

House Joint Resolution 2006 - Introduced

HOUSE JOINT RESOLUTION 2006
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HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
2 the State of Iowa relating to legislative redistricting.
3 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. The following amendment to the Constitution of the
2 State of Iowa is proposed:

3 The Constitution of the State of Iowa is amended by adding the
4 following new sections to a new article:

5 ARTICLE ____.

6 REDISTRICTING.

7 Section 1. **Duties of general assembly.**

8 1. The general assembly shall create and maintain a
9 nonpartisan legislative services agency or successor entity
10 having the duties set forth in this article and other duties as
11 the general assembly may provide by law.

12 2. The general assembly shall designate by law a state
13 commissioner of elections having the duties set forth in this
14 article and other duties as the general assembly may provide by
15 law.

16 Sec. 2. **Preparations.**

17 1. The legislative services agency shall acquire appropriate
18 information, review and evaluate available facilities, and
19 develop programs and procedures in preparation for drawing
20 congressional and legislative redistricting plans on the basis of
21 each federal census. Moneys shall be expended for the purchase
22 or lease of equipment and materials only with prior approval of
23 the general assembly.

24 2. By December 31 of each year ending in zero, the
25 legislative services agency shall obtain from the United States
26 government information regarding geographic and political units
27 in the state for which federal census population data has been
28 gathered and will be tabulated. The legislative services agency
29 shall use the data so obtained to:

30 a. Prepare necessary descriptions of geographic and political
31 units for which census data will be reported, and which are
32 suitable for use as components of legislative districts.

33 b. Prepare maps of counties, cities, and other geographic
34 units within the state, which may be used to illustrate the
35 locations of legislative district boundaries proposed in plans

1 drawn in accordance with section 4 of this article.

2 3. As soon as possible after January 1 of each year ending
3 in one, the legislative services agency shall obtain from
4 the United States government the population data needed for
5 legislative districting, and shall use that data to assign a
6 population figure based upon certified federal census data to
7 each geographic or political unit. Upon completing that task,
8 the legislative services agency shall begin the preparation of
9 congressional and legislative districting plans.

10 4. Upon each delivery by the legislative services agency
11 to the general assembly of a bill embodying a plan, the
12 legislative services agency shall at the earliest feasible time
13 make available to the public the following information:

14 a. Copies of the bill delivered by the legislative services
15 agency to the general assembly.

16 b. Maps illustrating the plan.

17 c. A summary of the standards prescribed by section 4 of this
18 article for development of the plan.

19 d. A statement of the population of each district included in
20 the plan, and the relative deviation of each district population
21 from the ideal district population.

22 **Sec. 3. Timetable.**

23 1. a. Not later than April 1 of each year ending in one,
24 the legislative services agency shall deliver to the secretary of
25 the senate and the chief clerk of the house of representatives
26 identical bills embodying a plan of legislative and congressional
27 districting prepared in accordance with section 4 of this
28 article. The general assembly shall bring the bill to a vote in
29 either the senate or the house of representatives expeditiously,
30 but not less than three days after the report of the commission
31 required by section 6 of this article is received and made
32 available to the members of the general assembly, under a
33 procedure or rule permitting no amendments except those of a
34 purely corrective nature. If the bill is approved by the
35 first house in which it is considered, it shall expeditiously

1 be brought to a vote in the second house under a similar
2 procedure or rule. If the bill embodying the plan submitted
3 by the legislative services agency fails to be approved by a
4 constitutional majority in either the senate or the house of
5 representatives, the secretary of the senate or the chief clerk
6 of the house, as the case may be, shall at once, but in no
7 event later than seven days after the date the bill failed to be
8 approved, transmit to the legislative services agency information
9 which the senate or house may direct by resolution regarding
10 reasons why the plan was not approved.

11 *b.* However, if the federal population data for legislative
12 districting and the corresponding topologically integrated
13 geographic encoding and referencing information for that
14 population data are not available to the legislative services
15 agency on or before February 15 of the year ending in one, the
16 dates set forth in paragraph "a" shall be extended by a number
17 of days equal to the number of days after February 15 of the
18 year ending in one that the federal census population data and
19 the topologically integrated geographic encoding and referencing
20 information for legislative districting become available.

