

House Study Bill 510

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON ELGIN)

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

A BILL FOR

1 An Act providing for the process of congressional and legislative
2 redistricting.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1457YC 81
5 ec/pj/5

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1 1 Section 1. Section 42.2, Code 2005, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4. Upon each delivery by the legislative
1 4 services agency to the general assembly of a bill embodying a
1 5 plan, pursuant to section 42.3, the legislative services
1 6 agency shall at the earliest feasible time make available to
1 7 the public the following information:
1 8 a. Copies of the bill delivered by the legislative
1 9 services agency to the general assembly.
1 10 b. Maps illustrating the plan.
1 11 c. A summary of the standards prescribed by section 42.4
1 12 for development of the plan.
1 13 d. A statement of the population of each district included
1 14 in the plan, and the relative deviation of each district
1 15 population from the ideal district population.
1 16 Sec. 2. Section 42.3, subsection 1, Code 2005, is amended
1 17 to read as follows:
1 18 1. a. Not later than April 1 of each year ending in one,
1 19 the legislative services agency shall deliver to the secretary
1 20 of the senate and the chief clerk of the house of
1 21 representatives identical bills embodying a plan of
1 22 legislative and congressional districting prepared in
1 23 accordance with section 42.4. It is the intent of this
1 24 chapter that the general assembly shall bring the bill to a
1 25 vote in either the senate or the house of representatives
1 26 expeditiously, but not less than ~~seven~~ three days after the
1 27 report of the commission required by section 42.6 is received
1 28 and made available to the members of the general assembly,
1 29 under a procedure or rule permitting no amendments except
1 30 those of a purely corrective nature. It is further the intent
1 31 of this chapter that if the bill is approved by the first
1 32 house in which it is considered, it shall expeditiously be
1 33 brought to a vote in the second house under a similar
1 34 procedure or rule. If the bill embodying the plan submitted
1 35 by the legislative services agency under this subsection fails
2 1 to be approved by a constitutional majority in either the
2 2 senate or the house of representatives, the secretary of the
2 3 senate or the chief clerk of the house, as the case may be,
2 4 shall at once, but in no event later than seven days after the
2 5 date the bill failed to be approved, transmit to the
2 6 legislative services agency information which the senate or
2 7 house may direct by resolution regarding reasons why the plan
2 8 was not approved.
2 9 b. However, if the population data for legislative
2 10 districting which the United States census bureau is required
2 11 to provide this state under Pub. L. No. 94-171 and, if used by
2 12 the legislative services agency, the corresponding
2 13 topologically integrated geographic encoding and referencing
2 14 data file for that population data are not available to the
2 15 legislative services agency on or before February 15 of the
2 16 year ending in one, the dates set forth in this subsection
2 17 shall be extended by a number of days equal to the number of
2 18 days after February 15 of the year ending in one that the

2 19 federal census population data and the topologically
2 20 integrated geographic encoding and referencing data file for
2 21 legislative districting become available.

2 22 Sec. 3. Section 42.3, subsection 2, Code 2005, is amended
2 23 by striking the subsection and inserting in lieu thereof the
2 24 following:

2 25 2. If the bill embodying the plan submitted by the
2 26 legislative services agency under subsection 1 fails to be
2 27 enacted, the legislative services agency shall prepare a bill
2 28 embodying a second plan of legislative and congressional
2 29 districting. The bill shall be prepared in accordance with
2 30 section 42.4, and, insofar as it is possible to do so within
2 31 the requirements of section 42.4, with the reasons cited by
2 32 the senate or house of representatives by resolution, or the
2 33 governor by veto message, for the failure to approve the plan.
2 34 If a second plan is required under this subsection, the bill
2 35 embodying it shall be delivered to the secretary of the senate
3 1 and the chief clerk of the house of representatives not later
3 2 than thirty-five days after the date of the vote by which the
3 3 senate or the house of representatives fails to approve the
3 4 bill submitted under subsection 1, or the date the governor
3 5 vetoes or fails to approve the bill. If it is necessary to
3 6 submit a bill under this subsection, the bill shall be brought
3 7 to a vote not less than seven days after the bill is submitted
3 8 and made available to the members of the general assembly,
3 9 under a procedure or rule permitting no amendments except
3 10 those of a purely corrective nature. It is further the intent
3 11 of this chapter that if the bill is approved by the first
3 12 house in which it is considered, it shall expeditiously be
3 13 brought to a vote in the second house under a similar
3 14 procedure or rule. If the bill embodying the plan submitted
3 15 by the legislative services agency under this subsection fails
3 16 to be approved by a constitutional majority in either the
3 17 senate or the house of representatives, the secretary of the
3 18 senate or the chief clerk of the house, as the case may be,
3 19 shall transmit to the legislative services agency information
3 20 which the senate or house may direct by resolution regarding
3 21 reasons why the plan was not approved in the same manner as
3 22 described in subsection 1.

