Redistricting in Iowa

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Iowa’s Redistricting Revolution

• 1968 - Iowa Constitution amended
  – Population; Compact and contiguous; Supreme Court review and timeline; Congressional county requirement

• 1972 – In re Legislative Districting of General Assembly, 193 N.W.2d 784 (Iowa 1972)
  – Legislative redistricting plan invalid – population exactness and prohibited factors

1968 - Iowa Constitution amended

- Art III, SEC. 34.
  - No more than 50 State senators and 100 State representatives
  - Each district shall be of compact and contiguous territory.
  - Districts shall be apportioned on the basis of population
- Art III, SEC. 35.
  - Legislative redistricting to become law by September 15 in year following the census or Iowa Supreme Court shall apportion legislative districts by December 31 of that year.
- Art III, SEC. 36.
  - The Supreme Court shall have original jurisdiction of all litigation questioning any apportionment plan adopted by the General Assembly.
- Art III, SEC. 37.
  - No county shall be divided in forming a congressional district.
1971 Legislative Redistricting Plan

- 1971 Iowa Acts, chapter 95 (HF 732)

- Used “traditional” approach in developing final legislation

- Plan challenged before the Iowa Supreme Court
In re Legislative Districting of General Assembly, 193 N.W.2d 784 (Iowa 1972)

• Declared the Legislatively enacted plan unconstitutional on population and compactness grounds
• Rejected establishing a de minimus population variance standard for districts
• Impermissible considerations to justify population variances
  – protecting incumbents
  – preserving present districts
  – avoiding joining part of a rural county with an urban county
  – avoiding election contests
  – ensuring the passage of the redistricting plan
Court drawn redistricting plan

In re Legislative Districting of General Assembly, 196 N.W.2d 209 (Iowa 1972); as modified 199 N.W.2d 614 (Iowa 1972)

• Court drawn plan
• Court utilized expertise of Legislative Service Bureau to assist drawing of plan
• Overall range percentage variances:
  – Senate: .05 percent
  – House: .09 percent
Iowa’s Redistricting Process
Creation and codification

• 1980 Legislation – H.F. 707

• 1980 Iowa Acts, ch. 1021

• Codified in Iowa Code chapter 42
Key Elements

• Redistricting standards

• Redistricting process
Iowa’s Redistricting Process

Overview

- Codified objective standards
- Political factors prohibited
- Legislative Services Agency
- Temporary Redistricting Advisory Commission (TRAC)
- 3 “strikes” process
- Plan requires enactment – not imposed
Iowa Redistricting Standards

Codified in Iowa Code § 42.4

Listed in descending order of importance
Iowa Code § 42.4(1) Population

- “As nearly equal as practicable”

- Congress: As close to 0 population deviation as possible.

- General Assembly: Burden to justify any district with a variation in excess of 1% from ideal population.
Iowa Code § 42.4(2)
Respect for Political Subdivisions
Political Subdivision Rules

• Congress:
  – No county shall be split in creating districts.

• General Assembly:
  – District boundaries should coincide with boundaries for political subdivisions.
  – Number of counties and cities divided shall be as small as possible.
  – Split the larger political subdivision over the smaller.
Iowa Code § 42.4(3)
Contiguity

• Districts shall be composed of convenient contiguous territory

• No point contiguity allowed

• Absolute requirement
Iowa Code § 42.4(4) Compactness

- Districts shall be reasonably compact in form, consistent with the population, political subdivision, and contiguity standards.
- Compact districts are square, rectangular, or hexagonal in shape, and not irregularly shaped.
- 2 compactness measurements established.
Compactness Tests

- Length-Width
- Perimeter
Iowa Code § 42.4(5)
Prohibited Factors

No district shall be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress…

Can’t use:
– Addresses of incumbent legislators or members of Congress.
– Political affiliations of registered voters.
– Previous election results.
– Demographic information, other than population head counts, except as required by the Constitution and the laws of the United States.
Iowa Code § 42.4(6) Nesting

• Each state representative district shall be wholly included within a single senatorial district.

• So far as possible, each representative and each senatorial district shall be included within a single congressional district.
Iowa Code § 42.4(8)
Senate Elections - Numbering

Each bill embodying a plan drawn under this section shall include provisions for election of senators to the general assemblies which take office in the years ending in three and five, which shall be in conformity with Article III, section 6, of the Constitution of the State of Iowa.
Senate Numbering

• Article III, section 6 provides that Senate districts shall be classified so as to keep, as nearly as possible, the number of Senate elections for a two-year term in the year ending in 2 to a minimum.

