

House File 772 - Introduced

HOUSE FILE _____
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 148)

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

A BILL FOR

1 An Act making changes to the time frames and the duties of the
2 legislative services agency concerning the process of
3 congressional and legislative redistricting.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1709HV 82
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1 1 Section 1. Section 42.2, Code 2007, 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 2007, 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 2007, is amended
2 23 to read as follows:~~

~~2 24 2. If the bill embodying the plan submitted by the
2 25 legislative services agency under subsection 1 fails to be
2 26 approved by a constitutional majority in either the senate or
2 27 the house of representatives, the secretary of the senate or
2 28 the chief clerk of the house, as the case may be, shall at
2 29 once transmit to the legislative services agency information
2 30 which the senate or house may direct regarding reasons why the
2 31 plan was not approved. The enacted, the legislative services
2 32 agency shall prepare a bill embodying a second plan of
2 33 legislative and congressional districting. The bill shall be
2 34 prepared in accordance with section 42.4, and taking into
2 35 account, insofar as it is possible to do so within the
3 1 requirements of section 42.4, with the reasons cited by the
3 2 senate or house of representatives by resolution, or the
3 3 governor by veto message, for its the failure to approve the
3 4 plan insofar as it is possible to do so within the
3 5 requirements of section 42.4. If a second plan is required
3 6 under this subsection, the bill embodying it shall be
3 7 delivered to the secretary of the senate and the chief clerk
3 8 of the house of representatives not later than May 1 of the
3 9 year ending in one, or twenty-one thirty-five days after the
3 10 date of the vote by which the senate or the house of
3 11 representatives fails to approve the bill submitted under
3 12 subsection 1, whichever date is later or the date the governor
3 13 vetoed or fails to approve the bill. It is the intent of this
3 14 chapter that, if If it is necessary to submit a bill under
3 15 this subsection, the bill shall be brought to a vote not less
3 16 than seven days after the bill is printed submitted and made
3 17 available to the members of the general assembly, in the same
3 18 manner as prescribed for the bill required under subsection 1
3 19 under a procedure or rule permitting no amendments except
3 20 those of a purely corrective nature. It is further the intent
3 21 of this chapter that if the bill is approved by the first
3 22 house in which it is considered, it shall expeditiously be
3 23 brought to a vote in the second house under a similar
3 24 procedure or rule. If the bill embodying the plan submitted
3 25 by the legislative services agency under this subsection fails
3 26 to be approved by a constitutional majority in either the
3 27 senate or the house of representatives, the secretary of the
3 28 senate or the chief clerk of the house, as the case may be,
3 29 shall transmit to the legislative services agency information
3 30 which the senate or house may direct by resolution regarding
3 31 reasons why the plan was not approved in the same manner as
3 32 described in subsection 1.~~

~~3 33 Sec. 4. Section 42.3, subsection 3, Code 2007, is amended
3 34 to read as follows:~~

~~3 35 3. If the bill embodying the plan submitted by the
4 1 legislative services agency under subsection 2 fails to be
4 2 approved by a constitutional majority in either the senate or
4 3 the house of representatives enacted, the same procedure as
4 4 prescribed by subsection 2 shall be followed. If a third plan
4 5 is required under this subsection, the bill embodying it shall
4 6 be delivered to the secretary of the senate and the chief
4 7 clerk of the house of representatives not later than June 1 of
4 8 the year ending in one, or twenty-one thirty-five days after
4 9 the date of the vote by which the senate or the house of
4 10 representatives fails to approve the bill submitted under
4 11 subsection 2, whichever date is later. It is the intent of
4 12 this chapter that, if or the date the governor vetoes or fails
4 13 to approve the bill. The legislative services agency shall
4 14 submit a bill under this subsection sufficiently in advance of
4 15 September 1 of the year ending in one to permit the general
4 16 assembly to consider the plan prior to that date. If it is
4 17 necessary to submit a bill under this subsection, the bill
4 18 shall be brought to a vote within the same time period after
4 19 its delivery to the secretary of the senate and the chief
4 20 clerk of the house of representatives as is prescribed for the
4 21 bill submitted under subsection 2, but shall be subject to
4 22 amendment in the same manner as other bills.~~

