R E P O R T
OF THE
TEMPORARY REDISTRICTING ADVISORY COMMISSION
TO THE
GENERAL ASSEMBLY

May 5, 1981

Pursuant to section 42.6, Code of Iowa 1981, the Temporary Redistricting Advisory Commission submits this report to the General Assembly regarding the plan issued April 22, 1981, for congressional and legislative redistricting submitted by the Legislative Service Bureau to the General Assembly.

HEARINGS

The Commission held three public hearings on the plan on April 29, 30 and May 1, in Sioux City, Iowa City and Des Moines respectively. As required by law summaries of testimony and information presented at the hearings are attached to and by this reference made a part of this report.

RECOMMENDATION AND STATEMENT ON PLAN I

The Commission by a vote of three to two recommends the General Assembly reject the plan for congressional and legislative redistricting submitted to it April 22, 1981. Statements on the plan from each member of the Commission, either singly or jointly are attached to and by this reference made a part of this report.

RECOMMENDATIONS

The Commission also recommends the following to the General Assembly:

1. That in future reapportionment years, congressional and legislative redistricting plans be considered separately.

2. That the General Assembly consider problems experienced in receiving census data according to a specific schedule and place fewer restrictions on the time allowed for preparation and analysis of a plan.

3. That the General Assembly remove itself from the reapportionment process by giving the task of preparing and approving a redistricting plan to a nonpartisan commission. This will require a constitutional amendment.

4. If the criteria in House File 707, chapter 42, Code of Iowa 1981 are used again in a reapportionment procedure, the General Assembly should clarify the relative importance of each criteria in section 42.4, subsections 1 through 4.

5. The Commission renews its request for authorization from the General Assembly to hold at least one public hearing on the second redistricting plan which may be submitted to the General Assembly.

6. That in any numbering of senate districts when an incumbant senator is placed alone within a district that district should receive an odd- or even-numbered designation based upon the type of number of the incumbant senator's previous district.

Respectfully submitted,

DR. MARY GREFE, CHAIRPERSON

MR. STEVE ROBERTS

MR. WILEY MAYNE

MR. JOHN CHRYSTAL

MR. LORNE WORTHINGTON

SUMMARY OF THE SIOUX CITY PUBLIC HEARING
ON THE APRIL 22 REDISTRICTING PLAN

The first hearing of the Temporary Redistricting Advisory Commission was called to order at 4:15 p.m., Wednesday, April 29, 1981, in the City Auditorium in Sioux City, Iowa by Dr. Mary Grefe, Chairperson. Members of the Commission present were:

Mr. Wiley Mayne
Mr. John Chrystal
Mr. Stephen W. Roberts
Mr. Lorne R. Worthington

Also present were Mr. Serge Garrison, Director of the Legislative Service Bureau, and Mr. Gary Kaufman, Mr. Mike Stephenson, Ms. Mari Trott, and Ms. Sue Lerdal from the Legislative Service Bureau and other interested persons.

Mr. Serge Garrison presented the standards from House File 707, used for the first plan for reapportionment. Mr. Garrison stated that the plan could not deviate from the best mathematical equality possible. Mr. Garrison indicated that the Legislative Service Bureau was not an advocate of the proposed plan but presented the information for the public.

Mr. Gary Kaufman explained the method the Legislative Service Bureau used in meeting the redistricting standards in the order of priority from House File 707. Mr. Kaufman indicated that the legislature would have to justify a variation of over one percent between districts if that variation would appear.

Chairperson Grefe asked people with written testimony to leave a copy for the Commission if possible.

People presenting testimony in favor of the first plan for redistricting were:

Mr. Earl Martin, Sioux City city clerk
Mr. Don Linduski, Woodbury County Auditor
Mr. Frank Mandicino, Iowa Federation of Labor
Mr. Harry Smith, attorney
Ms. Marilyn Murphy, concerned citizen (testimony read by Ms. Mary Bell)
Mr. Earl Grueskin, former mayor of Sioux City (testimony read by Ms. Betty Strong)
Mr. Mike Hand, Political Science Professor from Briar Cliff College
Ms. Jean Farley, League of Women Voters of Iowa
Judge Maurice Rawlings, retired Iowa Supreme Court Justice (testimony read by Mr. William Rawlings)
Mr. John Samore, Iowa Civil Liberties Union and Sioux City

