 are amended to read as follows:

16 3. The school board shall notify the state commissioner of
17 elections and the county commissioner of elections of each
18 county in which a portion of the school district is located
19 when the boundaries of director districts are changed. The
20 notices of changes submitted to the state commissioner shall
21 be postmarked no later than the deadline for adoption of the
22 resolution under subsection 2. The board shall provide the
23 commissioners with maps showing the new boundaries and shall
24 also certify to the state commissioner the populations of the
25 new director districts as determined under the latest federal
26 decennial census. If, following a federal decennial census a
27 school district elects not to redraw director districts under
28 this section, the school board shall so certify to the state
29 commissioner of elections, and the school board shall also
30 certify to the state commissioner the populations of the
31 retained director districts as determined under the latest
32 federal decennial census. ~~Upon failure of a district board to~~
33 ~~make the required changes by the dates established under this~~
34 ~~section as determined by the state commissioner of elections~~
35 If the state commissioner determines that a district board has

1 failed to make the required changes by the dates specified by
2 this section, the state commissioner of elections shall make
3 or cause to be made the necessary changes as soon as possible;
4 and. The state commissioner shall assess any expenses
5 incurred to the school district. The state commissioner of
6 elections may request the services of personnel of and
7 materials available to the legislative service bureau to
8 assist the state commissioner in making any required boundary
9 changes.

10 4. If more than one incumbent director, ~~whose term extends~~
11 ~~beyond the organizational meeting of the board of directors~~
12 ~~after the regular school election following the adoption of~~
13 ~~the redrawn districts~~, resides in a redrawn director
14 district, the terms of office of the affected directors expire
15 at the organizational meeting of the board of directors
16 following the next regular school election following the
17 adoption of the redrawn districts.

18 Sec. 20. Section 331.203, subsection 2, paragraph b, Code
19 1993, is amended to read as follows:

20 b. If plan "two" or plan "three" as defined in section
21 331.206 is in effect, the board temporary county redistricting
22 commission shall divide the county into five equal-population
23 districts by December 15 of the year preceding the year of the
24 next general election and at that general election, five board
25 members shall be elected, two for initial terms of two years
26 and three for four-year terms. The districts shall be drawn
27 in the manner provided under sections 331.209 and 331.210.

28 The terms of the three incumbent supervisors shall expire on
29 the date that the five-member board becomes effective.

30 Sec. 21. Section 331.204, subsection 3, Code 1993, is
31 amended to read as follows:

32 3. At the next general election following the one at which
33 the proposition to reduce the membership of the board to three
34 is approved, the membership of the board shall be elected
35 according to the supervisor representation plan in effect in

1 the county. If the supervisor representation plan includes
2 equal-population districts, the districts shall be designated
3 by December 15 of the year preceding the year of the next
4 general election by the temporary county redistricting
5 commission. The districts shall be drawn in the manner
6 provided under sections 331.209 and 331.210. One member of
7 the board shall be elected to a two-year term and the
8 remaining two members shall be elected to four-year terms.
9 The length of the term for which a person is a candidate and
10 the date when the term begins shall be indicated on the
11 ballot.

12 Sec. 22. Section 331.209, subsections 1 and 5, Code 1993,
13 are amended to read as follows:

14 1. ~~Before-December-15-of-the-nonelection-year-following~~
15 ~~each-federal-decennial-census~~ Not later than ninety days after
16 the redistricting of congressional and legislative districts
17 becomes law, or October 15 of the year immediately following
18 each year in which the federal decennial census is taken,
19 whichever is later, the board temporary county redistricting
20 commission shall divide the county into a number of supervisor
21 districts corresponding to the number of supervisors in the
22 county. However, if the plan is selected pursuant to section
23 331.207, the board temporary county redistricting commission
24 shall divide the county before March 15 of the election year.
25 The supervisor districts shall be drawn, to the extent
26 applicable, in compliance with the redistricting standards
27 provided for senatorial and representative districts in
28 section 42.4, and if a supervisor redistricting plan is
29 challenged in court, the requirement of justifying any
30 variance in excess of one percent contained in section 42.4,
31 subsection 1, paragraph "c" applies to the board. If the
32 board temporary county redistricting commission adopts a
33 supervisor redistricting plan with a variance in excess of one
34 percent, the board shall publish the justification for the
35 variance in one or more official newspapers as provided in

1 chapter 349 within ten days after the action is taken. If
2 more than one incumbent supervisor resides in the same
3 supervisor district after the districts have been redrawn
4 following the federal decennial census, the terms of office of
5 those supervisors shall expire on the first day of January
6 that is not a Sunday or a holiday following the next general
7 election.

8 5. Each county-board temporary county redistricting
9 commission shall notify the state commissioner of elections
10 when the boundaries of supervisor districts are changed, shall
11 provide a map delineating the new boundary lines, and shall
12 certify to the state commissioner of elections the populations
13 of the new supervisor districts as determined under the latest
14 federal decennial census. Upon failure of a county-board
15 temporary county redistricting commission to make the required
16 changes by the dates specified by this section and sections
17 331.203 and 331.204 as determined by the state commissioner of
18 elections, the state commissioner of elections shall make or
19 cause to be made the necessary changes as soon as possible,
20 and shall assess to the county the expenses incurred in so
21 doing. The state commissioner of elections may request the
22 services of personnel and materials available to the
23 legislative service bureau to assist the state commissioner in
24 making required changes in supervisor district boundaries
25 which become the state commissioner's responsibility.

26 Sec. 23. Section 331.209, subsection 3, Code 1993, is
27 amended by striking the subsection.

28 Sec. 24. NEW SECTION. 331.210A TEMPORARY COUNTY
29 REDISTRICTING COMMISSION.

30 1. APPOINTMENT OF MEMBERS.

31 a. Not later than May 15 of each year ending in one, a
32 temporary county redistricting commission shall be established
33 as provided by this section for counties which have either
34 plan "two" or plan "three" supervisor representation plans.
35 If a county has either plan "two" or plan "three" supervisor

1 representation plans and the number of members of the board is
2 increased or decreased under section 331.203 or 331.204, the
3 temporary county redistricting commission shall be established
4 by May 15 of the year preceding the year of the next general
5 election.

6 b. The board shall determine the size of the membership of
7 the temporary county redistricting commission which may be
8 three, five, or seven in number. The minimum number of
9 members constituting a majority of the membership shall be
10 appointed by the majority party members of the board. The
11 remaining number of members of the temporary county
12 redistricting commission shall be appointed by the minority
13 party members of the board. If the members of the board are
14 all members of one political party or if the minority members
15 of the board are not all members of only one political party,
16 the minority representation of the temporary county
17 redistricting commission shall be appointed by the chair of
18 the county central committee for the party, other than the
19 party of the majority members of the board, which received the
20 most votes in that county cast for its candidate for president
21 of the United States or for governor at the last preceding
22 general election, as the case may be. If that party's county
23 central committee has no chair, the appointments shall be made
24 by the chair of that party's state central committee.

25 c. A member of the county board of supervisors may be
26 appointed as a member of the temporary county redistricting
27 commission. No person shall be appointed to the temporary
28 county redistricting commission who is not an eligible elector
29 of the county at the time of appointment.

30 d. A vacancy on the temporary county redistricting
31 commission shall be filled by the initial selecting authority
32 within fifteen days after the vacancy occurs.

33 e. Members of the temporary county redistricting
34 commission shall receive a per diem as specified by the board,
35 travel expenses at the rate provided by section 70A.9, and

1 reimbursement for other necessary expenses incurred in
2 performing their duties.

3 f. Each of the appointing authorities shall certify to the
4 county commissioner of elections the authority's appointment
5 of a person to serve on the temporary county redistricting
6 commission.

7 2. ADOPTION OF PLANS.

8 a. The temporary county redistricting commission, upon
9 appointment, shall acquire official census population data
10 from the latest federal decennial census including the
11 corresponding census maps and shall use that information in
12 drawing and adopting the county's supervisor districting plan.
13 If the county has a plan "three" supervisor representation
14 plan, the temporary county redistricting commission shall also
15 draw and adopt the county's corresponding precinct plan in
16 accordance with sections 49.3, 49.4, and 49.6.

17 b. After the temporary county redistricting commission has
18 finished its preliminary proposed county supervisor
19 districting plan and corresponding precinct plan, if
20 applicable, the commission shall at the earliest feasible time
21 make available to the public all of the following information:

- 22 (1) Copies of the legal description of the plans.
- 23 (2) Maps illustrating the plans.
- 24 (3) A summary of the standards prescribed by law for
25 development of the plans.
- 26 (4) A statement of the population of each district
27 included in the plan, and the relative deviation of each
28 district population from the ideal district population.
- 29 (5) A statement of the population of each precinct, if
30 applicable.

31 c. Upon the completion of the county's preliminary
32 proposed plans, the temporary county redistricting commission
33 shall do all of the following:

- 34 (1) As expeditiously as possible, schedule and conduct at
35 least one public hearing on the proposed plans.

1 (2) Allow members of the public to present alternative
2 plans at the public hearing.

3 (3) Following the hearings, promptly prepare and make
4 available to the public a report summarizing information and
5 testimony received by the temporary county redistricting
6 commission in the course of the hearings. The report shall
7 include any comments and conclusions which its members deem
8 appropriate regarding the information and testimony received
9 at the hearings, or otherwise presented to the temporary
10 county redistricting commission.

11 d. After the requirements of paragraphs "a" through "c"
12 have been met, the temporary county redistricting commission
13 shall adopt a supervisor district plan and corresponding
14 precinct plan, if applicable, subject to approval by the state
15 commissioner of elections under sections 49.7 and 331.209.
16 Prior to adoption of a plan, any member of the temporary
17 county redistricting commission may submit precinct or
18 district plans to the commission for a vote, either
19 independently or as an amendment to a plan presented by other
20 members of the commission.

21 e. If, after the initial proposed supervisor district plan
22 or precinct plan has been submitted to the state commissioner
23 for approval, it is necessary for the temporary county
24 redistricting commission to make subsequent attempts at
25 adopting an acceptable plan, the subsequent plans do not
26 require public hearings.

27 3. OPEN MEETINGS AND PUBLIC RECORDS. Chapters 21 and 22
28 shall apply to the temporary county redistricting commission.

29 4. TERMINATION. The terms of the members of the temporary
30 county redistricting commission shall expire twenty days
31 following the date the county's supervisor district plan and
32 corresponding precinct plan, if applicable, are approved or
33 imposed by the state commissioner of elections under sections
34 49.7 and 331.209.

35 Sec. 25. Section 372.13, subsection 7, Code Supplement

1 1993, is amended by striking the subsection and inserting in
2 lieu thereof the following:

3 7. By ordinance, the council may divide the city into
4 wards which shall be drawn according to the following
5 standards:

6 a. All ward boundaries shall follow precinct boundaries.

7 b. Wards shall be as nearly equal as practicable to the
8 ideal population determined by dividing the number of wards to
9 be established into the population of the city.

10 c. Wards shall be composed of contiguous territory as
11 compact as practicable.

12 d. Consideration shall not be given to the addresses of
13 incumbent officeholders, political affiliations of registered
14 voters, previous election results, or demographic information
15 other than population head counts, except as required by the
16 Constitution and the laws of the United States.

17 EXPLANATION

18 Code section 42.3 is amended to require that the second and
19 third redistricting plan be submitted 21 days after the prior
20 plan failed to receive legislative approval. Currently, it
21 must be submitted within 14 days. Code section 42.3 is also
22 amended to provide that failure to receive the topologically
23 integrated geographic encoding referencing data file is reason
24 for extending the dates by which the redistricting plans must
25 be drawn.

26 Code section 42.4 is amended to move the date for
27 determining the residence of state senators so that it
28 precedes the first day to file nomination papers for purposes
29 of redistricting. This section is also amended to provide
30 that when there is a choice of dividing a city or dividing a
31 township, the township shall be divided.

32 Code section 49.3, subsections 3 and 4, are enacted to
33 provide uniform standards for establishing precinct and
34 district boundaries and requires all precinct and district
35 boundaries to follow census block boundaries. The amendment

1 to Code section 49.3, subsection 4, also removes the
2 requirement that plan "two" county supervisor districts follow
3 precinct lines. Plan "two" counties are those counties in
4 which the supervisors are elected at large but with equal-
5 population district residence requirements for the members of
6 the board of supervisors.

7 Code section 49.4 is amended to require that a county fixes
8 the boundaries of county precincts by ordinance, as cities
9 currently are required. It also requires that a public
10 hearing be held before final adoption of the ordinance fixing
11 the boundaries of county precincts.

12 Code section 49.5 is amended to establish a minimum number
13 of days that must be allowed for the county auditor to review
14 city precinct plans and requires that a public hearing be held
15 before final adoption of the ordinance fixing the boundaries
16 of city precincts.