~~4 23 Sec. 5. Section 42.3, subsection 4, Code 2007, is amended
4 24 by striking the subsection.~~

~~4 25 Sec. 6. Section 42.4, subsection 4, Code 2007, is amended
4 26 to read as follows:~~

~~4 27 4. It is preferable that districts Districts shall be
4 28 reasonably compact in form, but to the extent consistent with~~

4 29 the standards established by subsections 1, 2, and 3 take
4 30 precedence over compactness where a conflict arises between
4 31 compactness and these standards. In general, reasonably
4 32 compact districts are those which are square, rectangular, or
4 33 hexagonal in shape, and not irregularly shaped, to the extent
4 34 permitted by natural or political boundaries. When If it is
4 35 necessary to compare the relative compactness of two or more
5 1 districts, or of two or more alternative districting plans,
5 2 the tests prescribed by paragraphs "a" and "b" and "c" of this
5 3 subsection shall be used. Should the results of these two
5 4 tests be contradictory, the standard referred to in paragraph
5 5 "b" of this subsection shall be given greater weight than the
5 6 standard referred to in paragraph "c" of this subsection.

5 7 a. As used in this subsection:

5 8 (1) "Population data unit" means a civil township,
5 9 election precinct, census enumeration district, census city
5 10 block group, or other unit of territory having clearly
5 11 identified geographic boundaries and for which a total
5 12 population figure is included in or can be derived directly
5 13 from certified federal census data.

5 14 (2) The "geographic unit center" of a population data unit
5 15 is that point approximately equidistant from the northern and
5 16 southern extremities, and also approximately equidistant from
5 17 the eastern and western extremities, of a population data
5 18 unit. This point shall be determined by visual observation of
5 19 a map of the population data unit, unless it is otherwise
5 20 determined within the context of an appropriate coordinate
5 21 system developed by the federal government or another
5 22 qualified and objective source and obtained for use in this
5 23 state with prior approval of the legislative council.

5 24 (3) The "x" co-ordinate of a point in this state refers to
5 25 the relative location of that point along the east-west axis
5 26 of the state. Unless otherwise measured within the context of
5 27 an appropriate co-ordinate system obtained for use as
5 28 permitted by subparagraph 2 of this paragraph, the "x"
5 29 co-ordinate shall be measured along a line drawn due east from
5 30 a due north and south line running through the point which is
5 31 the northwestern extremity of the state of Iowa, to the point
5 32 to be located.

5 33 (4) The "y" co-ordinate of a point in this state refers to
5 34 the relative location of that point along the north-south axis
5 35 of the state. Unless otherwise measured within the context of
6 1 an appropriate co-ordinate system obtained for use as
6 2 permitted by subparagraph (2) of this paragraph, the "y"
6 3 co-ordinate shall be measured along a line drawn due south
6 4 from the northern boundary of the state or the eastward
6 5 extension of that boundary, to the point to be located.

6 6 b. a. LENGTH=WIDTH COMPACTNESS. The compactness of a
6 7 district is greatest when the length of the district and the
6 8 width of the district are equal. The measure of a district's
6 9 compactness is the absolute value of the difference between
6 10 the length and the width of the district.

6 11 (1) In measuring the length and the width of a district by
6 12 means of electronic data processing, the difference between
6 13 the "x" co-ordinates of the easternmost and the westernmost
6 14 geographic unit centers included in the district shall be
6 15 compared to the difference between the "y" co-ordinates of the
6 16 northernmost and southernmost geographic unit centers included
6 17 in the district.

6 18 (2) To determine the length and width of a district by
6 19 manual measurement, In general, the length=width compactness
6 20 of a district is calculated by measuring the distance from the
6 21 northernmost point or portion of the boundary of a district to
6 22 the southernmost point or portion of the boundary of the same
6 23 district and the distance from the westernmost point or
6 24 portion of the boundary of the district to the easternmost
6 25 point or portion of the boundary of the same district shall
6 26 each be measured. If the northernmost or southernmost portion
6 27 of the boundary, or each of these points, is a part of the
6 28 boundary running due east and west, the line used to make the
6 29 measurement required by this paragraph shall either be drawn
6 30 due north and south or as nearly so as the configuration of
6 31 the district permits. If the easternmost or westernmost
6 32 portion of the boundary, or each of these points, is a part of
6 33 the boundary running due north and south, a similar procedure
6 34 shall be followed. The lines to be measured for the purpose
6 35 of this paragraph shall each be drawn as required by this
7 1 paragraph, even if some part of either or both lines lies
7 2 outside the boundaries of the district which is being tested
7 3 for compactness.