Human Rights Commission
Mr. Dave Somsky, concerned citizen (testimony read by Ms. Jackie Tronson)
Mr. Marvin Franky, Woodbury County Labor Council (testimony read by Mr. Max Spain)
Ms. Jean Hecker, concerned citizen from Sioux City
Ms. Terry Eriksmoen, Sioux City attorney
Mr. Gary Koch, Woodbury County Democratic Chairman
Ms. Grace Ann Witte, Common Cause
Mr. Loren Callendar, Sioux City city council member
Mr. Tim Foix, concerned citizen (testimony read by Mr. Jack Foresman, member of Cherokee County Board of Supervisors)
Ms. Dee Sturgeon, concerned citizen from Sioux City (also presented written support statements from several other citizens)
Mr. David Huston, Sioux City Educational Association and representing the Iowa State Educational Association
Mr. Larry Twait, concerned citizen from Sioux City
Mr. Clayton Hodgson, district staff person for Congressman Berkley Bedell
Mr. Jim Spradling, concerned citizen from Orange City
Mr. Russell Lett, concerned citizen from Council Bluffs
Mr. Alan Tuchtenhagen, concerned citizen from Lemars
Mr. Dale Schnirring, concerned citizen from Sac City
Mr. Lyle Scheelhaase, concerned citizen from Woodbury County

Several reasons were presented from the individuals in favor of the first plan for redistricting. In general, these reasons were:

1. The population deviation between the districts is as little as will be able to be achieved.

2. A nonpartisan staff, the Legislative Service Bureau, drafted the plan, therefore showing no partisan favoritism.

3. If the first and second plans are rejected, the third plan is amendable by the legislature, therefore permitting possible gerrymandering.

4. Urban citizens are more equally represented when compared to rural citizens, compared to the 1972 plan.

5. The plan increases the number of counties which are kept intact in one house district or in one senate district compared to the 1972 plan.

6. The plan decreases the number of house and senate districts which cross the lines for congressional districts compared to the 1972 plan.

7. The rejection of the proposed plan would require one or more special sessions to approve of the second or third plan which could cost approximately $680,000.

8. The rejection of the first and second plans and the amending of the third plan would provide the grounds for a new court battle, as occurred in 1972.

9. The Legislative Service Bureau has followed the standards required in House File 707 in the proper order of priority.

10. The Legislative Service Bureau would not be able to draft a second or third nonpartisan plan which is as nonpartisan as the first plan because of public input to the first plan.

People presenting testimony for the rejection of the first plan for redistricting were:

Mr. Daniel Montgomery, Farm Bureau Federation
Mr. George Wittgraf, attorney from Cherokee
Mr. John Huldeen, concerned citizen from Odebolt
Mr. Gale Davis, concerned citizen from Nemaha
Mr. Dwight Meyer, concerned citizen from Odebolt
Mr. Gregg Knowles, newspaper publisher from Sac City
Mr. John Huser, Sac County Farm Bureau
Mr. Hubert Schultz, attorney from Sandborn
Mr. Deane Gunderson, concerned citizen from Rolfe
Ms. Marilyn Graham, co-chair of Ida County Republican Committee

Several reasons were presented from the individuals for rejection of the first plan for redistricting. In general, these reasons were:

1. Although House File 707 requires a population deviation of not more than one percent between congressional districts, it does permit a population deviation of five percent between state legislative districts, therefore a new plan which has a greater percentage of deviation between the state legislative districts would be within the law.

2. Nineteen counties have the total county within one house legislative district, except for one township within each county, which encourages fragmentation of:

a. Communication, with more media attention being given to legislators representing the majority of the county.

b. Political parties, by thwarting aspirations of possible candidates for the legislature who reside in the township separated from the remainder of the county.

c. Representative government, by eliminating the reality of representation for the citizens residing in the isolated townships.

3. Sac County is divided into three representative districts and three senatorial districts. This presents a problem for:

a. Associations organized along county lines.

b. School districts.

c. The county commissioner of elections.

d. Individuals, by increasing the number of legislators they must contact for concerns.

e. Both urban and rural residents, by being in one district but having different concerns.

4. The one person, one vote reasoning is not the most important one. Although the compactness standard is not the highest priority, the Code does not require the Legislative Service Bureau not to take it into consideration.

5. Pocahontas County being continually shuffled with each time redistricting occurs and isolated townships do not receive much political attention.

6. Incumbent legislators are required to run against each other.

7. The proposed plan is a very radical change for only a three percent growth in Iowa.

8. Although a computer plan is nonpartisan, additional changes of the computer plan by the legislature or a commission would be an asset.