• Requires numbering of newly created Senate districts to try and create as many “holdover” senatorial districts as possible. (For 2011, focus on odd numbered districts, those with 2010 elections)

• Numbering only done after district boundaries established – political considerations not allowed in drawing of proposed districts.

• Post-redistricting process to determine number of Senate elections for a two-year term at next general election.
Iowa Redistricting Process
Key players

• Legislative Services Agency (LSA)
  – Provides nonpartisan legal, fiscal, and computer staffing services to all members of the General Assembly.

• Temporary Redistricting Advisory Commission (TRAC)
  – 4 members appointed by legislative leaders, 5th member selected by 4 leader appointees.
Temporary Redistricting Advisory Commission (TRAC) Duties

Iowa Code section 42.6

• Provide advice and guidance to the Legislative Services Agency on certain redistricting matters upon written request of the Legislative Services Agency.

• Conduct at least 3 public hearings and submit a report to the General Assembly on the first proposed redistricting plan.
Legislative Services Agency Duties

- Legislative Services Agency solely responsible for preparing each proposed redistricting plan.

- No interaction or involvement with TRAC, legislators, or any outside interest while plans are developed and selected.
LSA Plan Preparation

General Requirements
• Plan submitted in bill form.
  – subject to enactment through legislative process.

• Plan includes both a Congressional and Legislative redistricting plan.
  – Qualified nesting requirement necessitates simultaneous submission and consideration.
  – Iowa Code requires.
First Plan

• Delivery: No less than 45 days after release of official census population (PL 94-171) data but no earlier than April 1.

• Consideration of bill subject to certain requirements:
  – Legislature may not consider until at least 3 days after TRAC report released.
  – Bill must be brought to a vote expeditiously (continues through process until rejected by vote of entire House or Senate).
  – Only corrective amendments allowed.

• Historical review: Plan 1 enacted in 1991, 2011
Second Plan

• Delivery: 35 days after first plan disapproved.

• Prepared by LSA in accordance with reasons for rejection of first plan – if reasons do not conflict with Code standards.
  – House or Senate resolution adopted within 7 days of plan rejection.
  – Governor’s veto message

• Consideration of bill subject to certain requirements:
  – Legislature may not consider until at least 7 days after LSA delivery of bill.
  – Bill must be brought to a vote expeditiously (continues through process until rejected).
  – Only corrective amendments allowed.
    • Cannot consider rejected first plan.

• Historical review: Plan 2 enacted in 2001
Third Plan

- Delivery: 35 days after second plan disapproved.
- Prepared by LSA in accordance with reasons for rejection of second plan – if reasons do not conflict with Code standards
  - House or Senate resolution adopted within 7 days of plan rejection.
  - Governor’s veto message
- Consideration of bill subject to certain requirements:
  - Legislature may not consider until at least 7 days after LSA delivery of bill.
- Historical review: Plan 3 enacted in 1981 w/out amendment

HOWEVER: Bill is subject to amendment in the same manner as other bills.
Legislative Inaction
Judicial Intervention

• General Assembly:
  – Article III, section 35, directs the Iowa Supreme Court to develop a redistricting plan for the General Assembly prior to December 31 of any year ending in one if the General Assembly fails to pass an apportionment plan by September 1 of that year that becomes law by September 15.

• Congress:
  – No constitutional directive for Iowa Supreme Court to develop a Congressional redistricting plan if General Assembly fails to act.
Iowa Redistricting in Practice

Statistics and Philosophy
Congressional districts and Population - historical review

- 1981 Plan overview
  - Iowa total population: 2,913,387
  - Congressional districts (6):
    - Ideal district population: 485,564
    - Absolute overall range: 217 (+144, -73)
    - Overall range percentage variance: .045%

- 1991 Plan overview
  - Iowa total population: 2,776,755
  - Congressional districts (5):
    - Ideal district population: 555,351
    - Absolute overall range: 265 (+143, -122)
    - Overall range percentage variance: .05%

- 2001 Plan overview
  - Iowa total population: 2,926,324
  - Congressional districts (5):
    - Ideal district population: 585,265
    - Absolute overall range: 134 (+40, -94)
    - Overall range percentage variance: .023%

- 2011 Plan overview
  - Iowa total population: 3,046,355
  - Congressional districts (4):
    - Ideal district population: 761,589
    - Absolute overall range: 76 (+35, -41)
    - Overall range percentage variance: .01%
Legislative districts and Population - historical review