7 4 (3) The absolute values computed for individual districts

7 5 under this paragraph may be cumulated for all districts in a
7 6 plan in order to compare the overall compactness of two or
7 7 more alternative districting plans for the state, or for a
7 8 portion of the state. ~~However, it is not valid to cumulate or~~
~~7 9 compare absolute values computed under subparagraph (1) with~~
~~7 10 those computed under subparagraph (2) of this paragraph.~~

7 11 ~~c. b. PERIMETER COMPACTNESS. The compactness of a~~
7 12 ~~district is greatest when the ratio of the dispersion of~~
~~7 13 population about the population center of the district to the~~
~~7 14 dispersion of population about the geographic center of the~~
~~7 15 district is one to one, the nature of this ratio being such~~
~~7 16 that it is always greater than zero and can never be greater~~
~~7 17 than one to one.~~

7 18 ~~(1) The population dispersion about the population center~~
~~7 19 of a district, and about the geographic center of a district,~~
~~7 20 is computed as the sum of the products of the population of~~
~~7 21 each population data unit included in the district multiplied~~
~~7 22 by the square of the distance from that geographic unit center~~
~~7 23 to the population center or the geographic center of the~~
~~7 24 district, as the case may be. The geographic center of the~~
~~7 25 district is defined by averaging the locations of all~~
~~7 26 geographic unit centers which are included in the district.~~
~~7 27 The population center of the district is defined by computing~~
~~7 28 the population-weighted average of the "x" co-ordinates and~~
~~7 29 "y" co-ordinates of each geographic unit center assigned to~~
~~7 30 the district, it being assumed for the purpose of this~~
~~7 31 calculation that each population data unit possesses uniform~~
~~7 32 density of population.~~

7 33 ~~(2) The ratios computed for individual districts under~~
~~7 34 this paragraph may be averaged for all districts in a plan in~~
~~7 35 order to compare the overall compactness of two or more~~
8 1 ~~alternative districting plans for the state, or for a portion~~
8 2 ~~of the state distance needed to traverse the perimeter~~
8 3 ~~boundary of a district is as short as possible. The total~~
8 4 ~~perimeter distance computed for individual districts under~~
8 5 ~~this paragraph may be cumulated for all districts in a plan in~~
8 6 ~~order to compare the overall compactness of two or more~~
8 7 ~~alternative districting plans for the state, or for a portion~~
8 8 ~~of the state.~~

8 9 Sec. 7. Section 42.4, subsection 8, Code 2007, is amended
8 10 to read as follows:

8 11 8. Each bill embodying a plan drawn under this section
8 12 shall include provisions for election of senators to the
8 13 general assemblies which take office in the years ending in
8 14 three and five, which shall be in conformity with Article III,
8 15 section 6, of the Constitution of the State of Iowa. With
8 16 respect to any plan drawn for consideration in ~~the a year 2001~~
8 17 ~~ending in one~~, those provisions shall be substantially as
8 18 follows:

8 19 a. ~~Each odd-numbered senatorial district in the plan which~~
8 20 ~~is not a holdover senatorial district shall elect a senator in~~
8 21 ~~2002 the year ending in two for a four-year term commencing in~~
8 22 ~~January 2003 of the year ending in three. If an incumbent~~
8 23 ~~senator who was elected to a four-year term which commenced in~~
8 24 ~~January 2001 of the year ending in one, or was subsequently~~
8 25 ~~elected to fill a vacancy in such a term, is residing in an~~
8 26 ~~odd-numbered a senatorial district in the plan which is not a~~
8 27 ~~holdover senatorial district on the first Wednesday in~~
8 28 ~~February 1, 2002 of the year ending in two, that senator's~~
8 29 ~~term of office shall be terminated on January 1, 2003 of the~~
8 30 ~~year ending in three.~~

