Reapportionment in Iowa Appendix

Like other states, Iowa has a long history of attempting to deal with the dilemmas of reapportionment. The process involves determining boundaries of legislative districts to ensure that each is approximately equal in population, then re-establishing those boundaries as populations shift. Until 1967, all boundaries of legislative districts in the state followed county lines, which led to severe malapportionment by population. The “one county, one representative” scheme meant that 30 percent of the population could elect a majority of the Iowa legislature. The League of Women Voters of Iowa adopted reapportionment as a study and action item in 1955 and reached consensus on the needs for change in 1963. The League amended its consensus in 1966 and called for:

1. Assurance for real and adequate reapportionment every ten years by a) creating a non-legislative bipartisan redistricting authority; b) allowing recourse directly to the Supreme Court; and c) having the Iowa Supreme Court reapportion if the commission fails to do so.

2. Apportionment of both House and Senate by population only, with crossing of county lines permitted.

3. Single-member districts.

In 1963, the Iowa Supreme Court ruled that the “one county, one representative” system resulted in discrimination and was unconstitutional. A constitutional amendment passed in 1968\* established that the Legislature would apportion itself based on population using “compact and contiguous” districts. The introductory chapter of this book shares the story of the Legislature’s 1971 effort at reapportionment that ended up containing non-compact districts. The League, along with other groups, sued, arguing that the Legislature’s plan focused more on protecting incumbents than on fair and equal representation. In 1972, the Iowa Supreme Court ruled that the Legislature’s apportionment scheme was unconstitutional, and the court redrew the district boundaries. (1)

The Legislature passed statutory provisions for reapportionment in 1981:

1. Three reapportionment plans (if necessary) to be prepared by the Legislative Service Bureau (LSB), the nonpartisan professional research and service arm of the Legislature.
2. A specific timeline for the consideration of these plans.
3. Anti-gerrymandering standards and measurements as guidelines to use in preparation of the plans:
4. A maximum 5 percent population variation in legislative districts with average deviation to be no more than 1 percent; maximum 1 percent population variation in congressional districts; and the Legislature has the burden of justifying any variation over 1 percent if challenged in court.
5. District boundaries shall coincide with local political subdivision boundaries, consistent with the population variation allowances.
6. Districts to be convenient, contiguous territories.
7. Compactness is given a lower priority than the three previous standards; measurements to judge compactness are district length to be as close as possible to its width, and population dispersion in a district to be as uniform as possible.
8. No district to be drawn to favor a political party, an incumbent, or other person/group; or to augment or dilute the voting strength of a language/racial minority, with the following information not used: addresses of incumbents, political affiliations of registered voters, previous election results, and demographic information other than population.
9. To the greatest extent possible, each legislative district will be wholly included within a single congressional district.
10. A bipartisan five-member Temporary Redistricting Advisory Committee, four appointed by the legislative leaders and a fifth member, and chairperson, selected by the four appointed members, selected by February 15 to advice the LSB and conduct public hearings on the first plan.
11. Plan 1 and Plan 2 to be voted up or down without amendment, with legislative direction given to the LSB for preparation of subsequent plans. Plan 1 delivered to the Legislature by April 1 or forty-five days after census data is received; if there is a Plan 2, it is delivered within thirty-five days following rejection of Plan 1.
12. Plan 3 is delivered within thirty-five days following rejection of Plan 2, if that occurs, and is open to amendment from the floor.
13. Whichever plan is passed by both houses of the Legislature, that plan goes to the governor for a signature. It then is available to county auditors for any adjustments needed for congressional and legislative districts.