21 2. If the bill embodying the plan submitted by the
22 legislative services agency under subsection 1 fails to be
23 enacted, the legislative services agency shall prepare a
24 bill embodying a second plan of legislative and congressional
25 districting. The bill shall be prepared in accordance with
26 section 4 of this article, and, insofar as it is possible to do
27 so within the requirements of section 4 of this article, with
28 the reasons cited by the senate or house of representatives by
29 resolution, or the governor by veto message, for the failure
30 to approve the plan. If a second plan is required under this
31 subsection, the bill embodying it shall be delivered to the
32 secretary of the senate and the chief clerk of the house of
33 representatives not later than thirty-five days after the date
34 of the vote by which the senate or the house of representatives
35 fails to approve the bill submitted under subsection 1, or the

1 date the governor vetoes or fails to approve the bill. If
2 it is necessary to submit a bill under this subsection, the
3 bill shall be brought to a vote not less than seven days after
4 the bill is submitted and made available to the members of
5 the general assembly, under a procedure or rule permitting no
6 amendments except those of a purely corrective nature. If the
7 bill is approved by the first house in which it is considered,
8 it shall expeditiously be brought to a vote in the second house
9 under a similar procedure or rule. If the bill embodying the
10 plan submitted by the legislative services agency under this
11 subsection fails to be approved by a constitutional majority in
12 either the senate or the house of representatives, the secretary
13 of the senate or the chief clerk of the house, as the case may
14 be, shall transmit to the legislative services agency in the same
15 manner as described in subsection 1, information which the senate
16 or house may direct by resolution regarding reasons why the plan
17 was not approved.

18 3. If the bill embodying the plan submitted by the
19 legislative services agency under subsection 2 fails to be
20 enacted, the same procedure as prescribed by subsection 2 shall
21 be followed. If a third plan is required under this subsection,
22 the bill embodying it shall be delivered to the secretary of
23 the senate and the chief clerk of the house of representatives
24 not later than thirty-five days after the date of the vote by
25 which the senate or the house of representatives fails to approve
26 the bill submitted under subsection 2, or the date the governor
27 vetoes or fails to approve the bill. The legislative services
28 agency shall submit a bill under this subsection sufficiently in
29 advance of September 1 of the year ending in one to permit the
30 general assembly to consider the plan prior to that date. If it
31 is necessary to submit a bill under this subsection, the bill
32 shall be brought to a vote within the same time period after
33 its delivery to the secretary of the senate and the chief clerk
34 of the house of representatives as is prescribed for the bill
35 submitted under subsection 2, but shall be subject to amendment

1 in the same manner as other bills.

2 **Sec. 4. Standards.**

3 1. Legislative and congressional districts shall be
4 established on the basis of population.

5 a. Senatorial and representative districts, respectively,
6 shall each have a population as nearly equal as practicable
7 to the ideal population for such districts, determined by
8 dividing the number of districts to be established into the
9 population of the state reported in the federal decennial census.
10 Senatorial districts and representative districts shall not vary
11 in population from the respective ideal district populations
12 except as necessary to comply with one of the other standards
13 enumerated in this section. In no case shall the quotient,
14 obtained by dividing the total of the absolute values of the
15 deviations of all district populations from the applicable ideal
16 district population by the number of districts established,
17 exceed one percent of the applicable ideal district population.
18 A senatorial district shall not have a population which exceeds
19 that of any other senatorial district by more than five percent,
20 and a representative district shall not have a population which
21 exceeds that of any other representative district by more than
22 five percent.

23 b. Congressional districts shall each have a population as
24 nearly equal as practicable to the ideal district population,
25 derived as prescribed in paragraph "a". A congressional district
26 shall not have a population which varies by more than one
27 percent from the applicable ideal district population, except as
28 necessary to comply with Article III, section 37.

29 c. If a challenge is filed with the supreme court alleging
30 excessive population variance among districts established in a
31 plan adopted by the general assembly, the general assembly has
32 the burden of justifying any variance in excess of one percent
33 between the population of a district and the applicable ideal
34 district population.

35 2. To the extent consistent with subsection 1, district

1 boundaries shall coincide with the boundaries of political
2 subdivisions of the state. The number of counties and cities
3 divided among more than one district shall be as small as
4 possible. When there is a choice between dividing local
5 political subdivisions, the more populous subdivisions shall be
6 divided before the less populous, but this statement does not
7 apply to a legislative district boundary drawn along a county
8 line which passes through a city that lies in more than one
9 county.

10 3. Districts shall be composed of convenient contiguous
11 territory. Areas which meet only at the points of adjoining
12 corners are not contiguous.