17 Code section 49.6 is amended to require that a copy of the
18 agreement between a city council and the county board of
19 supervisors be filed with the secretary of state.

20 Code section 49.7 is amended to move all reprecincting
21 completion deadlines to earlier dates. The amendment also
22 provides that redrawn precinct boundaries shall take effect on
23 January 15 of the second year following the year in which the
24 census was taken.

25 Code section 49.8 is amended to require that vacancies be
26 filled according to the new district boundaries. Section 49.8
27 is also amended to require that the term of office of
28 incumbent political subdivision officeholders residing in the
29 same district after the districts have been redrawn will
30 expire after the next election in the political subdivision.

31 Code section 49.11 is revised to clarify current Code
32 language relating to the reprecincting responsibilities of
33 supervisors and city council members and amends the section to
34 require that publication, including the map, be made after the
35 final adoption of any boundary changes and that no publication

1 is needed if no changes have been made.

2 Code section 260C.13 is amended to move the completion
3 deadline for merged area school director redistricting to one
4 month earlier, from July 1 to June 1. The standards for
5 merged area school director districts are amended to parallel
6 those for county supervisor and other districts. Section
7 260C.13 is also amended to require that the terms of office of
8 incumbent officeholders on merged area boards of directors
9 residing in the same district after reprecincting shall expire
10 after the next regular school election.

11 Code section 275.12 is amended to require that initial
12 school director district plans conform to the same standards
13 as postcensus redistricting.

14 Code section 275.23A is amended to change the standards for
15 school director districts to parallel those for county
16 supervisor and other districts. It is also amended to
17 establish the deadline for submission of notices of school
18 director district changes to the state commissioner. The
19 notice must be postmarked no later than the deadline for
20 adoption of the resolution of director district changes. The
21 section is also amended to only allow discontinuous director
22 districts, to the extent practicable, in school districts
23 which are composed of marginally adjacent territory. Finally,
24 section 275.23A is amended to provide that the terms of office
25 of incumbent school board members paired in the same redrawn
26 district expire at the next organizational meeting of the
27 board following the next regular school election.

28 Code section 331.209 is amended to move the required
29 completion date for county supervisor redistricting from
30 December 15 to October 15, or 90 days after the congressional
31 and legislative plans are drawn to permit time for the review
32 process and for administrative implementation of plans.
33 Subsection 3, which allows the board of supervisors to redraw
34 supervisor districts every two years, is stricken.

35 New section 331.210A is enacted which shifts the

1 responsibility for the drawing and adoption of county
2 supervisor district plans and corresponding precinct plans, if
3 applicable, from the county boards of supervisors to temporary
4 county redistricting commissions created under the bill.
5 Members of the temporary county redistricting commissions are
6 appointed with the minimum majority number of members being
7 appointed by the majority party members of the county board of
8 supervisors, and with the remaining members appointed by the
9 minority party members of the county board. However, if there
10 are no minority party members of the current board, the bill
11 provides for the appointment of members through the
12 appropriate party's county central committee chair or state
13 central committee chair. Members of the county boards of
14 supervisors may be appointed to the temporary county
15 redistricting commissions.

16 After the temporary county redistricting commission has
17 finished its preliminary proposed county supervisor
18 districting plan, it must make information available to the
19 public about the plan and conduct at least one public hearing.
20 Members of the public may submit alternative plans at the
21 public hearing. After the conclusion of the public hearings,
22 the commission must adopt a plan for submission to the state
23 commissioner of elections for approval. If the plan is not
24 initially accepted, subsequent plans may be proposed by the
25 commission without the conducting of public hearings.

26 The bill may include a state mandate as defined in section
27 25B.3.

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HOUSE FILE 2366

H-5295

1 Amend House File 2366 as follows:

2 1. Page 2, by striking lines 32 and inserting the
3 following: "~~political-subdivisions~~ counties of the
4 state, or when counties must be divided, along the
5 boundaries of townships and cities."

By RUNNING of Linn

H-5295 FILED MARCH 10, 1994

adopted 3-11-94

HOUSE FILE 2366

H-5296

1 Amend House File 2366 as follows:

2 1. Page 3, line 2, by inserting after the word
3 "populous" the following: "unless to divide the more
4 populous subdivision would violate paragraph "b"".

By RUNNING of Linn

H-5296 FILED MARCH 10, 1994

adopted 3-11-94

HOUSE FILE 2366

H-5282

1 Amend House File 2366 as follows:

1. Page 14, line 24, by striking the word "March"
and inserting the following: "March February".

By HANSON of Delaware

H-5282 FILED MARCH 10, 1994

*adopted 3-11-94
(p. 570)*

(P.685) 3-15-94 Senate - State Gov.
(P.809) 3-23-94 Senate - Do Pass

HOUSE FILE 2366
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 257)

(As Amended and Passed by the House March 11, 1994)

Passed House, (P.187) Date 4/18/94 Passed Senate, (P.1294) Date 4/15/94
Vote: Ayes 99 Nays 0 Vote: Ayes 47 Nays 0
Approved May 13, 1994

A BILL FOR

1 An Act relating to reapportionment, redistricting, and
2 reprecincting by certain jurisdictions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

Deleted Language*

1 Section 1. Section 42.3, subsections 2 and 3, Code 1993,
2 are amended to read as follows:

3 2. If the bill embodying the plan submitted by the
4 legislative service bureau under subsection 1 fails to be
5 approved by a constitutional majority in either the senate or
6 the house of representatives, the secretary of the senate or
7 the chief clerk of the house, as the case may be, shall at
8 once transmit to the legislative service bureau information
9 which the senate or house may direct regarding reasons why the
10 plan was not approved. The legislative service bureau shall
11 prepare a bill embodying a second plan of legislative and
12 congressional districting prepared in accordance with section
13 42.4, and taking into account the reasons cited by the senate
14 or house of representatives for its failure to approve the
15 plan insofar as it is possible to do so within the
16 requirements of section 42.4. If a second plan is required
17 under this subsection, the bill embodying it shall be
18 delivered to the secretary of the senate and the chief clerk
19 of the house of representatives not later than May 1 of the
20 year ending in one, or fourteen twenty-one days after the date
21 of the vote by which the senate or the house of
22 representatives fails to approve the bill submitted under
23 subsection 1, whichever date is later. It is the intent of
24 this chapter that, if it is necessary to submit a bill under
25 this subsection, the bill be brought to a vote not less than
26 seven days after the bill is printed and made available to the
27 members of the general assembly, in the same manner as
28 prescribed for the bill required under subsection 1.

29 3. If the bill embodying the plan submitted by the
30 legislative service bureau under subsection 2 fails to be
31 approved by a constitutional majority in either the senate or
32 the house of representatives, the same procedure as prescribed
33 by subsection 2 shall be followed. If a third plan is
34 required under this subsection, the bill embodying it shall be
35 delivered to the secretary of the senate and the chief clerk

1 of the house of representatives not later than June 1 of the
2 year ending in one, or fourteen twenty-one days after the date
3 of the vote by which the senate or the house of
4 representatives fails to approve the bill submitted under
5 subsection 2, whichever date is later. It is the intent of
6 this chapter that, if it is necessary to submit a bill under
7 this subsection, the bill be brought to a vote within the same
8 time period after its delivery to the secretary of the senate
9 and the chief clerk of the house of representatives as is
10 prescribed for the bill submitted under subsection 2, but
11 shall be subject to amendment in the same manner as other
12 bills.

13 Sec. 2. Section 42.3, subsection 4, paragraph b, Code
14 1993, is amended to read as follows:

15 b. If the population data for legislative districting
16 which the United States census bureau is required to provide
17 this state under United States Pub. L. 94-171 and, if used by
18 the legislative service bureau, the corresponding
19 topologically integrated geographic encoding and referencing
20 data file for that population data, is not available to the
21 legislative service bureau on or before February 1 of the year
22 ending in one, the dates set forth in this section shall be
23 extended by a number of days equal to the number of days after
24 February 1 of the year ending in one that the federal census
25 population data and the topologically integrated geographic
26 encoding and referencing data file for legislative districting
27 becomes available.

28 Sec. 3. Section 42.4, subsection 2, Code 1993, is amended
29 to read as follows:

30 2. a. To the extent consistent with subsection 1,
31 district boundaries shall coincide with the boundaries of
32 political-subdivisions counties of the state, or when counties
33 must be divided, along the boundaries of townships and cities.

34 b. The number of counties and cities divided among more
35 than one district shall be as small as possible.

1 c. When there is a choice between dividing local political
2 subdivisions, the more populous subdivisions shall be divided
3 before the less populous unless to divide the more populous
4 subdivision would violate paragraph "b", but this statement
5 does not apply to a legislative district boundary drawn along
6 a county line which passes through a city that lies in more
7 than one county.

8 d. Notwithstanding paragraph "c", when there is a choice
9 between dividing a city other than along the county line into
10 an additional district or dividing a township, the township
11 shall be divided.

12 Sec. 4. Section 42.4, subsection 8, paragraph b,
13 subparagraph (1), Code 1993, is amended to read as follows:

14 (1) If one and only one incumbent state senator is
15 residing in an ~~odd-numbered~~ even-numbered senatorial district
16 on ~~March-13, 1992~~ February 1, 2002, and that senator meets all
17 of the following requirements, the senator shall represent the
18 district in the senate for the ~~Seventy-fifth~~ Eightieth General
19 Assembly:

20 (a) The senator was elected to a four-year term which
21 commenced in January ~~1991~~ 2001 or was subsequently elected to
22 fill a vacancy in such a term.

23 (b) The senatorial district in the plan which includes the
24 place of residence of the state senator on the date of the
25 senator's last election to the senate is the same as the ~~odd-~~
26 ~~numbered~~ even-numbered senatorial district in which the
27 senator resides on ~~March-13, 1992~~ February 1, 2002, or is
28 contiguous to such ~~odd-numbered~~ even-numbered senatorial
29 district and the senator's declared residence as of February
30 1, 2002, was within the district from which the senator was
31 last elected. Areas which meet only at the points of
32 adjoining corners are not contiguous.

33 The secretary of state shall prescribe a form to be
34 completed by all senators to declare their residences as of
35 February 1, 2002. The form shall be filed with the secretary

1 of state no later than five p.m. on February 1, 2002.

2 Sec. 5. Section 49.3, unnumbered paragraph 1, Code 1993,
3 is amended to read as follows:

4 Election precincts shall be drawn by the county board of
5 supervisors or the temporary county redistricting commission
6 in all unincorporated portions of each county, and by the city
7 council of each city in which it is necessary or deemed
8 advisable to establish more than one precinct. Precincts
9 established as provided by this chapter shall be used for all
10 elections, except where temporary merger of established
11 precincts is specifically permitted by law for certain
12 elections, and no political subdivision shall concurrently
13 maintain different sets of precincts for use in different
14 types of elections. Election precincts shall be drawn so
15 that:

16 Sec. 6. Section 49.3, Code 1993, is amended by adding the
17 following new subsections:

18 NEW SUBSECTION. 3. Precincts established after the
19 effective date of this Act shall be composed of contiguous
20 territory within a single county. The boundaries of all
21 precincts shall follow the boundaries of areas for which
22 official population figures are available from the most recent
23 federal decennial census.

24 NEW SUBSECTION. 4. All election districts, including city
25 wards and county supervisor districts, shall be drawn
26 according to the following standards:

27 a. All boundaries, except for supervisor districts for
28 counties using supervisor representation plan "two" pursuant
29 to section 331.209, shall follow precinct boundaries.

30 b. All districts shall be as nearly equal as practicable
31 to the ideal population for the districts as determined by
32 dividing the number of districts to be established into the
33 population of the city or county.

34 c. All districts shall be composed of contiguous territory
35 as compact as practicable.

1 d. Consideration shall not be given to the addresses of
2 incumbent officeholders, political affiliations of registered
3 voters, previous election results, or demographic information
4 other than population head counts, except as required by the
5 Constitution and the laws of the United States.

6 e. Cities shall not be divided into two or more county
7 supervisor districts unless the population of the city is
8 greater than the ideal size of a district. Cities shall be
9 divided into the smallest number of county supervisor
10 districts possible.

11 Sec. 7. Section 49.4, unnumbered paragraph 1, Code 1993,
12 is amended to read as follows:

13 Where action by the board of supervisors is necessary or
14 deemed advisable by the board of supervisors or the temporary
15 county redistricting commission, the boundaries of precincts
16 shall be definitely fixed by ordinance. A public hearing
17 shall be held before final action is taken to adopt changes in
18 the precinct boundaries. Notice of the date, time, and place
19 of the hearing shall be given as provided in chapter 21. In
20 the absence of contrary action by the board of supervisors or
21 the temporary county redistricting commission, each civil
22 township which does not include any part of a city of over two
23 thousand population, and the portion of each civil township
24 containing any such city which lies outside the corporate
25 limits of that city or those cities, shall constitute an
26 election precinct. If no action is necessary to change the
27 county election precincts, the board of supervisors shall
28 certify the retained boundaries to the state commissioner, as
29 required by section 49.7.