1981 Plan characteristics
- Senate districts (50)
  - Ideal district population: 58,268
  - Absolute overall range: 412 (+226, -186)
  - Overall range percentage variance: .71%
- House districts: (100)
  - Ideal district population: 29,134
  - Absolute overall range: 520 (+289, -231)
  - Overall range percentage variance: 1.78%

- 2001 Plan characteristics
  - Senate districts (50)
    - Ideal district population: 58,526
    - Absolute overall range: 855 (+439, -416)
    - Overall range percentage variance: 1.46%
  - House districts: (100)
    - Ideal district population: 29,263
    - Absolute overall range: 552 (+281, -271)
    - Overall range percentage variance: 1.886%

1991 Plan characteristics
- Senate districts: (50)
  - Ideal district population: 55,535
  - Absolute overall range: 804 (+457, -347)
  - Overall range percentage variance: 1.45%
- House districts: (100)
  - Ideal district population: 27,768
  - Absolute overall range: 548 (+272, -276)
  - Overall range percentage variance: 1.97%

- 2011 Plan characteristics
  - Senate districts (50)
    - Ideal district population: 60,927
    - Absolute overall range: 1,002 (+548, -454)
    - Overall range percentage variance: 1.65%
  - House districts: (100)
    - Ideal district population: 30,464
    - Absolute overall range: 587 (+299, -288)
    - Overall range percentage variance: 1.93%
Historical review – Paired Incumbents

- 1981 Plan overview
  - Congressional districts (6):
    - Paired incumbents: 2
  - Senate districts
    - Paired incumbents: 14
    - 1982 2-year elections: 4
  - House districts:
    - Paired incumbents: 36

- 2001 Plan overview
  - Congressional districts (5):
    - Paired incumbents: 2
  - Senate districts
    - Paired incumbents: 25
    - 2002 2-year elections: 10
  - House districts:
    - Paired incumbents: 39

- 1991 Plan overview
  - Congressional districts (5):
    - Paired incumbents: 2
  - Senate districts
    - Paired incumbents: 20
    - 1992 2-year elections: 7
  - House districts:
    - Paired incumbents: 40

- 2011 Plan overview
  - Congressional districts (4):
    - Paired incumbents: 4
  - Senate districts
    - Paired incumbents: 14
    - 2012 2-year elections: 1
  - House districts:
    - Paired incumbents: 27
Iowa Redistricting Philosophy

• A system designed to enact a redistricting plan in an efficient and timely manner without political gridlock and to prevent political gerrymandering.

• Goal is to enact a plan that is defensible in court.
  – Each successive plan must be “better,” primarily from a population deviation perspective, especially as it relates to congressional districts.

• A blind system, from a partisan perspective, will most often result in an acceptable redistricting plan.
Why Iowa's Redistricting Process Works
Factors Ensuring Success

• **Institutional Acceptance**
  – LSA viewed as fair and nonpartisan.
  – Unwilling to risk an alternative approach, such as bypassing LSA, amending a third plan, or accepting an Iowa Supreme Court imposed plan.

• **Objective Criteria**
  – Intent is to eliminate, to the extent possible, the concern that subjective political factors were used to draw plans.

• **Limited number of acceptable plans**
  – Use of objective criteria and larger geographic units limits number of acceptable plans.

• **Partisan Considerations Limited but not Eliminated**
  – LSA plan must be enacted – not imposed.

• **Unique Iowa Factors**
  – No significant federal Voting Rights Act issues.
2011 Redistricting Conclusion

On April 19, 2011, Iowa became one of the first states in the nation to have enacted both a congressional redistricting plan and a state legislative redistricting plan. On April 14, 2011, House File 682, the bill embodying the first proposed redistricting plan submitted by the Legislative Services Agency, passed the Iowa House of Representatives on a vote of 90-7, and passed the Iowa Senate on a vote of 48-1. Governor Terry Branstad signed the bill into law on April 19, 2011. In signing the legislation, the Governor stated that, “We can have some pride in the fact that Iowa has a system for reapportionment that is fair, that really gives the people an opportunity to choose their congressmen and their representatives and senators in a competitive system that isn’t really designed to skew it in favor of one party or the other.”
Iowa Redistricting on the Web

• Iowa General Assembly – Resources and Civic Education
  https://www.legis.iowa.gov/resources

Iowa Redistricting: Plan year specific information.
https://www.legis.iowa.gov/resources/redistricting

About Redistricting: General information about Iowa’s redistricting process.
https://www.legis.iowa.gov/resources/redistricting/about Redistricting