In addition to those presenting testimony, Mr. John Cleghorn, a spokesman for Senator Clarence Carney, indicated that Senator Carney was supportive of the plan for Sioux City. Several other individuals presented written testimony.

The hearing was adjourned by Chairperson Grefe at 8:05 p.m.

SUMMARY OF THE IOWA CITY PUBLIC HEARING
ON THE APRIL 22 REDISTRICTING PLAN

The second public hearing on the congressional and legislative redistricting plan submitted April 22, 1981 was called to order by Dr. Mary Grefe, Chairperson of the Temporary Redistricting Advisory Commission at 4:13 p.m., Thursday, April 30, 1981 in Shambaugh Auditorium at the University of Iowa, Iowa City. Other commission members present were:

Mr. Wiley Mayne
Mr. Steve Roberts
Mr. John Chrystal
Mr. Lorne Worthington

Staff members present were Mr. Serge Garrison, Director, Legislative Service Bureau; Mr. Gary Kaufman, Ms. Mary Trott, Mr. Michael Stephenson and Ms. Debbie Dahab all of the Legislative Service Bureau.

Sixty-two persons offered oral testimony regarding the first redistricting plan. A list of those testifying is attached as part of this report. Thirteen additional persons submitted written comments for the record in lieu of oral testimony. All written testimony received is on file in the Legislative Service Bureau.

Reasons cited by persons expressing support for the first plan were as follows:

1. The population deviation between the districts is as little as will be able to be achieved.

2. A nonpartisan staff, the Legislative Service Bureau, drafted the plan, resulting in a fair plan based on mathematical standards.

3. The plan keeps more counties in a single house or senate district than the 1971 plan.

4. A change in a citizen's congressman or state representative can occur every two years as part of the normal election process. Both this and reapportionment are methods of providing for organized change to reflect changing public interests.

5. Moving Linn county to the first district would be consistent with that county's current placement in other political units that combine Linn and Johnson counties and would enchance Linn county's participation in these units and give the units a more effective voice in Washington, D.C.

6. Some federal education and other moneys are allocated along congressional lines so putting Linn and Johnson counties together would enable them to make better use of federal money.

7. Actually, Cedar Rapids and Iowa City have cultural, economic and social ties which are disrupted under the present districting.

8. Rejection of plan 1 would lead to costly special legislative sessions which the state can hardly afford given the current economic circumstances. Court challenges or a court redistricting plan would also be costly.

9. The plan meets all the standards in the law in the order of priority.

10. Studies show that districts based entirely on population are more competitive which results in better representation of the public interest.

11. The worst feature of the plan is that it fails to improve on the compactness compared to current districts. In all other respects the plan is better.

12. The law specifically prohibits use of demographic data other than population in developing a plan.

13. The media will accomodate any changes in markets caused by redistricting and will adopt coverage to meet the needs of its customers.

14. If plan 1 is rejected, any plan subsequently approved must be statistically superior to plan 1.

15. Plan 1 combines some cities into a single legislative district which were formerly divided. This provides better representation for city residents. (Ft. Madison, Muscatine).

16. Must avoid elevating "land bias" over population as this distorts the public interest.

17. Cultural, economic and social ties between cities will persist regardless of congressional districts. If we allow consideration of "other demographic information" where do we draw the line?

Reasons given by persons advocating rejection of the first plan were as follows:

1. House File 707 allows a maximum one percent population deviation among congressional districts and five percent among legislative districts. Any plan which falls within these population deviations would be acceptable.

2. Linn county has cultural, economic and social ties with northeast Iowa and Scott county has similar ties to southeast Iowa which plan 1 unnecessarily disrupts.

3. Neither the legislative nor the congressional districts in the plan are compact. Statistics cannot visualize the geographics of a district. Using population as the primary criteria results in some very odd-shaped districts which disrupt neighborhoods. (It was pointed out that precinct lines as determined by local officials are not altered in drawing districts.)

4. The plan splits Clinton county into three senate districts which are not compact to the extreme and which dilutes the voting strength of residents and results in less effective representation of their interests. Following county lines in Clinton county would result in one senate district with a population variance of less than two percent.

5. The proposed second congressional district represents a population improvement over the current district of only 440 persons which is not worth the confusion in terms of disruption of social and commercial ties and loss of district identification the new plan would cause.