30 Sec. 8. Section 49.5, unnumbered paragraph 1, Code
31 Supplement 1993, is amended to read as follows:

32 The council of a city where establishment of more than one
33 precinct is necessary or deemed advisable shall at the time
34 required by law, ~~by ordinance definitely fixing the~~
35 ~~boundaries,~~ divide the city into such the number of election

1 precincts as will best serve the convenience of the voters.
2 As used in this section, the term "the convenience of the
3 voters" refers to, but is not necessarily limited to, the use
4 of precinct boundaries which can be readily described to and
5 identified by voters and for which there is ease of access by
6 voters to their respective precinct polling places by
7 reasonably direct routes of travel.

8 The precinct boundaries shall conform to section 49.3 and
9 shall be described in an ordinance adopted by the council
10 within the time required by section 49.7. Before final
11 adoption of any change in election precinct boundaries
12 pursuant to this section or section 49.6, the council shall
13 permit the commissioner not less than seven and not more than
14 ten days time to offer comments on the proposed reprecincting.
15 A public hearing shall be held before final adoption of the
16 ordinance. Notice of the date, time, and place of the hearing
17 shall be given as provided in chapter 21.

18 Sec. 9. Section 49.5, subsections 1, 2, and 3, Code
19 Supplement 1993, are amended by striking the subsections.

20 Sec. 10. Section 49.6, Code 1993, is amended to read as
21 follows:

22 49.6 POWER TO COMBINE TOWNSHIP AND CITY PRECINCTS.

23 Election precincts composed partially of unincorporated
24 territory and partially of all or any part of a city may be
25 established within a single county in any manner which is not
26 contrary to section 49.3 ~~and-is.~~ An agreement mutually
27 satisfactory to the board of supervisors or the temporary
28 county redistricting commission and the city council of the
29 city involved shall be adopted and a copy of the agreement
30 shall be submitted to the state commissioner as part of the
31 certification of precinct boundaries required by section 49.7.

32 Sec. 11. Section 49.7, Code 1993, is amended by striking
33 the section and inserting in lieu thereof the following:

34 49.7 REPRECINCTING SCHEDULE AND FILING REQUIREMENTS.

35 Where reprecincting is necessary, city councils and county

1 boards of supervisors or the temporary county redistricting
2 commission shall make any necessary changes in precincts as
3 soon as possible after the redistricting of congressional and
4 legislative districts becomes law.

5 City councils shall complete any changes in precinct and
6 ward boundaries necessary to comply with section 49.3 and 49.5
7 not later than sixty days after the redistricting of
8 congressional and legislative districts becomes law, or
9 September 1 of the year immediately following each year in
10 which the federal decennial census is taken, whichever is
11 later. Different compliance dates may be set by the general
12 assembly by joint resolution.

13 County boards of supervisors or the temporary county
14 redistricting commission shall complete any changes in
15 precinct and supervisor district boundaries necessary to
16 comply with sections 49.3, 49.4, and 331.209 not later than
17 ninety days after the redistricting of congressional and
18 legislative districts becomes law, or October 15 of the year
19 immediately following each year in which the federal decennial
20 census is taken, whichever is later. Different compliance
21 dates may be set by the general assembly by joint resolution.

22 Each county board of supervisors or the temporary county
23 redistricting commission and city council shall immediately
24 notify the state commissioner and the commissioner when the
25 boundaries of election precincts are changed, and shall
26 provide a map showing the new boundary lines. Each county
27 board or the temporary county redistricting commission and
28 city council shall certify to the state commissioner the
29 populations of the new election precincts or retained election
30 precincts as determined by the latest federal decennial
31 census. Materials filed with the state commissioner shall be
32 postmarked no later than the deadline specified in this
33 section.

34 If the state commissioner determines that a county board or
35 the temporary county redistricting commission or city council

1 has failed to make the required changes by the dates specified
2 by this section, the state commissioner shall make or cause to
3 be made the necessary changes as soon as possible. The state
4 commissioner shall assess to the county or city, as the case
5 may be, the expenses incurred in making the necessary changes.
6 The state commissioner may request the services of personnel
7 and materials available to the legislative service bureau to
8 assist the state commissioner in making required changes in
9 election precincts which become the state commissioner's
10 responsibility.

11 Precinct boundaries shall become effective on January 15 of
12 the second year following the year in which the census was
13 taken and shall be used for all subsequent elections.

14 Precinct boundaries drawn by the state commissioner shall be
15 incorporated into the ordinances of the city or county.

16 Changes made to precincts in years other than the year
17 following the year in which the federal decennial census is
18 taken shall be filed with the state commissioner as soon as
19 possible.

20 Sec. 12. Section 49.8, subsection 4, Code 1993, is amended
21 to read as follows:

22 4. When the boundaries of a county supervisor, city
23 council, or school director district, or any other district
24 from which one or more members of any public representative
25 body other than the general assembly are elected by the voters
26 thereof, are changed by annexation, ~~reprecincting~~ or other
27 means other than reprecincting, the change shall not result in
28 the term of any officer elected from the former district being
29 terminated before or extended beyond the expiration of the
30 term to which the officer was last elected, except as provided
31 under section 275.23A and section 331.209, subsection 1. If
32 more than one incumbent officeholder resides in a district
33 redrawn during reprecincting, their terms of office shall
34 expire after the next election in the political subdivision.

35 Sec. 13. Section 49.8, subsection 4, Code 1993, is amended

1 by adding the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. When a vacancy occurs in the
3 office of county supervisor, city council, or school director
4 following the effective date of new district boundaries, the
5 vacancy shall be filled using the new boundaries.

6 Sec. 14. Section 49.11, unnumbered paragraph 1, Code
7 Supplement 1993, is amended by striking the paragraph and
8 inserting in lieu thereof the following:

9 The board of supervisors or the temporary county
10 redistricting commission or city council shall number or name
11 the precincts established by the supervisors or council
12 pursuant to sections 49.3, 49.4, and 49.5. The boundaries of
13 the precincts shall be recorded in the records of the board of
14 supervisors, temporary county redistricting commission, or
15 city council, as the case may be.

16 The board of supervisors or city council shall publish
17 notice of changes in the county or city precinct boundaries in
18 a newspaper of general circulation published in the county or
19 city once each week for three consecutive weeks. The series
20 of publications shall be made after the changes in the
21 precincts have been approved by the state commissioner of
22 elections. The last of the three publications shall be made
23 no later than thirty days before the next general election. A
24 map showing the new boundaries may be used. No publication is
25 necessary if no changes were made.

26 The precincts established pursuant to section 49.7 shall
27 not be changed except in the manner provided by law. However,
28 for any election other than the primary or general election or
29 any special election held under section 69.14, the county
30 commissioner of elections may:

31 Sec. 15. Section 260C.13, subsection 1, Code 1993, is
32 amended to read as follows:

33 1. The board of a merged area may change the number of
34 directors on the board and shall make corresponding changes in
35 the boundaries of director districts. Changes shall be

1 completed not later than ~~July 1 of a fiscal year~~ June 1 for
2 the regular school election to be held the next following
3 September. As soon as possible after adoption of the boundary
4 changes, notice of changes in the director district boundaries
5 shall be submitted by the merged area to the county
6 commissioner of elections in all counties included in whole or
7 in part in the merged area.

8 Sec. 16. Section 260C.13, subsections 3 and 4, Code 1993,
9 are amended by striking the subsections and inserting in lieu
10 thereof the following:

11 3. Boundary lines of director districts shall be drawn
12 according to the following standards:

13 a. All boundaries shall follow precinct boundaries or
14 school director district boundaries unless a merged area
15 director district boundary follows the boundary of a school
16 district which divides one or more election precincts.

17 b. To the extent possible in order to comply with
18 paragraph "a", all districts shall be as nearly equal as
19 practicable to the ideal population for the districts as
20 determined by dividing the number of districts to be
21 established into the population of the merged area.

22 c. All districts shall be composed of contiguous territory
23 as compact as practicable.

24 d. Consideration shall not be given to the addresses of
25 incumbent officeholders, political affiliations of registered
26 voters, previous election results, or demographic information
27 other than population head counts, except as required by the
28 Constitution and the laws of the United States.

29 e. Cities shall not be divided into two or more districts
30 unless the population of the city is greater than the ideal
31 size of a district. Cities shall be divided into the smallest
32 number of districts possible.

33 4. If more than one incumbent office holder resides in a
34 district redrawn during reprecincting, their terms of office
35 expire after the next regular school election.

1 Sec. 17. Section 275.12, subsection 3, Code Supplement
2 1993, is amended to read as follows:

3 3. If the petition proposes the division of the school
4 district into director districts, the boundaries of such the
5 proposed director districts shall be described in the petition
6 and shall be drawn according to the standards described in
7 section 275.23A, subsection 1.

8 Sec. 18. Section 275.23A, subsections 1 and 2, Code 1993,
9 are amended by striking the subsections and inserting in lieu
10 thereof the following:

11 1. School districts which have directors who represent
12 director districts as provided in section 275.12, subsection
13 2, paragraphs "d" and "e" shall be divided into director
14 districts according to the following standards:

15 a. All director district boundaries shall follow the
16 precinct boundaries of areas for which official population
17 figures are available from the most recent federal decennial
18 census and, wherever possible, shall follow precinct
19 boundaries.

20 b. To the extent possible in order to comply with
21 paragraph "a", all director districts shall be as nearly equal
22 as practicable to the ideal population for the districts as
23 determined by dividing the number of districts to be
24 established into the population of the school district.

25 c. All districts shall be composed of contiguous territory
26 as compact as practicable unless the school district is
27 composed of marginally adjacent territory. A school district
28 which is composed of marginally adjacent territory shall have
29 director districts composed of contiguous territory to the
30 extent practicable.

31 d. Consideration shall not be given to the addresses of
32 incumbent officeholders, political affiliations of registered
33 voters, previous election results, or demographic information
34 other than population head counts, except as required by the
35 Constitution and the laws of the United States.

1 e. Cities shall not be divided into two or more districts
2 unless the population of the city is greater than the ideal
3 size of a director district. Cities shall be divided into the
4 smallest number of director districts possible.

5 2. Following each federal decennial census the school
6 board shall determine whether the existing director district
7 boundaries meet the standards in subsection 1 according to the
8 most recent federal decennial census. If necessary, the board
9 of directors shall redraw the director district boundaries.
10 The director district boundaries shall be described in a
11 resolution adopted by the school board. The resolution shall
12 be adopted no earlier than November 15 of the year immediately
13 following the year in which the federal decennial census is
14 taken nor later than April 30 of the second year immediately
15 following the year in which the federal decennial census is
16 taken. A copy of the plan shall be filed with the area
17 education agency administrator of the area education agency in
18 which the school's electors reside.

19 Sec. 19. Section 275.23A, subsections 3 and 4, Code 1993,
20 are amended to read as follows:

21 3. The school board shall notify the state commissioner of
22 elections and the county commissioner of elections of each
23 county in which a portion of the school district is located
24 when the boundaries of director districts are changed. The
25 notices of changes submitted to the state commissioner shall
26 be postmarked no later than the deadline for adoption of the
27 resolution under subsection 2. The board shall provide the
28 commissioners with maps showing the new boundaries and shall
29 also certify to the state commissioner the populations of the
30 new director districts as determined under the latest federal
31 decennial census. If, following a federal decennial census a
32 school district elects not to redraw director districts under
33 this section, the school board shall so certify to the state
34 commissioner of elections, and the school board shall also
35 certify to the state commissioner the populations of the

1 retained director districts as determined under the latest
2 federal decennial census. ~~Upon failure of a district board to~~
3 ~~make the required changes by the dates established under this~~
4 ~~section as determined by the state commissioner of elections~~
5 If the state commissioner determines that a district board has
6 failed to make the required changes by the dates specified by
7 this section, the state commissioner of elections shall make
8 or cause to be made the necessary changes as soon as possible
9 and. The state commissioner shall assess any expenses
10 incurred to the school district. The state commissioner of
11 elections may request the services of personnel of and
12 materials available to the legislative service bureau to
13 assist the state commissioner in making any required boundary
14 changes.

15 4. If more than one incumbent director, ~~whose term extends~~
16 ~~beyond the organizational meeting of the board of directors~~
17 ~~after the regular school election following the adoption of~~
18 ~~the redrawn districts, reside~~ resides in a redrawn director
19 district, the terms of office of the affected directors expire
20 at the organizational meeting of the board of directors
21 following the next regular school election following the
22 adoption of the redrawn districts.