3 23 Sec. 4. Section 42.3, subsection 3, Code 2005, is amended
3 24 to read as follows:

3 25 3. If the bill embodying the plan submitted by the
3 26 legislative services agency under subsection 2 fails to be
3 27 ~~approved by a constitutional majority in either the senate or~~
3 28 ~~the house of representatives enacted,~~ the same procedure as
3 29 prescribed by subsection 2 shall be followed. If a third plan
3 30 is required under this subsection, the bill embodying it shall
3 31 be delivered to the secretary of the senate and the chief
3 32 clerk of the house of representatives not later than ~~June 1 of~~
3 33 ~~the year ending in one, or twenty-one~~ thirty-five days after
3 34 the date of the vote by which the senate or the house of
3 35 representatives fails to approve the bill submitted under
4 1 subsection 2, ~~whichever date is later. It is the intent of~~
4 2 ~~this chapter that, if or the date the governor vetoes or fails~~
4 3 ~~to approve the bill. The legislative services agency shall~~

4 4 submit a bill under this subsection sufficiently in advance of
4 5 September 1 of the year ending in one to permit the general
4 6 assembly to consider the plan prior to that date. If it is
4 7 necessary to submit a bill under this subsection, the bill
4 8 shall be brought to a vote within the same time period after
4 9 its delivery to the secretary of the senate and the chief
4 10 clerk of the house of representatives as is prescribed for the
4 11 bill submitted under subsection 2, but shall be subject to
4 12 amendment in the same manner as other bills.

4 13 Sec. 5. Section 42.3, subsection 4, Code 2005, is amended
4 14 by striking the subsection.

4 15 Sec. 6. Section 42.4, subsection 4, Code 2005, is amended
4 16 by striking the subsection and inserting in lieu thereof the
4 17 following:

4 18 4. Districts shall be reasonably compact in form, to the
4 19 extent consistent with the standards established by
4 20 subsections 1, 2, and 3. In general, reasonably compact
4 21 districts are those which are square, rectangular, or
4 22 hexagonal in shape, and not irregularly shaped, to the extent
4 23 permitted by natural or political boundaries. If it is
4 24 necessary to compare the relative compactness of two or more
4 25 districts, or of two or more alternative districting plans,
4 26 the tests prescribed by paragraphs "a" and "b" shall be used.
4 27 a. LENGTH=WIDTH COMPACTNESS. The compactness of a
4 28 district is greatest when the length of the district and the
4 29 width of the district are equal. The measure of a district's

4 30 compactness is the absolute value of the difference between
4 31 the length and the width of the district. In general, the
4 32 length=width compactness of a district is calculated by
4 33 measuring the distance from the northernmost point or portion
4 34 of the boundary of a district to the southernmost point or
4 35 portion of the boundary of the same district and the distance
5 1 from the westernmost point or portion of the boundary of the
5 2 district to the easternmost point or portion of the boundary
5 3 of the same district. The absolute values computed for
5 4 individual districts under this paragraph may be cumulated for
5 5 all districts in a plan in order to compare the overall
5 6 compactness of two or more alternative districting plans for
5 7 the state, or for a portion of the state.

5 8 b. PERIMETER COMPACTNESS. The compactness of a district
5 9 is greatest when the distance needed to traverse the perimeter
5 10 boundary of a district is as short as possible. The total
5 11 perimeter distance computed for individual districts under
5 12 this paragraph may be cumulated for all districts in a plan in
5 13 order to compare the overall compactness of two or more
5 14 alternative districting plans for the state, or for a portion
5 15 of the state.

5 16 Sec. 7. Section 42.4, subsection 8, Code 2005, is amended
5 17 to read as follows:

5 18 8. Each bill embodying a plan drawn under this section
5 19 shall include provisions for election of senators to the
5 20 general assemblies which take office in the years ending in
5 21 three and five, which shall be in conformity with article III,
5 22 section 6, of the Constitution of the State of Iowa. With
5 23 respect to any plan drawn for consideration in ~~the a year 2001~~
5 24 ending in one, those provisions shall be substantially as
5 25 follows:

5 26 a. ~~Each odd-numbered senatorial district in the plan which~~
5 27 ~~is not a holdover senatorial district shall elect a senator in~~
5 28 ~~2002 the year ending in two for a four-year term commencing in~~
5 29 ~~January 2003 of the year ending in three. If an incumbent~~
5 30 ~~senator who was elected to a four-year term which commenced in~~
5 31 ~~January 2001 of the year ending in one, or was subsequently~~
5 32 ~~elected to fill a vacancy in such a term, is residing in an~~
5 33 ~~odd-numbered a senatorial district in the plan which is not a~~
5 34 ~~holdover senatorial district on the first Wednesday in~~
5 35 ~~February 1, 2002 of the year ending in two, that senator's~~
6 1 ~~term of office shall be terminated on January 1, 2003 of the~~
6 2 ~~year ending in three.~~

6 3 b. ~~Each even-numbered a holdover senatorial district in~~
6 4 ~~the plan shall elect a senator in 2004 the year ending in four~~
6 5 ~~for a four-year term commencing in January 2005 of the year~~
6 6 ~~ending in five.~~

6 7 (1) If one and only one incumbent state senator is
6 8 residing in ~~an even-numbered a holdover~~ senatorial district in
6 9 ~~the plan on the first Wednesday in February 1, 2002 of the~~
6 10 ~~year ending in two~~, and that senator meets all of the
6 11 following requirements, the senator shall represent the
6 12 district in the senate for the ~~Eightieth General Assembly~~
6 13 ~~general assembly commencing in January of the year ending in~~
6 14 ~~three:~~

6 15 (a) The senator was elected to a four-year term which
6 16 commenced in January ~~2001 of the year ending in one~~ or was
6 17 subsequently elected to fill a vacancy in such a term.

6 18 (b) The senatorial district in the plan which includes the
6 19 place of residence of the state senator on the date of the
6 20 senator's last election to the senate is the same as the ~~even-~~
6 21 ~~numbered holdover~~ senatorial district in which the senator
6 22 resides on ~~the first Wednesday in February 1, 2002 of the year~~
6 23 ~~ending in two~~, or is contiguous to such ~~even-numbered holdover~~
6 24 ~~senatorial district and the senator's declared residence as of~~
6 25 ~~February 1, 2002, was within the district from which the~~
6 26 ~~senator was last elected. Areas which meet only at the points~~
6 27 ~~of adjoining corners are not contiguous.~~

6 28 ~~The secretary of state shall prescribe a form to be~~
6 29 ~~completed by all senators to declare their residences as of~~
6 30 ~~February 1, 2002. The form shall be filed with the secretary~~
6 31 ~~of state no later than five p.m. on February 1, 2002.~~

6 32 (2) Each ~~even-numbered holdover~~ senatorial district to
6 33 which subparagraph (1) of this paragraph is not applicable
6 34 shall elect a senator in ~~2002 the year ending in two~~ for a
6 35 two-year term commencing in January ~~2003 of the year ending in~~
7 1 ~~three. However, if more than one incumbent state senator is~~
7 2 ~~residing in an even-numbered a holdover~~ senatorial district on
7 3 ~~the first Wednesday in February 1, 2002 of the year ending in~~
7 4 ~~two~~, and, on or before ~~the first Wednesday in February 15,~~
7 5 ~~2002 of the year ending in two~~, all but one of the incumbent

7 6 senators resigns from office effective no later than January
7 7 1, 2003 of the year ending in three, the remaining incumbent
7 8 senator shall represent the district in the senate for the
7 9 Eightieth General Assembly general assembly commencing in
7 10 January of the year ending in three. A copy of the
7 11 resignation must be filed in the office of the secretary of
7 12 state no later than five p.m. on the third Wednesday in
7 13 February 15, 2002 of the year ending in two.

7 14 c. For purposes of this subsection:

7 15 (1) "Holdover senatorial district" means a senatorial
7 16 district in the plan which is numbered with an even or odd
7 17 number in the same manner as senatorial districts, which were
7 18 required to elect a senator in the year ending in zero, were
7 19 numbered.

7 20 (2) "Incumbent state senator" means a state senator who
7 21 holds the office of state senator on the first Wednesday in
7 22 February of the year ending in two, and whose declared
7 23 residence on that day is within the district from which the
7 24 senator was last elected.

7 25 d. The secretary of state shall prescribe a form to be
7 26 completed by all senators to declare their residences as of
7 27 the first Wednesday in February of the year ending in two.
7 28 The form shall be filed with the secretary of state no later
7 29 than five p.m. on the first Wednesday in February of the year
7 30 ending in two.

