

Senate Study Bill 1009 - 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 2013, 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 2013, is
17 amended by striking the subsection.

18 Sec. 3. Section 331.209, subsection 4, Code 2013, is amended
19 by striking the subsection.

20 Sec. 4. Section 331.210A, subsection 2, paragraph e, Code
21 2013, is amended by striking the paragraph.

22 Sec. 5. Section 331.210A, subsection 2, paragraph f,
23 subparagraph (4), Code 2013, 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 2013, 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 filed
25 with the state commissioner, the state commissioner shall
26 notify the legislative council which shall, upon the request of
27 the state commissioner, direct the legislative services agency
28 to prepare a supervisor districting plan for the county. The
29 legislative services agency shall draw the plan, based to the
30 extent possible upon the precinct plan adopted and approved by
31 the state commissioner for use by the county, in accordance
32 with the standards of section 42.4, to the extent applicable,
33 and such other legal requirements applicable to county
34 supervisor districts. The legislative services agency shall
35 submit the plan to the board of supervisors for the county who

1 shall approve or reject the plan as expeditiously as possible,
2 but no later than thirty days after the plan is submitted. The
3 board of supervisors shall notify the state commissioner of the
4 action taken and, if the plan is rejected, provide the state
5 commissioner written reasons for the rejection of the plan. If
6 the plan is rejected, the state commissioner shall notify the
7 legislative council which shall, upon the request of the state
8 commissioner, direct the legislative services agency to prepare
9 a second supervisor districting plan for the county. The
10 legislative services agency shall draw the plan in accordance
11 with the standards for a supervisor districting plan as
12 described in this subparagraph and, insofar as it is possible
13 to do so within the requirements for a supervisor districting
14 plan, in accordance with the reasons cited by the board of
15 supervisors by resolution for the rejection of the first plan.

16 The legislative services agency shall submit the second plan to
17 the state commissioner who shall impose the plan on the county.

18 *c.* (1) If a valid petition as provided by paragraph "b" is
19 not filed with the state commissioner, the state commissioner
20 shall review the plan submitted and shall approve the plan if
21 the plan meets the standards of section 42.4 and such other
22 legal requirements applicable to county supervisor districts
23 and precincts.

24 (2) If the state commissioner finds that the plan does
25 not meet the standards of section 42.4 and such other legal
26 requirements applicable to county supervisor districts or
27 precincts, the state commissioner shall reject the plan, and
28 the board of supervisors shall direct the commission to prepare
29 and adopt an acceptable plan. If it is necessary for the
30 temporary county redistricting commission to make subsequent
31 attempts at adopting an acceptable plan because the initial
32 proposed district or precinct plan has been rejected pursuant
33 to this subparagraph, the subsequent plans do not require
34 public hearings.

35 *d.* Upon failure of a temporary county redistricting

1 commission to make the required changes in supervisor district
2 boundaries by the dates specified by sections 331.203,
3 331.204, and 331.209 as determined by the state commissioner of
4 elections, the state commissioner of elections shall make or
5 cause to be made the necessary changes as soon as possible, and
6 shall assess to the county the expenses incurred in so doing.
7 The state commissioner of elections may request the services of
8 personnel and materials available to the legislative services
9 agency to assist the state commissioner in making required
10 changes in supervisor district boundaries which become the
11 state commissioner's responsibility.

12 Sec. 7. Section 331.210A, subsection 4, Code 2013, is
13 amended to read as follows:

14 4. *Termination.* The terms of the members of the temporary
15 county redistricting commission shall expire twenty days
16 following the date the county's supervisor district plan and
17 corresponding precinct plan, if applicable, are approved or
18 imposed by the state commissioner of elections under ~~sections~~
19 section 49.7 and 331.209 this section.

20 Sec. 8. Section 331.248, subsection 2, paragraph h, Code
21 2013, is amended to read as follows:

22 h. Provide for a representation plan for the governing body
23 which representation plan may differ from the representation
24 plans provided in section 331.206 and in chapter 372. If the
25 plan calls for representation by districts and the charter
26 has been approved in a county whose population is one hundred
27 eighty thousand or more, the plan shall be drawn pursuant to
28 section 331.210A, subsection 2, paragraph "f". The initial
29 representation plan for such a county shall be drawn as
30 provided in section 331.210A, subsection 2, paragraph "f",
31 within one hundred twenty days after the election at which the
32 charter is approved. For the initial representation plan,
33 the charter commission shall assume the role of the governing
34 body for purposes of this paragraph ~~and~~, section 331.210A,
35 subsection 2, paragraphs "d" ~~through~~ and "f", and section

1 331.210A, subsection 2A.

2 EXPLANATION

3 This bill concerns county supervisor districting plans.

4 Under current law, following adoption by the county
5 supervisors of a county supervisor districting plan, an
6 eligible elector from the county may file, within 14 days of
7 adopting the plan, a complaint with the state commissioner of
8 elections (the secretary of state), alleging that the plan was
9 drawn for improper political reasons. Once filed, current law
10 provides that the complaint be forwarded to the ethics and
11 campaign disclosure board for a determination of whether the
12 plan was improperly drawn.

13 The bill eliminates the complaint process relative to
14 the ethics and campaign disclosure board. Instead, the bill
15 provides that if following the adoption of a county supervisor
16 district plan a valid petition is filed with the state
17 commissioner of elections, the state commissioner shall reject
18 the plan and request the legislative council to direct the
19 legislative services agency to draw a plan. The bill provides
20 that the petition shall be filed within 30 days after the
21 adoption of the plan and shall be signed by eligible electors
22 of the county equal in number to at least 2 percent of the total
23 votes cast for the office of governor in the county at the
24 last preceding general election for governor. To be counted,
25 a signature shall not be dated prior to the date the board of
26 supervisors approved the plan.

27 The bill provides that once the state commissioner
28 determines that a valid petition has been filed and has made a
29 request to the legislative council, the legislative services
30 agency shall draw a proposed county supervisor districting
31 plan and submit the plan to the county board of supervisors
32 who shall approve or reject the plan within thirty days. If
33 the plan is rejected, the bill provides that the county shall
34 provide reasons for the rejection to the state commissioner
35 of elections and the state commissioner shall request the

1 legislative council to direct the legislative services agency
2 to draw a new county supervisor districting plan in accordance
3 with the reasons submitted to the extent they are consistent
4 with the requirements for county supervisor districting plans.
5 The bill provides that the second plan shall be imposed on the
6 county by the state commissioner.

7 The bill makes additional changes to relocate provisions
8 relative to the consideration, review, approval, and
9 imposition of county supervisor districting plans by the state
10 commissioner of elections to Code section 331.210A.