23 Sec. 20. Section 331.203, subsection 2, paragraph b, Code
24 1993, is amended to read as follows:

25 b. If plan "two" or plan "three" as defined in section
26 331.206 is in effect, the board temporary county redistricting
27 commission shall divide the county into five equal-population
28 districts by December 15 of the year preceding the year of the
29 next general election and at that general election, five board
30 members shall be elected, two for initial terms of two years
31 and three for four-year terms. The districts shall be drawn
32 in the manner provided under sections 331.209 and 331.210.
33 The terms of the three incumbent supervisors shall expire on
34 the date that the five-member board becomes effective.

35 Sec. 21. Section 331.204, subsection 3, Code 1993, is

1 amended to read as follows:

2 3. At the next general election following the one at which
3 the proposition to reduce the membership of the board to three
4 is approved, the membership of the board shall be elected
5 according to the supervisor representation plan in effect in
6 the county. If the supervisor representation plan includes
7 equal-population districts, the districts shall be designated
8 by December 15 of the year preceding the year of the next
9 general election by the temporary county redistricting
10 commission. The districts shall be drawn in the manner
11 provided under sections 331.209 and 331.210. One member of
12 the board shall be elected to a two-year term and the
13 remaining two members shall be elected to four-year terms.
14 The length of the term for which a person is a candidate and
15 the date when the term begins shall be indicated on the
16 ballot.

17 Sec. 22. Section 331.209, subsections 1 and 5, Code 1993,
18 are amended to read as follows:

19 1. ~~Before-December-15-of-the-nonelection-year-following~~
20 ~~each-federal-decennial-census~~ Not later than ninety days after
21 the redistricting of congressional and legislative districts
22 becomes law, or October 15 of the year immediately following
23 each year in which the federal decennial census is taken,
24 whichever is later, the ~~board~~ temporary county redistricting
25 commission shall divide the county into a number of supervisor
26 districts corresponding to the number of supervisors in the
27 county. However, if the plan is selected pursuant to section
28 331.207, the ~~board~~ temporary county redistricting commission
29 shall divide the county before ~~March~~ February 15 of the
30 election year. The supervisor districts shall be drawn, to
31 the extent applicable, in compliance with the redistricting
32 standards provided for senatorial and representative districts
33 in section 42.4, and if a supervisor redistricting plan is
34 challenged in court, the requirement of justifying any
35 variance in excess of one percent contained in section 42.4,

1 subsection 1, paragraph "c" applies to the board. If the
2 board temporary county redistricting commission adopts a
3 supervisor redistricting plan with a variance in excess of one
4 percent, the board shall publish the justification for the
5 variance in one or more official newspapers as provided in
6 chapter 349 within ten days after the action is taken. If
7 more than one incumbent supervisor resides in the same
8 supervisor district after the districts have been redrawn
9 following the federal decennial census, the terms of office of
10 those supervisors shall expire on the first day of January
11 that is not a Sunday or a holiday following the next general
12 election.

13 5. Each county-board temporary county redistricting
14 commission shall notify the state commissioner of elections
15 when the boundaries of supervisor districts are changed, shall
16 provide a map delineating the new boundary lines, and shall
17 certify to the state commissioner of elections the populations
18 of the new supervisor districts as determined under the latest
19 federal decennial census. Upon failure of a county-board
20 temporary county redistricting commission to make the required
21 changes by the dates specified by this section and sections
22 331.203 and 331.204 as determined by the state commissioner of
23 elections, the state commissioner of elections shall make or
24 cause to be made the necessary changes as soon as possible,
25 and shall assess to the county the expenses incurred in so
26 doing. The state commissioner of elections may request the
27 services of personnel and materials available to the
28 legislative service bureau to assist the state commissioner in
29 making required changes in supervisor district boundaries
30 which become the state commissioner's responsibility.

31 Sec. 23. Section 331.209, subsection 3, Code 1993, is
32 amended by striking the subsection.

33 Sec. 24. NEW SECTION. 331.210A TEMPORARY COUNTY
34 REDISTRICTING COMMISSION.

35 1. APPOINTMENT OF MEMBERS.

1 a. Not later than May 15 of each year ending in one, a
2 temporary county redistricting commission shall be established
3 as provided by this section for counties which have either
4 plan "two" or plan "three" supervisor representation plans.
5 If a county has either plan "two" or plan "three" supervisor
6 representation plans and the number of members of the board is
7 increased or decreased under section 331.203 or 331.204, the
8 temporary county redistricting commission shall be established
9 by May 15 of the year preceding the year of the next general
10 election.

11 b. The board shall determine the size of the membership of
12 the temporary county redistricting commission which may be
13 three, five, or seven in number. The minimum number of
14 members constituting a majority of the membership shall be
15 appointed by the majority party members of the board. The
16 remaining number of members of the temporary county
17 redistricting commission shall be appointed by the minority
18 party members of the board. If the members of the board are
19 all members of one political party or if the minority members
20 of the board are not all members of only one political party,
21 the minority representation of the temporary county
22 redistricting commission shall be appointed by the chair of
23 the county central committee for the party, other than the
24 party of the majority members of the board, which received the
25 most votes in that county cast for its candidate for president
26 of the United States or for governor at the last preceding
27 general election, as the case may be. If that party's county
28 central committee has no chair, the appointments shall be made
29 by the chair of that party's state central committee.

30 c. A member of the county board of supervisors may be
31 appointed as a member of the temporary county redistricting
32 commission. No person shall be appointed to the temporary
33 county redistricting commission who is not an eligible elector
34 of the county at the time of appointment.

35 d. A vacancy on the temporary county redistricting

1 commission shall be filled by the initial selecting authority
2 within fifteen days after the vacancy occurs.

3 e. Members of the temporary county redistricting
4 commission shall receive a per diem as specified by the board,
5 travel expenses at the rate provided by section 70A.9, and
6 reimbursement for other necessary expenses incurred in
7 performing their duties.

8 f. Each of the appointing authorities shall certify to the
9 county commissioner of elections the authority's appointment
10 of a person to serve on the temporary county redistricting
11 commission.

12 2. ADOPTION OF PLANS.

13 a. The temporary county redistricting commission, upon
14 appointment, shall acquire official census population data
15 from the latest federal decennial census including the
16 corresponding census maps and shall use that information in
17 drawing and adopting the county's supervisor districting plan.
18 The commission shall draw the plan, to the extent applicable,
19 in accordance with section 42.4. If the county has a plan
20 "three" supervisor representation plan, the temporary county
21 redistricting commission shall also draw and adopt the
22 county's corresponding precinct plan in accordance with
23 sections 49.3, 49.4, and 49.6.

24 b. After the temporary county redistricting commission has
25 finished its preliminary proposed county supervisor
26 districting plan and corresponding precinct plan, if
27 applicable, the commission shall at the earliest feasible time
28 make available to the public all of the following information:

29 (1) Copies of the legal description of the plans.

30 (2) Maps illustrating the plans.

31 (3) A summary of the standards prescribed by law for
32 development of the plans.

33 (4) A statement of the population of each district
34 included in the plan, and the relative deviation of each
35 district population from the ideal district population.

1 (5) A statement of the population of each precinct, if
2 applicable.

3 c. Upon the completion of the county's preliminary
4 proposed plans, the temporary county redistricting commission
5 shall do all of the following:

6 (1) As expeditiously as possible, schedule and conduct at
7 least one public hearing on the proposed plans.

8 (2) Allow members of the public to present alternative
9 plans at the public hearing.

10 (3) Following the hearings, promptly prepare and make
11 available to the public a report summarizing information and
12 testimony received by the temporary county redistricting
13 commission in the course of the hearings. The report shall
14 include any comments and conclusions which its members deem
15 appropriate regarding the information and testimony received
16 at the hearings, or otherwise presented to the temporary
17 county redistricting commission.

18 d. After the requirements of paragraphs "a" through "c"
19 have been met, the temporary county redistricting commission
20 shall adopt a supervisor district plan and corresponding
21 precinct plan, if applicable, and shall submit the plan to the
22 board of supervisors for their approval. Prior to adoption of
23 a plan by the commission, any member of the temporary county
24 redistricting commission may submit precinct or district plans
25 to the commission for a vote, either independently or as an
26 amendment to a plan presented by other members of the
27 commission.

28 The board of supervisors shall review the plan submitted by
29 the temporary county redistricting commission and shall
30 approve or reject the plan. If the plan is rejected, the
31 board shall give written reasons for the rejection of the plan
32 and shall direct the commission to prepare a second plan. The
33 board of supervisors may amend the second plan submitted for
34 approval by the commission. Any amendment must be accompanied
35 by a written statement declaring that the amendment is

1 necessary to bring the submitted plan closer in conformity to
2 the standards in section 42.4.

3 e. The plan approved by the board of supervisors shall be
4 submitted to the state commissioner of elections for approval.

5 If the plan does not meet the standards of section 42.4, the
6 state commissioner shall reject the plan, and the board of

7 supervisors shall direct the commission to prepare and adopt
8 an acceptable plan.

*9 If, after the initial proposed supervisor district plan or
10 precinct plan has been submitted to the state commissioner for
11 approval, it is necessary for the temporary county
12 redistricting commission to make subsequent attempts at
13 adopting an acceptable plan, the subsequent plans do not
14 require public hearings.

15 3. OPEN MEETINGS AND PUBLIC RECORDS. Chapters 21 and 22
16 shall apply to the temporary county redistricting commission.

17 4. TERMINATION. The terms of the members of the temporary
18 county redistricting commission shall expire twenty days
19 following the date the county's supervisor district plan and
20 corresponding precinct plan, if applicable, are approved or
21 imposed by the state commissioner of elections under sections
22 49.7 and 331.209.

23 Sec. 25. Section 372.13, subsection 7, Code Supplement
24 1993, is amended by striking the subsection and inserting in
25 lieu thereof the following:

26 7. By ordinance, the council may divide the city into
27 wards which shall be drawn according to the following
28 standards:

29 a. All ward boundaries shall follow precinct boundaries.

30 b. Wards shall be as nearly equal as practicable to the
31 ideal population determined by dividing the number of wards to
32 be established into the population of the city.

33 c. Wards shall be composed of contiguous territory as
34 compact as practicable.

35 d. Consideration shall not be given to the addresses of

1 incumbent officeholders, political affiliations of registered
2 voters, previous election results, or demographic information
3 other than population head counts, except as required by the
4 Constitution and the laws of the United States.

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HOUSE FILE 2366

S-5562

1 Amend House File 2366, as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 3, by striking lines 12 and 13 and
 4 inserting the following:
 5 "Sec. 4. Section 42.4, subsection 8, Code 1993, is
 6 amended to read as follows:
 7 8. Each bill embodying a plan drawn under this
 8 section shall include provisions for election of
 9 senators to the general assemblies which take office
 10 in the years ending in three and five, which shall be
 11 in conformity with article III, section 6 of the
 12 Constitution of the State of Iowa. With respect to
 13 any plan drawn for consideration in the year ~~1991~~
 14 2001, those provisions shall be substantially as
 15 follows:
 16 a. Each even-numbered odd-numbered senatorial
 17 district shall elect a senator in ~~1992~~ 2002 for a
 18 four-year term commencing in January ~~1993~~ 2003. If an
 19 incumbent senator who was elected to a four-year term
 20 which commenced in January ~~1991~~ 2001, or was
 21 subsequently elected to fill a vacancy in such a term,
 22 is residing in an even-numbered odd-numbered
 23 senatorial district on ~~March 13, 1992~~ February 1,
 24 2002, that senator's term of office shall be
 25 terminated on January 1, ~~1993~~ 2003.
 26 b. Each odd-numbered even-numbered senatorial
 27 district shall elect a senator in ~~1994~~ 2004 for a
 28 four-year term commencing in January ~~1995~~ 2005."
 29 2. Page 4, by inserting after line 1 the
 30 following:
 31 "(2) Each odd-numbered even-numbered senatorial
 32 district to which subparagraph (1) of this paragraph
 33 is not applicable shall elect a senator in ~~1992~~ 2002
 34 for a two-year term commencing in January ~~1993~~ 2003."

By MICHAEL E. GRONSTAL

S-5562 FILED APRIL 11, 1994

adopted 4/15/94 (p. 1294)

HOUSE FILE 2366

S-5668

1 Amend House File 2366, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. By striking page 2, line 28, through page 3,
 4 line 11.
 5 2. By renumbering as necessary.

By MICHAEL GRONSTAL

S-5668 FILED APRIL 15, 1994

adopted 4/15/94 (p. 1293)

HOUSE FILE 2366

S-5600

1 Amend the amendment, S-5562, to House File 2366, as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 1, by inserting after line 34 the fol-
5 lowing: "However, if more than one incumbent state
6 senator is residing in an even-numbered senatorial
7 district on February 1, 2002, and, on or before
8 February 15, 2002, all but one of the incumbent
9 senators resigns from office effective no later than
10 January 1, 2003, the remaining incumbent senator shall
11 represent the district in the senate for the Eightieth
12 General Assembly. A copy of the resignation must be
13 filed in the office of the secretary of state no later
14 than five p.m. on February 15, 2002."