8 31 b. ~~Each even-numbered holdover senatorial district in the~~
8 32 ~~plan shall elect a senator in 2004 the year ending in four for~~
8 33 ~~a four-year term commencing in January 2005 of the year ending~~
8 34 ~~in five.~~

8 35 (1) ~~If one and only one incumbent state senator is~~
9 1 ~~residing in an even-numbered a holdover senatorial district in~~
9 2 ~~the plan on the first Wednesday in February 1, 2002 of the~~
9 3 ~~year ending in two, and that senator meets all of the~~
9 4 ~~following requirements, the senator shall represent the~~
9 5 ~~district in the senate for the Eightieth General Assembly~~
9 6 ~~general assembly commencing in January of the year ending in~~
9 7 ~~three:~~

9 8 (a) ~~The senator was elected to a four-year term which~~
9 9 ~~commenced in January 2001 of the year ending in one or was~~
9 10 ~~subsequently elected to fill a vacancy in such a term.~~

9 11 (b) ~~The senatorial district in the plan which includes the~~
9 12 ~~place of residence of the state senator on the date of the~~
9 13 ~~senator's last election to the senate is the same as the~~
9 14 ~~even-numbered holdover senatorial district in which the~~
9 15 ~~senator resides on the first Wednesday in February 1, 2002 of~~

~~9 16 the year ending in two, or is contiguous to such even-numbered
9 17 holdover senatorial district and the senator's declared
9 18 residence as of February 1, 2002, was within the district from
9 19 which the senator was last elected. Areas which meet only at
9 20 the points of adjoining corners are not contiguous.~~

~~9 21 The secretary of state shall prescribe a form to be
9 22 completed by all senators to declare their residences as of
9 23 February 1, 2002. The form shall be filed with the secretary
9 24 of state no later than five p.m. on February 1, 2002.~~

~~9 25 (2) Each even-numbered holdover senatorial district to
9 26 which subparagraph (1) of this paragraph is not applicable
9 27 shall elect a senator in 2002 the year ending in two for a
9 28 two-year term commencing in January 2003 of the year ending in
9 29 three. However, if more than one incumbent state senator is
9 30 residing in an even-numbered a holdover senatorial district on
9 31 the first Wednesday in February 1, 2002 of the year ending in
9 32 two, and, on or before the first Wednesday in February 15,~~

~~9 33 2002 of the year ending in two, all but one of the incumbent
9 34 senators resigns from office effective no later than January
9 35 1, 2003 of the year ending in three, the remaining incumbent
10 1 senator shall represent the district in the senate for the
10 2 Eightieth General Assembly general assembly commencing in
10 3 January of the year ending in three. A copy of the
10 4 resignation must be filed in the office of the secretary of
10 5 state no later than five p.m. on the third Wednesday in
10 6 February 15, 2002 of the year ending in two.~~

~~10 7 c. For purposes of this subsection:~~

~~10 8 (1) "Holdover senatorial district" means a senatorial
10 9 district in the plan which is numbered with an even or odd
10 10 number in the same manner as senatorial districts, which were
10 11 required to elect a senator in the year ending in zero, were
10 12 numbered.~~

~~10 13 (2) "Incumbent state senator" means a state senator who
10 14 holds the office of state senator on the first Wednesday in
10 15 February of the year ending in two, and whose declared
10 16 residence on that day is within the district from which the
10 17 senator was last elected.~~

~~10 18 d. The secretary of state shall prescribe a form to be
10 19 completed by all senators to declare their residences as of
10 20 the first Wednesday in February of the year ending in two.
10 21 The form shall be filed with the secretary of state no later
10 22 than five p.m. on the first Wednesday in February of the year
10 23 ending in two.~~

~~10 24 Sec. 8. Section 42.6, subsection 3, Code 2007, is amended
10 25 by striking the subsection.~~

~~10 26 Sec. 9. Section 42.6, subsection 4, paragraph b, Code
10 27 2007, is amended to read as follows:~~

~~10 28 b. Following the hearings, promptly prepare and submit to
10 29 the secretary of the senate and the chief clerk of the house a
10 30 report summarizing information and testimony received by the
10 31 commission in the course of the hearings. The commission's
10 32 report shall include any comments and conclusions which its
10 33 members deem appropriate on the information and testimony
10 34 received at the hearings, or otherwise presented to the
10 35 commission. The report shall be submitted no later than
11 1 fourteen days after the date the bill embodying an initial
11 2 plan of congressional and legislative redistricting is
11 3 delivered to the general assembly.~~