7 31 Sec. 8. Section 42.5, subsection 1, paragraph b, Code
7 32 2005, is amended to read as follows:

7 33 b. Within thirty days after the four selecting authorities
7 34 have certified their respective appointments to the
7 35 commission, but in no event later than February 15 of the year
8 1 ending in one, ~~the four commission members so appointed~~
8 2 ~~legislative council shall select, by a vote of at least three~~
8 3 ~~members, appoint~~ and certify to the chief election officer the
8 4 fifth commission member, who shall serve as chairperson.

8 5 Sec. 9. Section 42.6, subsection 3, Code 2005, is amended
8 6 by striking the subsection.

8 7 Sec. 10. Section 42.6, subsection 4, paragraph b, Code
8 8 2005, is amended to read as follows:

8 9 b. Following the hearings, promptly prepare and submit to
8 10 the secretary of the senate and the chief clerk of the house a
8 11 report summarizing information and testimony received by the
8 12 commission in the course of the hearings. The commission's
8 13 report shall include any comments and conclusions which its
8 14 members deem appropriate on the information and testimony
8 15 received at the hearings, or otherwise presented to the
8 16 commission. The report shall be submitted no later than
8 17 fourteen days after the date the bill embodying an initial
8 18 plan of congressional and legislative redistricting is
8 19 delivered to the general assembly.

8 20 EXPLANATION

8 21 This bill makes changes to the process of congressional and
8 22 legislative redistricting in Iowa.

8 23 Code section 42.2 is amended to provide that the
8 24 legislative services agency is responsible for making
8 25 available to the public copies of the redistricting bill,
8 26 maps, a summary of redistricting standards, and population
8 27 statistics for the plan. Current law provides that the
8 28 temporary redistricting advisory commission is responsible for
8 29 making this information available to the public.

8 30 Code section 42.3 is amended to modify the time
8 31 requirements for submission and consideration of a bill of
8 32 congressional and legislative redistricting. The bill
8 33 shortens by up to 14 days the deadline by which the
8 34 legislative services agency shall submit the first plan of
8 35 congressional and legislative redistricting if the population
9 1 data needed to complete redistricting is made available after
9 2 February 1 but not after February 15 of the year following the
9 3 census. The bill further provides that the legislative
9 4 services agency shall have, if applicable, up to 35 days to
9 5 submit a second plan, or a third plan, following the rejection
9 6 of the prior submitted plan of congressional and legislative
9 7 redistricting.

9 8 Code section 42.3 is also amended to provide that the
9 9 senate or house of representatives need only wait three days,
9 10 not seven days, to consider the first proposed plan of
9 11 redistricting following submission to the general assembly of
9 12 the report of the temporary redistricting advisory commission.
9 13 In addition, the bill provides that if reasons for rejection
9 14 of the bill are to be made by the senate or house of
9 15 representatives, they must be made within seven days after
9 16 rejection of the proposed redistricting plan. The bill also

9 17 eliminates the option that separate bills of congressional and
9 18 legislative redistricting can be submitted if the population
9 19 data necessary to complete congressional redistricting is made
9 20 available prior to the availability of population data for
9 21 legislative redistricting.

9 22 Code section 42.4, subsection 4, concerning compactness, is
9 23 modified. The bill provides that districts shall be
9 24 reasonably compact in form to the extent consistent with the
9 25 standards of population equality, respect for political
9 26 subdivisions, and contiguity. In describing compactness, the
9 27 bill provides that districts, to the extent permitted by
9 28 natural and political boundaries, not be irregularly shaped.
9 29 The bill maintains the test for compactness that compares the
9 30 length and width of a district but eliminates the test of
9 31 compactness based upon population dispersion. The bill adds a
9 32 test for compactness that provides that a district is most
9 33 compact if the distance needed to traverse the perimeter of
9 34 the district is as short as possible.

9 35 Code section 42.4, subsection 8, is amended to provide for
10 1 senatorial elections following redistricting. Current law
10 2 makes provisions for these elections following redistricting
10 3 in 2001 and the bill makes the procedure used for the 2001
10 4 redistricting plan applicable on an ongoing basis for
10 5 subsequent redistricting years.

10 6 Code section 42.5, concerning appointments to the temporary
10 7 redistricting advisory commission, is amended to provide that
10 8 the fifth member of the commission is to be appointed by the
10 9 legislative council and not the four members of the commission
10 10 appointed by the majority and minority leaders of the senate
10 11 and house of representatives.

10 12 Code section 42.6, subsection 4, is amended to provide that
10 13 the temporary redistricting advisory commission shall submit
10 14 its report to the general assembly within 14 days after the
10 15 delivery of the first proposed redistricting plan to the
10 16 general assembly.

10 17 LSB 1457YC 81
10 18 ec:rj/pj/5