By JACK W. HESTER
WILMER RENSINK
MARY KRAMER

Adopted 4/15/94 (P. 1294)

S-5600 FILED APRIL 13, 1994

SENATE AMENDMENT TO HOUSE FILE 2366

H-6242

- 1 Amend House File 2366, as amended, passed, and
2 reprinted by the House as follows:
- 3 1. By striking page 2, line 28, through page 3,
4 line 11.
- 5 2. Page 3, by striking lines 12 and 13 and
6 inserting the following:
- 7 "Sec. 4. Section 42.4, subsection 8, Code 1993, is
8 amended to read as follows:
- 9 8. Each bill embodying a plan drawn under this
10 section shall include provisions for election of
11 senators to the general assemblies which take office
12 in the years ending in three and five, which shall be
13 in conformity with article III, section 6 of the
14 Constitution of the State of Iowa. With respect to
15 any plan drawn for consideration in the year ~~1991~~
16 2001, those provisions shall be substantially as
17 follows:
- 18 a. Each ~~even-numbered~~ odd-numbered senatorial
19 district shall elect a senator in ~~1992~~ 2002 for a
20 four-year term commencing in January ~~1993~~ 2003. If an
21 incumbent senator who was elected to a four-year term
22 which commenced in January ~~1991~~ 2001, or was
23 subsequently elected to fill a vacancy in such a term,
24 is residing in an ~~even-numbered~~ odd-numbered
25 senatorial district on ~~March 13, 1992~~ February 1,
26 2002, that senator's term of office shall be
27 terminated on January 1, ~~1993~~ 2003.
- 28 b. Each ~~odd-numbered~~ even-numbered senatorial
29 district shall elect a senator in ~~1994~~ 2004 for a
30 four-year term commencing in January ~~1995~~ 2005."
- 31 3. Page 4, by inserting after line 1 the
32 following:
- 33 "(2) Each ~~odd-numbered~~ even-numbered senatorial
34 district to which subparagraph (1) of this paragraph
35 is not applicable shall elect a senator in ~~1992~~ 2002
36 for a two-year term commencing in January ~~1993~~ 2003."
37 However, if more than one incumbent state senator is
38 residing in an even-numbered senatorial district on
39 February 1, 2002, and, on or before February 15, 2002,
40 all but one of the incumbent senators resigns from
41 office effective no later than January 1, 2003, the
42 remaining incumbent senator shall represent the
43 district in the senate for the Eightieth General
44 Assembly. A copy of the resignation must be filed in
45 the office of the secretary of state no later than
46 five p.m. on February 15, 2002."
- 47 4. By renumbering, relettering, or redesignating
48 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6242 FILED APRIL 15, 1994

House Concurred
4-18-94
(P.1870)

Martin, Chair
Halvorson
Hanson

NSB 257

STATE GOVERNMENT

HOUSE FILE 2366
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CARPENTER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to reapportionment, redistricting, and
2 reprecincting by certain jurisdictions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 42.3, subsections 2 and 3, Code 1993,
2 are amended to read as follows:

3 2. If the bill embodying the plan submitted by the
4 legislative service bureau under subsection 1 fails to be
5 approved by a constitutional majority in either the senate or
6 the house of representatives, the secretary of the senate or
7 the chief clerk of the house, as the case may be, shall at
8 once transmit to the legislative service bureau information
9 which the senate or house may direct regarding reasons why the
10 plan was not approved. The legislative service bureau shall
11 prepare a bill embodying a second plan of legislative and
12 congressional districting prepared in accordance with section
13 42.4, and taking into account the reasons cited by the senate
14 or house of representatives for its failure to approve the
15 plan insofar as it is possible to do so within the
16 requirements of section 42.4. If a second plan is required
17 under this subsection, the bill embodying it shall be
18 delivered to the secretary of the senate and the chief clerk
19 of the house of representatives not later than May 1 of the
20 year ending in one, or fourteen twenty-one days after the date
21 of the vote by which the senate or the house of
22 representatives fails to approve the bill submitted under
23 subsection 1, whichever date is later. It is the intent of
24 this chapter that, if it is necessary to submit a bill under
25 this subsection, the bill be brought to a vote not less than
26 seven days after the bill is printed and made available to the
27 members of the general assembly, in the same manner as
28 prescribed for the bill required under subsection 1.

29 3. If the bill embodying the plan submitted by the
30 legislative service bureau under subsection 2 fails to be
31 approved by a constitutional majority in either the senate or
32 the house of representatives, the same procedure as prescribed
33 by subsection 2 shall be followed. If a third plan is
34 required under this subsection, the bill embodying it shall be
35 delivered to the secretary of the senate and the chief clerk

1 of the house of representatives not later than June 1 of the
2 year ending in one, or ~~fourteen~~ twenty-one days after the date
3 of the vote by which the senate or the house of
4 representatives fails to approve the bill submitted under
5 subsection 2, whichever date is later. It is the intent of
6 this chapter that, if it is necessary to submit a bill under
7 this subsection, the bill be brought to a vote within the same
8 time period after its delivery to the secretary of the senate
9 and the chief clerk of the house of representatives as is
10 prescribed for the bill submitted under subsection 2, but
11 shall be subject to amendment in the same manner as other
12 bills.

13 Sec. 2. Section 42.3, subsection 4, paragraph b, Code
14 1993, is amended to read as follows:

15 b. If the population data for legislative districting
16 which the United States census bureau is required to provide
17 this state under United States Pub. L. 94-171 and, if used by
18 the legislative service bureau, the corresponding
19 topologically integrated geographic encoding referencing data
20 file for that population data, is not available to the
21 legislative service bureau on or before February 1 of the year
22 ending in one, the dates set forth in this section shall be
23 extended by a number of days equal to the number of days after
24 February 1 of the year ending in one that the federal census
25 population data and the topologically integrated geographic
26 encoding referencing data file for legislative districting
27 becomes available.

28 Sec. 3. Section 42.4, subsection 2, Code 1993, is amended
29 to read as follows:

30 2. a. To the extent consistent with subsection 1,
31 district boundaries shall coincide with the boundaries of
32 political subdivisions of the state.

33 b. The number of counties and cities divided among more
34 than one district shall be as small as possible.

35 c. When there is a choice between dividing local political

1 subdivisions, the more populous subdivisions shall be divided
2 before the less populous, but this statement does not apply to
3 a legislative district boundary drawn along a county line
4 which passes through a city that lies in more than one county.

5 d. Notwithstanding paragraph "c", when there is a choice
6 between dividing a city other than along the county line into
7 an additional district or dividing a township, the township
8 shall be divided.

9 Sec. 4. Section 42.4, subsection 8, paragraph b,
10 subparagraph (1), Code 1993, is amended to read as follows:

11 (1) If one and only one incumbent state senator is
12 residing in an ~~odd-numbered~~ even-numbered senatorial district
13 on ~~March-13,-1992~~ February 1, 2002, and that senator meets all
14 of the following requirements, the senator shall represent the
15 district in the senate for the ~~Seventy-fifth~~ Eightieth General
16 Assembly:

17 (a) The senator was elected to a four-year term which
18 commenced in January 1991 or was subsequently elected to fill
19 a vacancy in such a term.

20 (b) The senatorial district in the plan which includes the
21 place of residence of the state senator on the date of the
22 senator's last election to the senate is the same as the ~~odd-~~
23 ~~numbered~~ even-numbered senatorial district in which the
24 senator resides on ~~March-13,-1992~~ February 1, 2002, or is
25 contiguous to such ~~odd-numbered~~ even-numbered senatorial
26 district. Areas which meet only at the points of adjoining
27 corners are not contiguous.

28 The secretary of state shall prescribe a form to be
29 completed by all senators to declare their residences as of
30 February 1, 2002. The form shall be filed with the secretary
31 of state no later than five p.m. on February 1, 2002.

32 Sec. 5. Section 49.3, Code 1993, is amended by adding the
33 following new subsections:

34 NEW SUBSECTION. 3. Precincts established after the
35 effective date of this Act shall be composed of contiguous

1 territory within a single county. The boundaries of all
2 precincts shall follow the boundaries of areas for which
3 official population figures are available from the most recent
4 federal decennial census.

5 NEW SUBSECTION. 4. All election districts, including city
6 wards and county supervisor districts, shall be drawn
7 according to the following standards:

8 a. All boundaries shall follow precinct boundaries.

9 b. All districts shall be as nearly equal as practicable
10 to the ideal population for the districts as determined by
11 dividing the number of districts to be established into the
12 population of the city or county.

13 c. All districts shall be composed of contiguous territory
14 as compact as practicable.

15 d. Consideration shall not be given to the addresses of
16 incumbent officeholders, political affiliations of registered
17 voters, previous election results, or demographic information
18 other than population head counts, except as required by the
19 Constitution and the laws of the United States.

20 e. Cities shall not be divided into two or more county
21 supervisor districts unless the population of the city is
22 greater than the ideal size of a district. Cities shall be
23 divided into the smallest number of districts possible.

24 Sec. 6. Section 49.4, unnumbered paragraph 1, Code 1993,
25 is amended to read as follows:

26 Where action by the board of supervisors is necessary or
27 deemed advisable by the board of supervisors, the boundaries
28 of precincts shall be definitely fixed by ordinance. A public
29 hearing shall be held before final action is taken to adopt
30 changes in the precinct boundaries. Notice of the date, time,
31 and place of the hearing shall be given as provided in chapter
32 21. In the absence of contrary action by the board of
33 supervisors, each civil township which does not include any
34 part of a city of over two thousand population, and the
35 portion of each civil township containing any such city which

1 lies outside the corporate limits of that city or those
2 cities, shall constitute an election precinct. If no action
3 is necessary to change the county election precincts, the
4 board of supervisors shall certify the retained boundaries to
5 the state commissioner, as required by section 49.7.

6 Sec. 7. Section 49.5, unnumbered paragraph 1, Code 1993,
7 is amended to read as follows:

8 The council of a city where establishment of more than one
9 precinct is necessary or deemed advisable shall at the time
10 required by law, ~~by ordinance definitely fixing the~~
11 ~~boundaries,~~ divide the city into such the number of election
12 precincts as will best serve the convenience of the voters.
13 As used in this section, the term "the convenience of the
14 voters" refers to, but is not necessarily limited to, the use
15 of precinct boundaries which can be readily described to and
16 identified by voters and for which there is ease of access by
17 voters to their respective precinct polling places by
18 reasonably direct routes of travel.

19 The precinct boundaries shall conform to section 49.3 and
20 shall be described in an ordinance adopted by the council
21 within the time required by section 49.7. Before final
22 adoption of any change in election precinct boundaries
23 pursuant to this section or section 49.6, the council shall
24 permit the commissioner not less than seven and not more than
25 ten days time to offer comments on the proposed reprecincting.
26 A public hearing shall be held before final adoption of the
27 ordinance. Notice of the date, time, and place of the hearing
28 shall be given as provided in chapter 21.

29 Sec. 8. Section 49.5, subsections 1, 2, and 3, Code 1993,
30 are amended by striking the subsections.

31 Sec. 9. Section 49.6, Code 1993, is amended to read as
32 follows:

33 49.6 POWER TO COMBINE TOWNSHIP AND CITY PRECINCTS.

34 Election precincts composed partially of unincorporated
35 territory and partially of all or any part of a city may be

1 established within a single county in any manner which is not
2 contrary to section 49.3 ~~and-is~~. An agreement mutually
3 satisfactory to the board of supervisors and the city council
4 of the city involved shall be adopted and a copy of the
5 agreement shall be submitted to the state commissioner as part
6 of the certification of precinct boundaries required by
7 section 49.7.

8 Sec. 10. Section 49.7, Code 1993, is amended by striking
9 the section and inserting in lieu thereof the following:

10 49.7 REPRECINCTING SCHEDULE AND FILING REQUIREMENTS.

11 Where reprecincting is necessary, city councils and county
12 boards of supervisors shall make any necessary changes in
13 precincts as soon as possible after the redistricting of
14 congressional and legislative districts becomes law.

15 City councils shall complete any changes in precinct and
16 ward boundaries necessary to comply with section 49.3 and 49.5
17 not later than sixty days after the redistricting of
18 congressional and legislative districts becomes law, or
19 September 1 of the year immediately following each year in
20 which the federal decennial census is taken, whichever is
21 later. Different compliance dates may be set by the general
22 assembly by joint resolution.

23 County boards of supervisors shall complete any changes in
24 precinct and supervisor district boundaries necessary to
25 comply with sections 49.3, 49.4, and 331.209 not later than
26 ninety days after the redistricting of congressional and
27 legislative districts becomes law, or October 1 of the year
28 immediately following each year in which the federal decennial
29 census is taken, whichever is later. Different compliance
30 dates may be set by the general assembly by joint resolution.