~~11 4 EXPLANATION~~

~~11 5 This bill makes changes to the time frames and the duties
11 6 of the legislative services agency concerning the process of
11 7 congressional and legislative redistricting in Iowa.~~

~~11 8 Code section 42.2 is amended to provide that the
11 9 legislative services agency is responsible for making
11 10 available to the public copies of the redistricting bill,
11 11 maps, a summary of redistricting standards, and population
11 12 statistics for the plan. Current Code section 42.6,
11 13 subsection 3, which provides that the temporary redistricting
11 14 advisory commission is responsible for making this information
11 15 available to the public, is stricken.~~

~~11 16 Code section 42.3, subsection 1, is amended to provide that
11 17 the senate or house of representatives need only wait three
11 18 days, not seven days, to consider the first proposed plan of
11 19 redistricting following submission to the general assembly of
11 20 the report of the temporary redistricting advisory commission.
11 21 In addition, the bill provides that if reasons for rejection
11 22 of the bill are to be made by the senate or house of
11 23 representatives, they must be made within seven days after
11 24 rejection of the proposed redistricting plan. The language
11 25 detailing the consequences of delays in receiving census
11 26 information is moved to this subsection from Code section~~

11 27 42.3, subsection 4.

11 28 The language is amended to modify the time requirements for
11 29 submission and consideration of a bill of congressional and
11 30 legislative redistricting. The bill shortens by up to 14 days
11 31 the deadline by which the legislative services agency shall
11 32 submit the first plan of congressional and legislative
11 33 redistricting if the population data needed to complete
11 34 redistricting is made available after February 1 but not after
11 35 February 15 of the year following the census.

12 1 Code section 42.3, subsections 2 and 3, are amended to
12 2 provide that the legislative services agency shall have, if
12 3 applicable, up to 35 days to submit a second plan, or a third
12 4 plan, following the rejection of the prior submitted plan of
12 5 congressional and legislative redistricting.

12 6 Code section 42.3, subsection 4, is stricken, eliminating
12 7 the option that separate bills of congressional and
12 8 legislative redistricting can be submitted if the population
12 9 data necessary to complete congressional redistricting is made
12 10 available prior to the availability of population data for
12 11 legislative redistricting. The language detailing the
12 12 consequences of delays in receiving census information is
12 13 moved to Code section 42.3, subsection 1.

12 14 Code section 42.4, subsection 4, concerning compactness, is
12 15 modified. The bill provides that districts shall be
12 16 reasonably compact in form to the extent consistent with the
12 17 standards of population equality, respect for political
12 18 subdivisions, and contiguity. In describing compactness, the
12 19 bill provides that districts, to the extent permitted by
12 20 natural and political boundaries, not be irregularly shaped.
12 21 The bill retains the test for compactness that compares the
12 22 length and width of a district, but simplifies statutory
12 23 language by eliminating the current alternative method of
12 24 calculating this standard utilizing "x" and "y" coordinates of
12 25 certain geographic unit centers. This alternative method is
12 26 unnecessary based on current computer technology. The bill
12 27 eliminates the test of compactness based upon population
12 28 dispersion which test, under current law, is always given
12 29 lesser weight than length=width compactness if the two
12 30 standards are contradictory. The bill adds a test for
12 31 compactness that provides that a district is most compact if
12 32 the distance needed to traverse the perimeter of the district
12 33 is as short as possible.

12 34 Code section 42.4, subsection 8, is amended to provide for
12 35 senatorial elections following redistricting. Current law
13 1 makes provision for these elections following redistricting in
13 2 2001 and the bill makes the procedure used for the 2001
13 3 redistricting plan applicable on an ongoing basis for
13 4 subsequent redistricting years.

13 5 Code section 42.6, subsection 4, is amended to provide that
13 6 the temporary redistricting advisory commission shall submit
13 7 its report to the general assembly within 14 days after the
13 8 delivery of the first proposed redistricting plan to the
13 9 general assembly.

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13 11 ec:rj/je/5