

Senate Study Bill 3087 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED SECRETARY OF
STATE BILL)

A BILL FOR

1 An Act concerning the review, approval, and establishment of
2 county supervisor districting plans.

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

1 Section 1. Section 49.8, subsection 4, Code 2011, is amended
2 to read as follows:

3 4. If city population data certified by the United States
4 bureau of the census following the federal decennial census
5 is revised and the revision is certified by the United
6 States bureau of the census, such revisions may be used
7 to revise precinct and ward boundaries in accordance with
8 the requirements of sections 49.3 and 49.5. The board of
9 supervisors shall determine whether such revised population
10 data affects the population equality of supervisor districts.
11 If necessary, the temporary county redistricting commission
12 shall be reconvened, notwithstanding section 331.210A,
13 subsection 4, and supervisor districts shall be revised
14 in accordance with the requirements of section 331.210A,
15 ~~subsection~~ subsections 2 and 2A.

16 Sec. 2. Section 68B.32A, subsection 16, Code 2011, is
17 amended by striking the subsection.

18 Sec. 3. Section 331.209, subsection 4, Code 2011, is amended
19 by striking the subsection.

20 Sec. 4. Section 331.210A, subsection 2, paragraph e, Code
21 2011, is amended by striking the paragraph.

22 Sec. 5. Section 331.210A, subsection 2, paragraph f,
23 subparagraph (4), Code 2011, is amended to read as follows:

24 (4) The governing body, after approving a plan, shall comply
25 with the requirements of ~~paragraph "e"~~ subsection 2A.

26 Sec. 6. Section 331.210A, Code 2011, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 2A. *Review and approval of plans.*

29 a. The plan adopted by the board of supervisors as provided
30 in subsection 2 shall be submitted to the state commissioner of
31 elections for review and approval. To facilitate this review,
32 each applicable temporary county redistricting commission
33 shall notify the state commissioner of elections when the
34 boundaries of supervisor districts will be changed or newly
35 divided pursuant to a change in the county representation plan,

1 shall provide documentation as to when the board of supervisors
2 approved the new supervisor district plan, shall provide a map
3 delineating the new boundary lines, and shall certify to the
4 state commissioner of elections the populations of the new
5 supervisor districts as determined under the latest federal
6 decennial census.

7 *b.* (1) The state commissioner shall reject a county
8 supervisor districting plan submitted to the state commissioner
9 if a valid petition requesting that the legislative services
10 agency prepare the supervisor districting plan for the county
11 is filed with the state commissioner of elections, on a form
12 prescribed by the state commissioner, within thirty days after
13 the plan is approved by the board of supervisors. For purposes
14 of this subparagraph, a petition is a valid petition if signed
15 by eligible electors of the county equal in number to at least
16 two percent of the total votes cast in the county for the
17 office of governor at the last preceding general election
18 for governor. In addition, the petition shall include the
19 signatures of the eligible electors, a statement of their place
20 of residence, and the date on which they signed the petition.
21 If a date of signature on a petition is a date prior to the date
22 the board of supervisors approved the plan, the signature shall
23 not be counted.

24 (2) Upon determining that a valid petition has been
25 filed with the state commissioner, the state commissioner
26 shall direct the legislative services agency to prepare a
27 supervisor districting plan for the county. The legislative
28 services agency shall draw the plan, based to the extent
29 possible upon the precinct plan adopted and approved by the
30 state commissioner for use by the county, in accordance with
31 the standards of section 42.4, to the extent applicable, and
32 such other legal requirements applicable to county supervisor
33 districts. The legislative services agency shall submit the
34 plan to the state commissioner who shall impose the plan on the
35 county.

1 c. (1) If a valid petition as provided by paragraph "b" is
2 not filed with the state commissioner, the state commissioner
3 shall review the plan submitted and shall approve the plan if
4 the plan meets the standards of section 42.4 and such other
5 legal requirements applicable to county supervisor districts
6 and precincts.