31 Each county board of supervisors and city council shall
32 immediately notify the state commissioner and the commissioner
33 when the boundaries of election precincts are changed, and
34 shall provide a map showing the new boundary lines. Each
35 county board and city council shall certify to the state

1 commissioner the populations of the new election precincts or
2 retained election precincts as determined by the latest
3 federal decennial census. Materials filed with the state
4 commissioner shall be postmarked no later than the deadline
5 specified in this section.

6 If the state commissioner determines that a county board or
7 city council has failed to make the required changes by the
8 dates specified by this section, the state commissioner shall
9 make or cause to be made the necessary changes as soon as
10 possible. The state commissioner shall assess to the county
11 or city, as the case may be, the expenses incurred in making
12 the necessary changes. The state commissioner may request the
13 services of personnel and materials available to the
14 legislative service bureau to assist the state commissioner in
15 making required changes in election precincts which become the
16 state commissioner's responsibility.

17 Precinct boundaries shall become effective on January 1 of
18 the second year following the year in which the census was
19 taken and shall be used for all subsequent elections.

20 Precinct boundaries drawn by the state commissioner shall be
21 incorporated into the ordinances of the city or county.

22 Changes made to precincts in years other than the year in
23 which the federal decennial census is taken or the year
24 following the year in which the federal decennial census is
25 taken shall be filed with the state commissioner as soon as
26 possible.

27 Sec. 11. Section 49.8, subsection 4, Code 1993, is amended
28 by adding the following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. When a vacancy occurs in the
30 office of county supervisor, city council, or school director
31 following the effective date of new district boundaries, the
32 vacancy shall be filled using the new boundaries.

33 Sec. 12. Section 49.11, unnumbered paragraph 1, Code 1993,
34 is amended by striking the paragraph and inserting in lieu
35 thereof the following:

1 The board of supervisors or city council shall number or
2 name the precincts established by the supervisors or council
3 pursuant to sections 49.3, 49.4, and 49.5. The boundaries of
4 the precincts shall be recorded in the records of the board of
5 supervisors or city council, as the case may be.

6 The board of supervisors or city council shall publish
7 notice of changes in the county or city precinct boundaries in
8 a newspaper of general circulation published in the county or
9 city once each week for three consecutive weeks. The series
10 of publications shall be made after the changes in the
11 precincts have been approved by the state commissioner of
12 elections. The last of the three publications shall be made
13 no later than thirty days before the next general election. A
14 map showing the new boundaries may be used. No publication is
15 necessary if no changes were made.

16 The precincts established pursuant to section 49.7 shall
17 not be changed except in the manner provided by law. However,
18 for any election other than the primary or general election or
19 any special election held under section 69.14, the county
20 commissioner of elections may:

21 Sec. 13. Section 260C.13, subsection 1, Code 1993, is
22 amended to read as follows:

23 1. The board of a merged area may change the number of
24 directors on the board and shall make corresponding changes in
25 the boundaries of director districts. Changes shall be
26 completed not later than ~~July 1 of a fiscal year~~ June 1 for
27 the regular school election to be held the next following
28 September. As soon as possible after adoption of the boundary
29 changes, notice of changes in the director district boundaries
30 shall be submitted by the merged area to the county
31 commissioner of elections in all counties included in whole or
32 in part in the merged area.

33 Sec. 14. Section 260C.13, subsection 3, Code 1993, is
34 amended by striking the subsection and inserting in lieu
35 thereof the following:

1 3. Boundary lines of director districts shall be drawn
2 according to the following standards:

3 a. All boundaries shall follow precinct boundaries or
4 school director district boundaries unless a merged area
5 director district boundary follows the boundary of a school
6 district which divides one or more election precincts.

7 b. All districts shall be as nearly equal as practicable
8 to the ideal population for the districts as determined by
9 dividing the number of districts to be established into the
10 population of the merged area.

11 c. All districts shall be composed of contiguous territory
12 as compact as practicable.

13 d. Consideration shall not be given to the addresses of
14 incumbent officeholders, political affiliations of registered
15 voters, previous election results, or demographic information
16 other than population head counts, except as required by the
17 Constitution and the laws of the United States.

18 e. Cities shall not be divided into two or more districts
19 unless the population of the city is greater than the ideal
20 size of a district. Cities shall be divided into the smallest
21 number of districts possible.

22 Sec. 15. Section 275.12, subsection 3, Code 1993, is
23 amended to read as follows:

24 3. If the petition proposes the division of the school
25 district into director districts, the boundaries of such the
26 proposed director districts shall be described in the petition
27 and shall be drawn according to the standards described in
28 section 275.23A, subsection 1.

29 Sec. 16. Section 275.23A, subsections 1 and 2, Code 1993,
30 are amended by striking the subsections and inserting in lieu
31 thereof the following:

32 1. School districts which have directors who represent
33 director districts as provided in section 275.12, subsection
34 2, paragraphs "b" through "e" shall be divided into director
35 districts according to the following standards:

1 a. All director district boundaries shall follow the
2 precinct boundaries of areas for which official population
3 figures are available from the most recent federal decennial
4 census and, wherever possible, shall follow precinct
5 boundaries.

6 b. All director districts shall be as nearly equal as
7 practicable to the ideal population for the districts as
8 determined by dividing the number of districts to be
9 established into the population of the school district.

10 c. All districts shall be composed of contiguous territory
11 as compact as practicable unless the school district is
12 composed of marginally adjacent territory. A school district
13 which is composed of marginally adjacent territory shall have
14 director districts composed of contiguous territory to the
15 extent practicable.

16 d. Consideration shall not be given to the addresses of
17 incumbent officeholders, political affiliations of registered
18 voters, previous election results, or demographic information
19 other than population head counts, except as required by the
20 Constitution and the laws of the United States.

21 e. Cities shall not be divided into two or more districts
22 unless the population of the city is greater than the ideal
23 size of a director district. Cities shall be divided into the
24 smallest number of director districts possible.

25 2. Following each federal decennial census the school
26 board shall determine whether the existing director district
27 boundaries meet the standards in subsection 1 according to the
28 most recent federal decennial census. If necessary, the board
29 of directors shall redraw the director district boundaries.
30 The director district boundaries shall be described in a
31 resolution adopted by the school board. The resolution shall
32 be adopted no earlier than November 15 of the year immediately
33 following the year in which the federal decennial census is
34 taken nor later than March 30 of the second year immediately
35 following the year in which the federal decennial census is

1 taken. A copy of the plan shall be filed with the area
2 education agency administrator of the area education agency in
3 which the school's electors reside.

4 Sec. 17. Section 275.23A, subsection 3, Code 1993, is
5 amended to read as follows:

6 3. The school board shall notify the state commissioner of
7 elections and the county commissioner of elections of each
8 county in which a portion of the school district is located
9 when the boundaries of director districts are changed. The
10 notices of changes submitted to the state commissioner shall
11 be postmarked no later than the deadline for adoption of the
12 resolution under subsection 2. The board shall provide the
13 commissioners with maps showing the new boundaries and shall
14 also certify to the state commissioner the populations of the
15 new director districts as determined under the latest federal
16 decennial census. If, following a federal decennial census a
17 school district elects not to redraw director districts under
18 this section, the school board shall so certify to the state
19 commissioner of elections, and the school board shall also
20 certify to the state commissioner the populations of the
21 retained director districts as determined under the latest
22 federal decennial census. ~~Upon failure of a district board to~~
23 ~~make the required changes by the dates established under this~~
24 ~~section as determined by the state commissioner of elections~~
25 If the state commissioner determines that a district board has
26 failed to make the required changes by the dates specified by
27 this section, the state commissioner of elections shall make
28 or cause to be made the necessary changes as soon as possible,
29 and. The state commissioner shall assess any expenses
30 incurred to the school district. The state commissioner of
31 elections may request the services of personnel of and
32 materials available to the legislative service bureau to
33 assist the state commissioner in making any required boundary
34 changes.

35 Sec. 18. Section 331.209, subsection 1, Code 1993, is

1 amended to read as follows:

2 1. ~~Before-December-15-of-the-nonelection-year-following~~
3 ~~each-federal-decennial-census~~ Not later than ninety days after
4 the redistricting of congressional and legislative districts
5 becomes law, or October 1 of the year immediately following
6 each year in which the federal decennial census is taken,
7 whichever is later, the board shall divide the county into a
8 number of supervisor districts corresponding to the number of
9 supervisors in the county. However, if the plan is selected
10 pursuant to section 331.207, the board shall divide the county
11 before March 15 of the election year. The supervisor
12 districts shall be drawn, to the extent applicable, in
13 compliance with the redistricting standards provided for
14 senatorial and representative districts in section 42.4, and
15 if a supervisor redistricting plan is challenged in court, the
16 requirement of justifying any variance in excess of one
17 percent contained in section 42.4, subsection 1, paragraph "c"
18 applies to the board. If the board adopts a supervisor
19 redistricting plan with a variance in excess of one percent,
20 the board shall publish the justification for the variance in
21 one or more official newspapers as provided in chapter 349
22 within ten days after the action is taken. If more than one
23 incumbent supervisor resides in the same supervisor district
24 after the districts have been redrawn following the federal
25 decennial census, the terms of office of those supervisors
26 shall expire on the first day of January that is not a Sunday
27 or a holiday following the next general election.

28 Sec. 19. Section 331.209, subsection 3, Code 1993, is
29 amended by striking the subsection.

30 Sec. 20. Section 372.13, subsection 7, Code 1993, is
31 amended by striking the subsection and inserting in lieu
32 thereof the following:

33 7. By ordinance, the council may divide the city into
34 wards which shall be drawn according to the following
35 standards:

- 1 a. All ward boundaries shall follow precinct boundaries.
2 b. Wards shall be as nearly equal as practicable to the
3 ideal population determined by dividing the number of wards to
4 be established into the population of the city.
5 c. Wards shall be composed of contiguous territory as
6 compact as practicable.
7 d. Consideration shall not be given to the addresses of
8 incumbent officeholders, political affiliations of registered
9 voters, previous election results, or demographic information
10 other than population head counts, except as required by the
11 Constitution and the laws of the United States.

12 EXPLANATION

13 Code section 42.3 is amended to require that the second and
14 third redistricting plan be submitted 21 days after the prior
15 plan failed to receive legislative approval. Currently, it
16 must be submitted within 14 days. Code section 42.3 is also
17 amended to provide that failure to receive the topologically
18 integrated geographic encoding referencing data file is reason
19 for extending the dates by which the redistricting plans must
20 be drawn.

21 Code section 42.4 is amended to move the date for
22 determining the residence of state senators so that it
23 precedes the first day to file nomination papers for purposes
24 of redistricting. This section is also amended to provide
25 that when there is a choice of dividing a city or dividing a
26 township, the township shall be divided.

27 Code section 49.3, subsections 3 and 4, are enacted to
28 provide uniform standards for establishing precinct and
29 district boundaries and requires all precinct and district
30 boundaries to follow census block boundaries.

31 Code section 49.4 is amended to require that a county fixes
32 the boundaries of county precincts by ordinance, as cities
33 currently are required. It also requires that a public
34 hearing be held before final adoption of the ordinance fixing
35 the boundaries of county precincts.

1 Code section 49.5 is amended to establish a minimum number
2 of days that must be allowed for the county auditor to review
3 city precinct plans and requires that a public hearing be held
4 before final adoption of the ordinance fixing the boundaries
5 of city precincts.

6 Code section 49.6 is amended to require that a copy of the
7 agreement between a city council and the county board of
8 supervisors be filed with the secretary of state.

9 Code section 49.7 is amended to move all reprecincting
10 completion deadlines to earlier dates.

11 Code section 49.8 is amended to require that vacancies be
12 filled according to the new district boundaries.

13 Code section 49.11 is revised to clarify current Code
14 language relating to the reprecincting responsibilities of
15 supervisors and city council members and amends the section to
16 require that publication, including the map, be made after the
17 final adoption of any boundary changes and that no publication
18 is needed if no changes have been made.

19 Code section 260C.13 is amended to move completion deadline
20 for merged area school director redistricting to one month
21 earlier, from July 1 to June 1. The standards for merged area
22 school director districts are amended to parallel those for
23 county supervisor and other districts.

24 Code section 275.23A is amended to change the standards for
25 school director districts to parallel those for county
26 supervisor and other districts. It is also amended to
27 establish the deadline for submission of notices of school
28 director district changes to the state commissioner. The
29 notice must be postmarked no later than the deadline for
30 adoption of the resolution of director district changes. The
31 section is also amended to only allow discontinuous director
32 districts, to the extent practicable, in school districts
33 which are composed of marginally adjacent territory.

34 Code section 275.12 is amended to require that initial
35 school director district plans conform to the same standards

1 as postcensus redistricting.

2 Code section 331.209 is amended to move the required
3 completion date for county supervisor redistricting from
4 December 15 to October 1, or 90 days after the congressional
5 and legislative plans are drawn to permit time for the review
6 process and for administrative implementation of plans.