This method of reapportionment has eliminated contentious debates over the establishment of district boundaries because it uses impartial criteria and limits partisan considerations. The result is timely and efficient development of redistricting plans and acceptance by political leaders and voters, who view the system as fair and unbiased. The LSB’s success is demonstrated by the fact that no lawsuit has challenged a plan implemented since the law’s inception. (2)

A number of studies and opinion pieces have recognized Iowa’s system of reapportionment as a model for other states. Abraham Unger points out that “Iowa’s redistricting process is viewed as unique by scholars precisely because it is completely non-partisan,” and argues that reapportionment methods like Iowa’s “actually are more democratic.” A *New York Times* editorial in 2009 opined that “New York’s voters should not elect a legislator next year unless he or she promises to set up an Iowa-style commission.” Calling Iowa the “non-partisan redistricting pioneer,” Benjamin Harris and Stephen Farnsworth present Iowa’s system as an example for redistricting reform in Virginia. A report in the *Boston Globe* praised Iowa, “with its impartial way of drawing congressional districts,” as a “model of equity — and a model for the nation.” These and other sources recognize Iowa’s system of reapportionment for its lack of politically influenced gerrymandering and its efficiency and accountability. (3)

The continued need for successful models of redistricting like Iowa’s is evident in ongoing disputes over the drawing of legislative lines in a number of states. In decisions handed down recently on two cases dealing with reapportionment battles in Wisconsin and Maryland, the U.S. Supreme Court ruled that partisan gerrymandering claims present political questions that fall beyond the jurisdiction of the federal judiciary. The court sent these cases back to state courts for further review. Redistricting maps in North Carolina, Georgia, Michigan, and other states face ongoing legal challenges as well. Researchers have identified specific inequities that gerrymandered reapportionment maps produce. For example, Jonathan Mattingly and Christy Vaughn analyzed North Carolina’s system and found the state’s 2012 election results, which led to four out of thirteen congressional seats being won by Democratic candidates, represented an outcome that occurred in less than 1 percent of randomly generated simulated districts. Ninety-five percent of the randomly sampled redistrictings yielded between six and nine Democratic victories. This finding, they argue, “brings into serious question the idea that such elections represent the ‘will of the people’” and “underlines the ability of redistricting to undermine the democratic process, while on the face allowing democracy to proceed.” Similarly, Sam Wang argues that gerrymandering is a significant means of disenfranchisement. In one example based on seven states where Republicans redrew district lines in 2012, he found that 25 percent of Democratic votes were wasted through packing. In Illinois, where Democrats set the boundaries, 18 percent of Republican votes were wasted. Implementing a system like Iowa’s would reduce or eliminate these instances of skewed results or disenfranchised voters. (4)

\*Article III of the Iowa Constitution: Laws uniform. Section 6. All laws of a general nature shall have a uniform operation; the General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms shall not equally belong to all citizens.

1968 [26] Amendment to #3. Section six (6) of Article three (III) section thirty-four (34) of Article three (III) and the 1904 and 1928 amendments thereto, sections thirty-five (35) and thirty-six (36) of Article three (III) and the 1904 amendment to each such section, and section thirty-seven (37) of Article three (III) are hereby repealed and the following adopted in lieu thereof:

SECTION 35. The General Assembly shall in 1971 and in each year immediately following the United States decennial census determine the number of senators and representatives to be elected to the General Assembly and establish senatorial and representative districts. The General Assembly shall complete the apportionment prior to September 1 of the year so required. If the apportionment fails to become law prior to September 15 of such year, the Supreme Court shall cause the state to be apportioned into senatorial and representative districts to comply with the requirements of the Constitution prior to December 31 of such year. The reapportioning authority shall, where necessary in establishing senatorial districts, shorten the term of any senator prior to completion of the term. Any senator whose term is so terminated shall not be compensated for the uncompleted part of the term.

Review by Supreme Court. SECTION 36. **Upon verified application by any** **qualified elector+, the Supreme Court shall review an apportionment plan adopted by** **the General Assembly which has been enacted into law**. Should the Supreme Court determine such plan does not comply with the requirements of the Constitution, the court shall within ninety days adopt or cause to be adopted an apportionment plan which shall so comply. The Supreme Court shall have original jurisdiction of all litigation questioning the apportionment of the General Assembly or any apportionment plan adopted by the General Assembly.

+ Significant aspect of this amendment.