7 (2) If the state commissioner finds that the plan does
8 not meet the standards of section 42.4 and such other legal
9 requirements applicable to county supervisor districts or
10 precincts, the state commissioner shall reject the plan, and
11 the board of supervisors shall direct the commission to prepare
12 and adopt an acceptable plan. If it is necessary for the
13 temporary county redistricting commission to make subsequent
14 attempts at adopting an acceptable plan because the initial
15 proposed district or precinct plan has been rejected pursuant
16 to this subparagraph, the subsequent plans do not require
17 public hearings.

18 d. Upon failure of a temporary county redistricting
19 commission to make the required changes in supervisor district
20 boundaries by the dates specified by sections 331.203,
21 331.204, and 331.209 as determined by the state commissioner of
22 elections, the state commissioner of elections shall make or
23 cause to be made the necessary changes as soon as possible, and
24 shall assess to the county the expenses incurred in so doing.
25 The state commissioner of elections may request the services of
26 personnel and materials available to the legislative services
27 agency to assist the state commissioner in making required
28 changes in supervisor district boundaries which become the
29 state commissioner's responsibility.

30 Sec. 7. Section 331.210A, subsection 4, Code 2011, is
31 amended to read as follows:

32 4. *Termination.* The terms of the members of the temporary
33 county redistricting commission shall expire twenty days
34 following the date the county's supervisor district plan and
35 corresponding precinct plan, if applicable, are approved or

1 imposed by the state commissioner of elections under ~~sections~~
2 section 49.7 and 331.209 this section.

3 Sec. 8. Section 331.248, subsection 2, paragraph h, Code
4 2011, is amended to read as follows:

5 *h.* Provide for a representation plan for the governing body
6 which representation plan may differ from the representation
7 plans provided in section 331.206 and in chapter 372. If the
8 plan calls for representation by districts and the charter
9 has been approved in a county whose population is one hundred
10 eighty thousand or more, the plan shall be drawn pursuant to
11 section 331.210A, subsection 2, paragraph "f". The initial
12 representation plan for such a county shall be drawn as
13 provided in section 331.210A, subsection 2, paragraph "f",
14 within one hundred twenty days after the election at which the
15 charter is approved. For the initial representation plan,
16 the charter commission shall assume the role of the governing
17 body for purposes of this paragraph ~~and~~, section 331.210A,
18 subsection 2, paragraphs "d" ~~through~~ and "f", and section
19 331.210A, subsection 2A.

20 EXPLANATION

21 This bill concerns county supervisor districting plans.

22 Under current law, following adoption by the county
23 supervisors of a county supervisor districting plan, an
24 eligible elector from the county may file, within 14 days of
25 adopting the plan, a complaint with the state commissioner of
26 elections (the secretary of state), alleging that the plan was
27 drawn for improper political reasons. Once filed, current law
28 provides that the complaint be forwarded to the ethics and
29 campaign disclosure board for a determination of whether the
30 plan was improperly drawn.

31 The bill eliminates the complaint process relative to
32 the ethics and campaign disclosure board. Instead, the bill
33 provides that if following the adoption of a county supervisor
34 district plan a valid petition is filed with the commissioner
35 of elections, the state commissioner shall reject the plan and

1 direct the legislative services agency to draw a plan. The
2 bill provides that the petition shall be filed within 30 days
3 after the adoption of the plan and shall be signed by eligible
4 electors of the county equal in number to at least 2 percent of
5 the total votes cast for the office of governor in the county
6 at the last preceding general election for governor. To be
7 counted, a signature shall not be dated prior to the date the
8 board of supervisors approved the plan. The bill provides that
9 once the state commissioner determines that a valid petition
10 has been filed, the legislative services agency shall draw a
11 county supervisor districting plan that shall be imposed on the
12 county by the state commissioner.

13 The bill makes additional changes to relocate provisions
14 relative to the consideration, review, approval, and
15 imposition of county supervisor districting plans by the state
16 commissioner of elections to Code section 331.210A.