7 Subsection 3, which allows the board of supervisors to redraw
8 supervisor districts every two years, is stricken.

9 Code section 372.13, subsection 7, is enacted to provide
10 uniform standards for establishing precinct and district
11 boundaries and requires all precinct and district boundaries
12 to follow census block boundaries.

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HOUSE FILE 2366

AN ACT

RELATING TO REAPPORTIONMENT, REDISTRICTING, AND REPRECINCTING
BY CERTAIN JURISDICTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 42.3, subsections 2 and 3, Code 1993, are amended to read as follows:

2. If the bill embodying the plan submitted by the legislative service bureau under subsection 1 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 42.4, 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 42.4. 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 1 of the year ending in one, or fourteen twenty-one days after the date of the vote by which the senate or the house of representatives fails to approve the bill submitted under subsection 1, whichever date is later. It is the intent of this chapter 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 1.

3. If the bill embodying the plan submitted by the legislative service bureau under subsection 2 fails to be approved by a constitutional majority in either the senate or the house of representatives, the same procedure as prescribed by subsection 2 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 1 of the year ending in one, or fourteen twenty-one days after the date of the vote by which the senate or the house of representatives fails to approve the bill submitted under subsection 2, whichever date is later. It is the intent of this chapter 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 2, but shall be subject to amendment in the same manner as other bills.

Sec. 2. Section 42.3, subsection 4, paragraph b, Code 1993, is amended to read as follows:

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 and, if used by the legislative service bureau, the corresponding topologically integrated geographic encoding and referencing data file for that population data, is not available to the legislative service bureau on or before February 1 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 1 of the year ending in one that the federal census population data and the topologically integrated geographic encoding and referencing data file for legislative districting becomes available.

Sec. 3. Section 42.4, subsection 8, Code 1993, is amended to read as follows:

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 III, section 6 of the Constitution of the State of Iowa. With respect to any plan drawn for consideration in the year ~~1991~~ 2001, those provisions shall be substantially as follows:

a. Each ~~even-numbered~~ odd-numbered senatorial district shall elect a senator in ~~1992~~ 2002 for a four-year term commencing in January ~~1993~~ 2003. If an incumbent senator who was elected to a four-year term which commenced in January ~~1991~~ 2001, or was subsequently elected to fill a vacancy in such a term, is residing in an ~~even-numbered~~ odd-numbered senatorial district on ~~March-13,-1992~~ February 1, 2002, that senator's term of office shall be terminated on January 1, ~~1993~~ 2003.

b. Each ~~odd-numbered~~ even-numbered senatorial district shall elect a senator in ~~1994~~ 2004 for a four-year term commencing in January ~~1995~~ 2005.

(1) If one and only one incumbent state senator is residing in an ~~odd-numbered~~ even-numbered senatorial district on ~~March-13,-1992~~ February 1, 2002, and that senator meets all of the following requirements, the senator shall represent the district in the senate for the ~~Seventy-fifth~~ Eightieth General Assembly:

(a) The senator was elected to a four-year term which commenced in January ~~1991~~ 2001 or was subsequently elected to fill a vacancy in such a term.

(b) The senatorial district in the plan which includes the place of residence of the state senator on the date of the senator's last election to the senate is the same as the ~~odd-numbered~~ even-numbered senatorial district in which the senator resides on ~~March-13,-1992~~ February 1, 2002, or is contiguous to such ~~odd-numbered~~ even-numbered senatorial district and the senator's declared residence as of February 1, 2002, was within the district from which the senator was

last elected. Areas which meet only at the points of adjoining corners are not contiguous.

The secretary of state shall prescribe a form to be completed by all senators to declare their residences as of February 1, 2002. The form shall be filed with the secretary of state no later than five p.m. on February 1, 2002.

(2) Each ~~odd-numbered~~ even-numbered senatorial district to which subparagraph (1) of this paragraph is not applicable shall elect a senator in ~~1992~~ 2002 for a two-year term commencing in January ~~1993~~ 2003. However, if more than one incumbent state senator is residing in an even-numbered senatorial district on February 1, 2002, and, on or before February 15, 2002, all but one of the incumbent senators resigns from office effective no later than January 1, 2003, the remaining incumbent senator shall represent the district in the senate for the Eightieth General Assembly. A copy of the resignation must be filed in the office of the secretary of state no later than five p.m. on February 15, 2002.

Sec. 4. Section 49.3, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Election precincts shall be drawn by the county board of supervisors or the temporary county redistricting commission in all unincorporated portions of each county, and by the city council of each city in which it is necessary or deemed advisable to establish more than one precinct. Precincts established as provided by this chapter shall be used for all elections, except where temporary merger of established precincts is specifically permitted by law for certain elections, and no political subdivision shall concurrently maintain different sets of precincts for use in different types of elections. Election precincts shall be drawn so that:

Sec. 5. Section 49.3, Code 1993, is amended by adding the following new subsections:

NEW SUBSECTION. 3. Precincts established after the effective date of this Act shall be composed of contiguous

territory within a single county. The boundaries of all precincts shall follow the boundaries of areas for which official population figures are available from the most recent federal decennial census.

NEW SUBSECTION. 4. All election districts, including city wards and county supervisor districts, shall be drawn according to the following standards:

- a. All boundaries, except for supervisor districts for counties using supervisor representation plan "two" pursuant to section 331.209, shall follow precinct boundaries.
- b. All districts shall be as nearly equal as practicable to the ideal population for the districts as determined by dividing the number of districts to be established into the population of the city or county.
- c. All districts shall be composed of contiguous territory as compact as practicable.
- d. Consideration shall not be given to the addresses of incumbent officeholders, political affiliations of registered voters, previous election results, or demographic information other than population head counts, except as required by the Constitution and the laws of the United States.
- e. Cities shall not be divided into two or more county supervisor districts unless the population of the city is greater than the ideal size of a district. Cities shall be divided into the smallest number of county supervisor districts possible.

Sec. 6. Section 49.4, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Where action by the board of supervisors is necessary or deemed advisable by the board of supervisors or the temporary county redistricting commission, the boundaries of precincts shall be definitely fixed by ordinance. A public hearing shall be held before final action is taken to adopt changes in the precinct boundaries. Notice of the date, time, and place of the hearing shall be given as provided in chapter 21. In the absence of contrary action by the board of supervisors or

the temporary county redistricting commission, each civil township which does not include any part of a city of over two thousand population, and the portion of each civil township containing any such city which lies outside the corporate limits of that city or those cities, shall constitute an election precinct. If no action is necessary to change the county election precincts, the board of supervisors shall certify the retained boundaries to the state commissioner, as required by section 49.7.

Sec. 7. Section 49.5, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

The council of a city where establishment of more than one precinct is necessary or deemed advisable shall at the time required by law, ~~by ordinance definitely fixing the boundaries,~~ divide the city into such the number of election precincts as will best serve the convenience of the voters. As used in this section, the term "the convenience of the voters" refers to, but is not necessarily limited to, the use of precinct boundaries which can be readily described to and identified by voters and for which there is ease of access by voters to their respective precinct polling places by reasonably direct routes of travel.

The precinct boundaries shall conform to section 49.3 and shall be described in an ordinance adopted by the council within the time required by section 49.7. Before final adoption of any change in election precinct boundaries pursuant to this section or section 49.6, the council shall permit the commissioner not less than seven and not more than ten days time to offer comments on the proposed reprecincting. A public hearing shall be held before final adoption of the ordinance. Notice of the date, time, and place of the hearing shall be given as provided in chapter 21.

Sec. 8. Section 49.5, subsections 1, 2, and 3, Code Supplement 1993, are amended by striking the subsections.

Sec. 9. Section 49.6, Code 1993, is amended to read as follows:

49.6 POWER TO COMBINE TOWNSHIP AND CITY PRECINCTS.

Election precincts composed partially of unincorporated territory and partially of all or any part of a city may be established within a single county in any manner which is not contrary to section 49.3 and ~~is~~. An agreement mutually satisfactory to the board of supervisors or the temporary county redistricting commission and the city council of the city involved shall be adopted and a copy of the agreement shall be submitted to the state commissioner as part of the certification of precinct boundaries required by section 49.7.

Sec. 10. Section 49.7, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

49.7 REPRECINCTING SCHEDULE AND FILING REQUIREMENTS.

Where reprecincting is necessary, city councils and county boards of supervisors or the temporary county redistricting commission shall make any necessary changes in precincts as soon as possible after the redistricting of congressional and legislative districts becomes law.

City councils shall complete any changes in precinct and ward boundaries necessary to comply with section 49.3 and 49.5 not later than sixty days after the redistricting of congressional and legislative districts becomes law, or September 1 of the year immediately following each year in which the federal decennial census is taken, whichever is later. Different compliance dates may be set by the general assembly by joint resolution.

County boards of supervisors or the temporary county redistricting commission shall complete any changes in precinct and supervisor district boundaries necessary to comply with sections 49.3, 49.4, and 331.209 not later than ninety days after the redistricting of congressional and legislative districts becomes law, or October 15 of the year immediately following each year in which the federal decennial census is taken, whichever is later. Different compliance dates may be set by the general assembly by joint resolution.

Each county board of supervisors or the temporary county redistricting commission and city council shall immediately

notify the state commissioner and the commissioner when the boundaries of election precincts are changed, and shall provide a map showing the new boundary lines. Each county board or the temporary county redistricting commission and city council shall certify to the state commissioner the populations of the new election precincts or retained election precincts as determined by the latest federal decennial census. Materials filed with the state commissioner shall be postmarked no later than the deadline specified in this section.

If the state commissioner determines that a county board or the temporary county redistricting commission or city council has failed to make the required changes by the dates specified by this section, the state commissioner shall make or cause to be made the necessary changes as soon as possible. The state commissioner shall assess to the county or city, as the case may be, the expenses incurred in making the necessary changes. The state commissioner may request the services of personnel and materials available to the legislative service bureau to assist the state commissioner in making required changes in election precincts which become the state commissioner's responsibility.

Precinct boundaries shall become effective on January 15 of the second year following the year in which the census was taken and shall be used for all subsequent elections. Precinct boundaries drawn by the state commissioner shall be incorporated into the ordinances of the city or county.

Changes made to precincts in years other than the year following the year in which the federal decennial census is taken shall be filed with the state commissioner as soon as possible.

Sec. 11. Section 49.8, subsection 4, Code 1993, is amended to read as follows:

4. When the boundaries of a county supervisor, city council, or school director district, or any other district from which one or more members of any public representative

body other than the general assembly are elected by the voters thereof, are changed by annexation, reprecincting or other means other than reprecincting, the change shall not result in the term of any officer elected from the former district being terminated before or extended beyond the expiration of the term to which the officer was last elected, except as provided under section 275.23A and section 331.209, subsection 1. If more than one incumbent officeholder resides in a district redrawn during reprecincting, their terms of office shall expire after the next election in the political subdivision.

Sec. 12. Section 49.8, subsection 4, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. When a vacancy occurs in the office of county supervisor, city council, or school director following the effective date of new district boundaries, the vacancy shall be filled using the new boundaries.

Sec. 13. Section 49.11, unnumbered paragraph 1, Code Supplement 1993, is amended by striking the paragraph and inserting in lieu thereof the following:

The board of supervisors or the temporary county redistricting commission or city council shall number or name the precincts established by the supervisors or council pursuant to sections 49.3, 49.4, and 49.5. The boundaries of the precincts shall be recorded in the records of the board of supervisors, temporary county redistricting commission, or city council, as the case may be.

The board of supervisors or city council shall publish notice of changes in the county or city precinct boundaries in a newspaper of general circulation published in the county or city once each week for three consecutive weeks. The series of publications shall be made after the changes in the precincts have been approved by the state commissioner of elections. The last of the three publications shall be made no later than thirty days before the next general election. A map showing the new boundaries may be used. No publication is necessary if no changes were made.

The precincts established pursuant to section 49.7 shall not be changed except in the manner provided by law. However, for any election other than the primary or general election or any special election held under section 69.14, the county commissioner of elections may:

Sec. 14. Section 260C.13, subsection 1, Code 1993, is amended to read as follows:

1. The board of a merged area may change the number of directors on the board and shall make corresponding changes in the boundaries of director districts. Changes shall be completed not later than ~~duty-1-of-a-fiscal-year~~ June 1 for the regular school election to be held the next following September. As soon as possible after adoption of the boundary changes, notice of changes in the director district boundaries shall be submitted by the merged area to the county commissioner of elections in all counties included in whole or in part in the merged area.