13 4. Districts shall be reasonably compact in form, to the
14 extent consistent with the standards established by subsections
15 1, 2, and 3. In general, reasonably compact districts are
16 those which are square, rectangular, or hexagonal in shape,
17 and not irregularly shaped, to the extent permitted by natural
18 or political boundaries. If it is necessary to compare the
19 relative compactness of two or more districts, or of two or more
20 alternative districting plans, the tests prescribed by paragraphs
21 "a" and "b" shall be used.

22 a. *Length-width compactness.* The compactness of a district
23 is greatest when the length of the district and the width of the
24 district are equal. The measure of a district's compactness is
25 the absolute value of the difference between the length and the
26 width of the district. In general, the length-width compactness
27 of a district is calculated by measuring the distance from the
28 northernmost point or portion of the boundary of a district to
29 the southernmost point or portion of the boundary of the same
30 district and the distance from the westernmost point or portion
31 of the boundary of the district to the easternmost point or
32 portion of the boundary of the same district. The absolute
33 values computed for individual districts under this paragraph may
34 be cumulated for all districts in a plan in order to compare the
35 overall compactness of two or more alternative districting plans

1 for the state, or for a portion of the state

2 *b. Perimeter compactness.* The compactness of a district is
3 greatest when the distance needed to traverse the perimeter
4 boundary of a district is as short as possible. The total
5 perimeter distance computed for individual districts under this
6 paragraph may be cumulated for all districts in a plan in order
7 to compare the overall compactness of two or more alternative
8 districting plans for the state, or for a portion of the state.

9 5. A district shall not be drawn for the purpose of favoring
10 a political party, incumbent legislator or member of Congress,
11 or other person or group, or for the purpose of augmenting or
12 diluting the voting strength of a language or racial minority
13 group. In establishing districts, the following information
14 shall not be used:

15 a. Addresses of incumbent legislators or members of Congress.

16 b. Political affiliations of registered voters.

17 c. Previous election results.

18 d. Demographic information, other than population head
19 counts, except as required by the Constitution and the laws of
20 the United States.

21 6. In order to minimize electoral confusion and to facilitate
22 communication within state legislative districts, each plan
23 drawn under this section shall provide that each representative
24 district is wholly included within a single senatorial district
25 and that, so far as possible, each representative and
26 each senatorial district shall be included within a single
27 congressional district. However, the standards established by
28 subsections 1 through 5 shall take precedence where a conflict
29 arises between these standards and the requirement, so far as
30 possible, of including a senatorial or representative district
31 within a single congressional district.

32 7. Each bill embodying a plan drawn under this section shall
33 provide that any vacancy in the general assembly which takes
34 office in the year ending in one, occurring at a time which makes
35 it necessary to fill the vacancy at a special election, shall

1 be filled from the same district which elected the senator or
2 representative whose seat is vacant.

3 8. Each bill embodying a plan drawn under this section shall
4 include provisions for election of senators to the general
5 assemblies which take office in the years ending in three and
6 five, which shall be in conformity with Article III, section 6.
7 With respect to any plan drawn for consideration in a year ending
8 in one, those provisions shall be substantially as follows:

9 a. Each senatorial district in the plan which is not a
10 holdover senatorial district shall elect a senator in the year
11 ending in two for a four-year term commencing in January of the
12 year ending in three. If an incumbent senator who was elected
13 to a four-year term which commenced in January of the year ending
14 in one, or was subsequently elected to fill a vacancy in such
15 a term, is residing in a senatorial district in the plan which
16 is not a holdover senatorial district on the first Wednesday in
17 February of the year ending in two, that senator's term of office
18 shall be terminated on January 1 of the year ending in three.

19 b. Each holdover senatorial district in the plan shall elect
20 a senator in the year ending in four for a four-year term
21 commencing in January of the year ending in five.

22 (1) If one and only one incumbent state senator is residing
23 in a holdover senatorial district in the plan on the first
24 Wednesday in February of the year ending in two, and that senator
25 meets all of the following requirements, the senator shall
26 represent the district in the senate for the general assembly
27 commencing in January of the year ending in three:

28 (a) The senator was elected to a four-year term which
29 commenced in January of the year ending in one or was
30 subsequently elected to fill a vacancy in such a term.

31 (b) The senatorial district in the plan which includes the
32 place of residence of the state senator on the date of the
33 senator's last election to the senate is the same as the holdover
34 senatorial district in which the senator resides on the first
35 Wednesday in February of the year ending in two, or is contiguous

1 to such holdover senatorial district. Areas which meet only at
2 the points of adjoining corners are not contiguous.