6. Past experience has revealed numerous inaccuracies in census data. Challenges to the 1980 figures have already been filed. Because of the inexactness of the base we should be more flexible in the plan.

7. Cedar Rapids provides media services for the second district without which second district residents may be inadequately served. Also the current even distribution of media services in the district provides better opportunities for independent candidates.

8. The plan combines urban and rural areas in legislative districts which will result in inadequate representation of the needs of urban and rural residents. (i.e., the plan divides some cities, Waterloo, Cedar Falls and Muscatine cited in particular.)

9. In Winneshiek and Allamakee counties several townships are split from the county which is otherwise contained in one house district. This results in inadequate representation and loss of political opportunities for residents of the single townships.

10. A federal district court case allowed consideration of minimum change and preservation of existing constituencies in redistricting. The state law excepts items considered under federal law from the prohibition against considering demographic characteristics other than population. (It was pointed out that the exception applies to items "required" to be considered under federal law and that in a court test the state statute would probably prevail.)

11. George Wright of Fort Madison presented three plans which he claims move fewer people than plan 1 and are more compact. He cited preservation of existing constituencies as important to effective representation. Mr. Wright opined that the burden of

proof should be on the supporters of a particular plan when a less disruptive alternative is available.

12. Dubuque will have to redistrict its wards which are newly created.

13. The plan should be rejected because amendments are prohibited, even those that correct minor shortcomings. (The plan cannot be "fine-tuned".)

14. Having a nonpartisan agency prepare the plan does not guarantee a nonpartisan plan. A nonpartisan plan would consider and impact all interests equally.

15. Nationally, congressional districts vary from 300,000 to 600,000 residents. Given this, Iowa should permit a little more variation among districts even within the standard for population deviation.

16. The changes in congressional district boundaries would increase campaign costs.

The following comments were offered as suggestions for improving the redistricting procedure provided in House File 707:

1. One person indicated she had problems obtaining maps and other information. She suggested that copies could be sent to all county auditors for distribution to the public on the same day as the scheduled distribution to the general assembly.

2. The redistricting procedure in HF 707 should be put in the Iowa Constitution to avoid substantial changes in the standards every ten years as happened in 1981 and which led to substantial changes in district boundaries.

3. Proposed plans should be submitted to the respective cities and counties for comments prior to finalizing them.

4. Several persons suggested separate consideration of congressional and legislative redistricting proposals.

PERSONS TESTIFYING--IOWA CITY PUBLIC
HEARING RE REDISTRICTING PLAN

April 30, 1981

Persons testifying in support of plan 1:

Mona Martin, League of Women Voters
Charles Wright, Mayor of Davenport
Frank Nye, Cedar Rapids
Tom Slocutt, Johnson County
Lynne Cannon, Iowa City
Dale Hibbs, Iowa City
Joel Barkan, Iowa City
Paul Smith, Cedar Rapids
Peggy Whitworth, Cedar Rapids
Senator Bob Rush, Cedar Rapids
Betty Ockenfels, Iowa City
Steve Munzenmaier
Tom Jacobs, Iowa City
Diane Jones, NOW
Mr. Auge, Fort Madison
Mr. Benjamin, West Point
Gene Fraise, Fort Madison
Joe Rinas, Marion
Pat Marshall, Cedar Rapids
Melvin Mills, Cedar Rapids
Diane Norden, Brooklyn
Bob Glaser, Delaware County attorney
Jim Larew
Mary Chamberlin, Davenport
Mary Johnson, Davenport
Ned Peterson, Davenport
Paulee Lipsman, Davenport
Patsy Ramacitte, Bettendorf
Tom Benge, Bettendorf
John Nagle, Davenport
Donna Caldwell, Scott County
Lenny Davis, Davenport
Al Zimmerman
Jerry Karnes, Keokuk
Charles Eppers, Keokuk
Mark Patterson, Keokuk
Jim Hawkins, Argyle
Ivan Weber, Keokuk
Bob Hanson, Williamsburg
Andy Frommelt, Dubuque
Robert Dvorsky, Coralville
Thomas Baldridge, Iowa City
David Perret, Iowa City
Ethan Spioston, Marion
Frank Reynolds

Mike Vance
Ms. Baustein, Poweshiek County
Virginia Mills, Montezuma
Juan Cortez, Cedar Rapids

Persons testifying in opposition to plan 1:

Roger Shaff, Comanche
Robert Kazimaur, Cedar Rapids
Marion Pfaff, Linn County
Howard Sokol
Fran Plumb, Davenport
Joseph Anderson, Davenport
George Wright, Fort Madison
Sarah Lande, Muscatine
D. Michael King, Mayor of Dubuque
Harold Howell, Cedar Rapids
Charles Lande, Cedar Rapids
Sally Novetzke, Linn County
Barbara Avery, Spencer
Ted Johnson

Written statements supporting plan 1:

Dennis Ryan, AFLCIO
Colleen and Kent Stufflebeam, Vinton (2 statements)
Claire Buggs, Fort Madison
Erma Wiszmaan, President, CWA Local 7117, Davenport
Burtine Motley, Cedar Rapids
Philip Fry, State Building and Construction Trades Council, Springfield
Rick Gerard, Cedar Rapids
Larry Kemp, Muscatine
Marilyn Schepers, Muscatine
Harold Donnelley, Johnson County
Emmit J. George, Iowa City
John E. O'Neill, Johnson County recorder

A petition signed by approximately 32 additional people expressing support of plan I was received.

Written statements opposing plan 1:

Waterloo Chamber of Commerce
Charles Pelton, Clinton
Bruce Turrold, Cresco
E. E. Seyfried, Davenport

SUMMARY OF DES MOINES PUBLIC HEARING
ON THE APRIL 22 REDISTRICTING PLAN

The third hearing of the Temporary Redistricting Advisory Commission was called to order at 4:10 p.m., Friday, May 1, 1981, in the Senate Chambers of the State House, in Des Moines, Iowa, by Dr. Mary Grefe, Chairperson. Members of the Commission present were:

Mr. Wiley Mayne
Mr. John Chrystal
Mr. Stephen W. Roberts
Mr. Lorne R. Worthington

Also present were Mr. Serge Garrison, Director of the Legislative Service Bureau, and Mr. Gary Kaufmann, Mr. Mike Stephenson, Ms. Mari Trott, and Ms. Sue Lerdal from the Legislative Service Bureau and other interested persons.

People presenting testimony in favor of the first plan for redistricting were:

Mr. Francis Becker, concerned citizen and former justice of the Iowa Supreme Court
Mr. Donald Boles, Professor, Iowa State University
Mr. Ed Campbell, Chairman of the Iowa Democratic State Central Committee
Mr. Tom Beck, instructor from Des Moines Area Community College
Mr. Larry Carter, NAACP
Mr. Jim Wengert, Iowa Federation of Labor
Mr. Dan Johnston, Polk County Attorney
Ms. Louise Noun, concerned citizen
Mr. Ed Skinner, attorney from Altoona
Mr. Robert Pratt, concerned citizen
Mr. Tom Mann, attorney from Des Moines
Ms. Ann Kelly, concerned citizen
Mr. Curt Sorteberg, Iowa Farmers Union
Mr. Herb Randals, Communications Workers of America
Dr. Larry Staunton, Professor, Drake University
Mr. Robert Willis, Iowa Public Interest Research Group
Mr. John Brunow, Appanoose County Auditor
Ms. Diane Lake, Assistant professor, Drake University
Mr. Bob Hariman, concerned citizen
Ms. Monica McFadden, Polk County Womens Political Caucus
Ms. Jane Wallerstedt, League of Women Voters of Iowa
Mr. Paul Mann, Des Moines high school government teacher, (also representing the Iowa State Education Association)
Ms. Beverly Dickerson, Warren County Auditor
Ms. Mary Mahoney, student from Iowa State University
Mr. Dennis Daley, Assistant Professor, Iowa State University
Ms. Dawn Connet, student from Iowa State University
Mr. Steve Holland, student from Iowa State University
Ms. Deann Stupp, student from Iowa State University

Ms. Sarah Gorrell, Madison County Auditor
Mr. Doyle Denhart, concerned citizen, Mt. Ayr
Ms. Ardith Maney, Assistant Professor, Iowa State University
Ms. Mary Carr, student from Iowa State University
Ms. Lynne Carr, student from Iowa State University
Ms. Tona Langefeld, student from Iowa State University
Ms. Liz Seizer, concerned citizen from Ames
Ms. Noel Lytle, concerned citizen
Mr. Dick Deardon, Polk County Chairman, Democratic Central Committee
Mr. Roger W. Heng, concerned citizen from Des Moines
Ms. Lin Lilley, Common Cause of Iowa

Several reasons were presented from the individuals supporting the first plan for redistricting. In general, these reasons were:

1. The second plan will have to have at least the population equality as the first plan, if compactness is the reason for rejection of the plan by the legislature.