Sec. 15. Section 260C.13, subsections 3 and 4, Code 1993, are amended by striking the subsections and inserting in lieu thereof the following:

3. Boundary lines of director districts shall be drawn according to the following standards:

a. All boundaries shall follow precinct boundaries or school director district boundaries unless a merged area director district boundary follows the boundary of a school district which divides one or more election precincts.

b. To the extent possible in order to comply with paragraph "a", all districts shall be as nearly equal as practicable to the ideal population for the districts as determined by dividing the number of districts to be established into the population of the merged area.

c. All districts shall be composed of contiguous territory as compact as practicable.

d. Consideration shall not be given to the addresses of incumbent officeholders, political affiliations of registered voters, previous election results, or demographic information

other than population head counts, except as required by the Constitution and the laws of the United States.

e. Cities shall not be divided into two or more districts unless the population of the city is greater than the ideal size of a district. Cities shall be divided into the smallest number of districts possible.

4. If more than one incumbent office holder resides in a district redrawn during reprecincting, their terms of office expire after the next regular school election.

Sec. 16. Section 275.12, subsection 3, Code Supplement 1993, is amended to read as follows:

3. If the petition proposes the division of the school district into director districts, the boundaries of such the proposed director districts shall be described in the petition and shall be drawn according to the standards described in section 275.23A, subsection 1.

Sec. 17. Section 275.23A, subsections 1 and 2, Code 1993, are amended by striking the subsections and inserting in lieu thereof the following:

1. School districts which have directors who represent director districts as provided in section 275.12, subsection 2, paragraphs "d" and "e" shall be divided into director districts according to the following standards:

a. All director district boundaries shall follow the precinct boundaries of areas for which official population figures are available from the most recent federal decennial census and, wherever possible, shall follow precinct boundaries.

b. To the extent possible in order to comply with paragraph "a", all director districts shall be as nearly equal as practicable to the ideal population for the districts as determined by dividing the number of districts to be established into the population of the school district.

c. All districts shall be composed of contiguous territory as compact as practicable unless the school district is composed of marginally adjacent territory. A school district

which is composed of marginally adjacent territory shall have director districts composed of contiguous territory to the extent practicable.

d. Consideration shall not be given to the addresses of incumbent officeholders, political affiliations of registered voters, previous election results, or demographic information other than population head counts, except as required by the Constitution and the laws of the United States.

e. Cities shall not be divided into two or more districts unless the population of the city is greater than the ideal size of a director district. Cities shall be divided into the smallest number of director districts possible.

2. Following each federal decennial census the school board shall determine whether the existing director district boundaries meet the standards in subsection 1 according to the most recent federal decennial census. If necessary, the board of directors shall redraw the director district boundaries. The director district boundaries shall be described in a resolution adopted by the school board. The resolution shall be adopted no earlier than November 15 of the year immediately following the year in which the federal decennial census is taken nor later than April 30 of the second year immediately following the year in which the federal decennial census is taken. A copy of the plan shall be filed with the area education agency administrator of the area education agency in which the school's electors reside.

Sec. 18. Section 275.23A, subsections 3 and 4, Code 1993, are amended to read as follows:

3. The school board shall notify the state commissioner of elections and the county commissioner of elections of each county in which a portion of the school district is located when the boundaries of director districts are changed. The notices of changes submitted to the state commissioner shall be postmarked no later than the deadline for adoption of the resolution under subsection 2. The board shall provide the commissioners with maps showing the new boundaries and shall

also certify to the state commissioner the populations of the new director districts as determined under the latest federal decennial census. If, following a federal decennial census a school district elects not to redraw director districts under this section, the school board shall so certify to the state commissioner of elections, and the school board shall also certify to the state commissioner the populations of the retained director districts as determined under the latest federal decennial census. ~~Upon failure of a district board to make the required changes by the dates established under this section as determined by the state commissioner of elections~~ If the state commissioner determines that a district board has failed to make the required changes by the dates specified by this section, the state commissioner of elections shall make or cause to be made the necessary changes as soon as possible, ~~and.~~ The state commissioner shall assess any expenses incurred to the school district. The state commissioner of elections may request the services of personnel of and materials available to the legislative service bureau to assist the state commissioner in making any required boundary changes.

4. ~~If more than one incumbent director whose term extends beyond the organizational meeting of the board of directors after the regular school election following the adoption of the redrawn districts, reside~~ resides in a redrawn director district, the terms of office of the affected directors expire at the organizational meeting of the board of directors following the next regular school election following the adoption of the redrawn districts.

Sec. 19. Section 331.203, subsection 2, paragraph b, Code 1993, is amended to read as follows:

b. If plan "two" or plan "three" as defined in section 331.206 is in effect, the board temporary county redistricting commission shall divide the county into five equal-population districts by December 15 of the year preceding the year of the next general election and at that general election, five board

members shall be elected, two for initial terms of two years and three for four-year terms. The districts shall be drawn in the manner provided under sections 331.209 and 331.210. The terms of the three incumbent supervisors shall expire on the date that the five-member board becomes effective.

Sec. 20. Section 331.204, subsection 3, Code 1993, is amended to read as follows:

3. At the next general election following the one at which the proposition to reduce the membership of the board to three is approved, the membership of the board shall be elected according to the supervisor representation plan in effect in the county. If the supervisor representation plan includes equal-population districts, the districts shall be designated by December 15 of the year preceding the year of the next general election by the temporary county redistricting commission. The districts shall be drawn in the manner provided under sections 331.209 and 331.210. One member of the board shall be elected to a two-year term and the remaining two members shall be elected to four-year terms. The length of the term for which a person is a candidate and the date when the term begins shall be indicated on the ballot.

Sec. 21. Section 331.209, subsections 1 and 5, Code 1993, are amended to read as follows:

1. ~~Before December 15 of the nonelection year following each federal decennial census~~ Not later than ninety days after the redistricting of congressional and legislative districts becomes law, or October 15 of the year immediately following each year in which the federal decennial census is taken, whichever is later, the board temporary county redistricting commission shall divide the county into a number of supervisor districts corresponding to the number of supervisors in the county. However, if the plan is selected pursuant to section 331.207, the board temporary county redistricting commission shall divide the county before March February 15 of the election year. The supervisor districts shall be drawn, to

the extent applicable, in compliance with the redistricting standards provided for senatorial and representative districts in section 42.4, and if a supervisor redistricting plan is challenged in court, the requirement of justifying any variance in excess of one percent contained in section 42.4, subsection 1, paragraph "c" applies to the board. If the board temporary county redistricting commission adopts a supervisor redistricting plan with a variance in excess of one percent, the board shall publish the justification for the variance in one or more official newspapers as provided in chapter 349 within ten days after the action is taken. If more than one incumbent supervisor resides in the same supervisor district after the districts have been redrawn following the federal decennial census, the terms of office of those supervisors shall expire on the first day of January that is not a Sunday or a holiday following the next general election.

5. Each county-board temporary county redistricting commission shall notify the state commissioner of elections when the boundaries of supervisor districts are changed, shall provide a map delineating the new boundary lines, and shall certify to the state commissioner of elections the populations of the new supervisor districts as determined under the latest federal decennial census. Upon failure of a county-board temporary county redistricting commission to make the required changes by the dates specified by this section and sections 331.203 and 331.204 as determined by the state commissioner of elections, the state commissioner of elections shall make or cause to be made the necessary changes as soon as possible, and shall assess to the county the expenses incurred in so doing. The state commissioner of elections may request the services of personnel and materials available to the legislative service bureau to assist the state commissioner in making required changes in supervisor district boundaries which become the state commissioner's responsibility.

Sec. 22. Section 331.209, subsection 3, Code 1993, is amended by striking the subsection.

Sec. 23. NEW SECTION. 331.210A TEMPORARY COUNTY REDISTRICTING COMMISSION.

1. APPOINTMENT OF MEMBERS.

a. Not later than May 15 of each year ending in one, a temporary county redistricting commission shall be established as provided by this section for counties which have either plan "two" or plan "three" supervisor representation plans. If a county has either plan "two" or plan "three" supervisor representation plans and the number of members of the board is increased or decreased under section 331.203 or 331.204, the temporary county redistricting commission shall be established by May 15 of the year preceding the year of the next general election.

b. The board shall determine the size of the membership of the temporary county redistricting commission which may be three, five, or seven in number. The minimum number of members constituting a majority of the membership shall be appointed by the majority party members of the board. The remaining number of members of the temporary county redistricting commission shall be appointed by the minority party members of the board. If the members of the board are all members of one political party or if the minority members of the board are not all members of only one political party, the minority representation of the temporary county redistricting commission shall be appointed by the chair of the county central committee for the party, other than the party of the majority members of the board, which received the most votes in that county cast for its candidate for president of the United States or for governor at the last preceding general election, as the case may be. If that party's county central committee has no chair, the appointments shall be made by the chair of that party's state central committee.

c. A member of the county board of supervisors may be appointed as a member of the temporary county redistricting

commission. No person shall be appointed to the temporary county redistricting commission who is not an eligible elector of the county at the time of appointment.

d. A vacancy on the temporary county redistricting commission shall be filled by the initial selecting authority within fifteen days after the vacancy occurs.

e. Members of the temporary county redistricting commission shall receive a per diem as specified by the board, travel expenses at the rate provided by section 70A.9, and reimbursement for other necessary expenses incurred in performing their duties.

f. Each of the appointing authorities shall certify to the county commissioner of elections the authority's appointment of a person to serve on the temporary county redistricting commission.

2. ADOPTION OF PLANS.

a. The temporary county redistricting commission, upon appointment, shall acquire official census population data from the latest federal decennial census including the corresponding census maps and shall use that information in drawing and adopting the county's supervisor districting plan. The commission shall draw the plan, to the extent applicable, in accordance with section 42.4. If the county has a plan "three" supervisor representation plan, the temporary county redistricting commission shall also draw and adopt the county's corresponding precinct plan in accordance with sections 49.3, 49.4, and 49.6.

b. After the temporary county redistricting commission has finished its preliminary proposed county supervisor districting plan and corresponding precinct plan, if applicable, the commission shall at the earliest feasible time make available to the public all of the following information:

- (1) Copies of the legal description of the plans.
- (2) Maps illustrating the plans.
- (3) A summary of the standards prescribed by law for development of the plans.

(4) 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.

(5) A statement of the population of each precinct, if applicable.

c. Upon the completion of the county's preliminary proposed plans, the temporary county redistricting commission shall do all of the following:

(1) As expeditiously as possible, schedule and conduct at least one public hearing on the proposed plans.

(2) Allow members of the public to present alternative plans at the public hearing.

(3) Following the hearings, promptly prepare and make available to the public a report summarizing information and testimony received by the temporary county redistricting commission in the course of the hearings. The report shall include any comments and conclusions which its members deem appropriate regarding the information and testimony received at the hearings, or otherwise presented to the temporary county redistricting commission.

d. After the requirements of paragraphs "a" through "c" have been met, the temporary county redistricting commission shall adopt a supervisor district plan and corresponding precinct plan, if applicable, and shall submit the plan to the board of supervisors for their approval. Prior to adoption of a plan by the commission, any member of the temporary county redistricting commission may submit precinct or district plans to the commission for a vote, either independently or as an amendment to a plan presented by other members of the commission.

The board of supervisors shall review the plan submitted by the temporary county redistricting commission and shall approve or reject the plan. If the plan is rejected, the board shall give written reasons for the rejection of the plan and shall direct the commission to prepare a second plan. The board of supervisors may amend the second plan submitted for

approval by the commission. Any amendment must be accompanied by a written statement declaring that the amendment is necessary to bring the submitted plan closer in conformity to the standards in section 42.4.

e. The plan approved by the board of supervisors shall be submitted to the state commissioner of elections for approval. If the plan does not meet the standards of section 42.4, the state commissioner shall reject the plan, and the board of supervisors shall direct the commission to prepare and adopt an acceptable plan.

If, after the initial proposed supervisor district plan or precinct plan has been submitted to the state commissioner for approval, it is necessary for the temporary county redistricting commission to make subsequent attempts at adopting an acceptable plan, the subsequent plans do not require public hearings.

3. OPEN MEETINGS AND PUBLIC RECORDS. Chapters 21 and 22 shall apply to the temporary county redistricting commission.

4. TERMINATION. The terms of the members of the temporary county redistricting commission shall expire twenty days following the date the county's supervisor district plan and corresponding precinct plan, if applicable, are approved or imposed by the state commissioner of elections under sections 49.7 and 331.209.

Sec. 24. Section 372.13, subsection 7, Code Supplement 1993, is amended by striking the subsection and inserting in lieu thereof the following:

7. By ordinance, the council may divide the city into wards which shall be drawn according to the following standards:

- a. All ward boundaries shall follow precinct boundaries.
- b. Wards shall be as nearly equal as practicable to the ideal population determined by dividing the number of wards to be established into the population of the city.
- c. Wards shall be composed of contiguous territory as compact as practicable.

d. Consideration shall not be given to the addresses of incumbent officeholders, political affiliations of registered voters, previous election results, or demographic information other than population head counts, except as required by the Constitution and the laws of the United States.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2366, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved  , 1994

TERRY E. BRANSTAD
Governor