3 (2) Each holdover senatorial district to which subparagraph
4 (1) is not applicable shall elect a senator in the year ending in
5 two for a two-year term commencing in January of the year ending
6 in three. However, if more than one incumbent state senator is
7 residing in a holdover senatorial district on the first Wednesday
8 in February of the year ending in two, and, on or before the
9 third Wednesday in February of the year ending in two, all but
10 one of the incumbent senators resigns from office effective no
11 later than January of the year ending in three, the remaining
12 incumbent senator shall represent the district in the senate for
13 the general assembly commencing in January of the year ending in
14 three. A copy of each resignation shall be filed in the office
15 of the state commissioner of elections no later than 5:00 p.m. on
16 the third Wednesday in February of the year ending in two.

17 c. For purposes of this subsection:

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

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

26 d. The state commissioner of elections shall prescribe a form
27 to be completed by all senators to declare their residences as of
28 the first Wednesday in February of the year ending in two. The
29 form shall be filed with the state commissioner of elections no
30 later than 5:00 p.m. on the first Wednesday in February of the
31 year ending in two.

32 **Sec. 5. Commission.**

33 1. Not later than February 15 of each year ending in one,
34 a five member temporary redistricting advisory commission shall
35 be established. The commission's only functions shall be those

1 prescribed by section 6 of this article.

2 a. Each of the four selecting authorities shall certify to
3 the state commissioner of elections the authority's appointment
4 of a person to serve on the commission. The certifications may
5 be made at any time after the majority and minority floor leaders
6 have been selected for the general assembly which takes office in
7 the year ending in one, even though that general assembly's term
8 of office has not actually begun.

9 b. Within thirty days after the four selecting authorities
10 have certified their respective appointments to the commission,
11 but in no event later than February 15 of the year ending in one,
12 the four commission members so appointed shall select, by a vote
13 of at least three members, and certify to the state commissioner
14 of elections the fifth commission member, who shall serve as
15 chairperson.

16 c. A vacancy on the commission shall be filled by the initial
17 selecting authority within fifteen days after the vacancy occurs.

18 d. Members of the commission may be compensated as determined
19 by the general assembly by law.

20 2. A person shall not be appointed to the commission who:

21 a. Is not an eligible elector of the state at the time of
22 selection.

23 b. Holds partisan public office or political party office.

24 c. Is a relative of or is employed by a member of the
25 general assembly or of the United States Congress, or is
26 employed directly by the general assembly or by the United States
27 Congress.

28 3. For purposes of this section, "*four selecting authorities*"
29 means:

30 a. The majority floor leader of the state senate.

31 b. The minority floor leader of the state senate.

32 c. The majority floor leader of the state house of
33 representatives.

34 d. The minority floor leader of the state house of
35 representatives.

1 **Sec. 6. Duties of commission.** The functions of the
2 commission shall be as follows:

3 1. If, in preparation of plans as required by this article,
4 the legislative services agency is confronted with the necessity
5 to make any decision for which no clearly applicable guideline
6 is provided by section 4 of this article, the legislative
7 services agency may submit a written request for direction to the
8 commission.

9 2. Prior to delivering any plan and the bill embodying that
10 plan to the secretary of the senate and the chief clerk of
11 the house of representatives in accordance with section 3 of
12 this article, the legislative services agency shall provide to
13 persons outside the legislative services agency staff only such
14 information regarding the plan as may be required by policies
15 agreed upon by the commission. This subsection does not apply to
16 population data furnished to the legislative services agency by
17 the United States government.

18 3. Upon the delivery by the legislative services agency to
19 the general assembly of a bill embodying an initial plan, the
20 commission shall:

21 a. As expeditiously as reasonably possible, schedule and
22 conduct at least three public hearings, in different geographic
23 regions of the state, on the plan embodied in the bill delivered
24 by the legislative services agency to the general assembly.

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

35 **Sec. 2. REFERRAL AND PUBLICATION.** The foregoing proposed

1 amendment to the Constitution of the State of Iowa is referred
2 to the general assembly to be chosen at the next general election
3 for members of the general assembly, and shall be published as
4 provided by law for three months previous to the date of that
5 election.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This resolution proposes an amendment to the Constitution of
10 the State of Iowa that adopts Code chapter 42 (redistricting
11 general assembly and congressional districts) as a new article
12 under the constitution.

13 The resolution, if adopted, would be published and then
14 referred to the next general assembly (92nd) for adoption, before
15 being submitted to the electorate for ratification.