2. There is nothing which prevents a state from adopting more stringent requirements for reapportionment than required by the United States Supreme Court.

3. The criticism of a Congressman affected by the first plan is not justified since the same Congressman sponsored a bill at the federal level, similar to House File 707, which prevents states use of political data for reapportionment.

4. The burden of proof would be on the legislature if the first plan is rejected.

5. The first plan provides better representation for urban citizens relative to numbers, compared to the 1972 plan.

6. Minority representation may be enhanced.

7. Title 42, section 1988 of the United States Code, permits the petitioners of a lawsuit to receive court fees for a lawsuit pertaining to reapportionment if the court decides in favor of the petitioners.

8. Any delay of approval of a reapportionment plan would further delay the local governments from implementing any necessary changes relating to reapportionment.

9. The vitality of the political process would be diminished if the first plan is rejected.

10. The plan should not compromise the population standard for the purpose of county integrity.

11. The number of counties not divided by reapportionment for house and senate districts is decreased, compared to the 1972 plan.

12. There should not be any population deviation permitted by Iowa statute and the least deviation possible should be strived for, a goal at which plan one has succeeded.

People presenting testimony for the rejection of the first plan for redistricting were:

Mr. Bennett Webster, Chairman of the Iowa Republican State Central Committee
Mr. Elmer True, concerned citizen, former City Manager of West Des Moines
Mr. Jeff Downing, Vice President of the West Des Moines Chamber of Commerce
Mr. Gerald Bogan, concerned citizen
Mr. Ralph Brown, Chairman of the Dallas County Republican Party (statement read by Representative Lyle Krewson)
Mr. Mark Wampler, concerned citizen
Mr. Laurent Hodges, concerned citizen from Ames (statement read by Representative Reid Crawford)

Several reasons were presented from the individuals for rejection of the first plan for redistricting. In general, these reasons were:

1. The proposed congressional districts are geographically illogical and disruptive, and the plan lacks compactness overall.

2. It is difficult to believe that the first plan has the least population deviation and most compactness, without having another plan to compare the first one to.

3. Three hundred thirty thousand people were shifted in plan one, from one congressional district to another, after forty years of tradition.

4. There are social, cultural, commercial, and political ties to the present congressional districts by the residents of those districts.

5. Population and population deviation are not the sole criteria for reapportionment.

6. The city of West Des Moines is divided into two house districts and with a population of only 22,000, the division is really not necessary. The remaining surrounding suburbs are not divided.

7. The use of census figures is not the most infallible way to achieve equally populated districts.

8. The number of registered voters in each precinct should be used rather than population for reapportionment purposes.

9. Dallas county is divided into four house districts and three senate districts, which causes Dallas county to have as many representatives as Johnson county, but with a much smaller population.

10. Population is changing constantly, so exact equality of districts is impossible to achieve.

11. There should be as few changes as possible in legislative districts in any new reapportionment plan.

12. The government of the state or of the United States is not based on mathematically computed origin.

13. Poweshiek county is intact except for one township, and is in a different congressional district.

Several other individuals presented written testimony in lieu of oral testimony and the points listed in those presentations are summarized above. Copies are available in the Legislative Service Bureau.

The hearing was adjourned by Chairperson Grefe at 9:25 p.m.

TEMPORARY REDISTRICTING ADVISORY COMMISSION

Statement by Mary A. Grefe, Chairperson

As chairperson of this commission I assumed three obligations:

1. To keep the public hearings orderly and fair so that all who wished to speak might do so.

2. To listen carefully to what was said, not how many times it was said. Abraham Lincoln said, "If I am wrong, 1000 men saying I am right will not make it right."

3. To be sure that my decision as a commissioner was based not only on what I heard but that it be true to previously stated and documented positions on representation so that I could not be accused of partisanship.

All of the comments made at the public hearings seem to fall in three general categories. There were those who were positive that this was the best plan which could ever be devised which reminds me of my father-in-law who also states without fear of argument that "his first wife is the best wife he ever had." Since he had only one wife he is correct.

Others did not endorse the plan but stated that it met the guidelines for fair representation. As an example of this testimony the Iowa State Education Association said, "It should be clarified that our organization has not specifically singled out what we choose to call Plan 1 for its endorsement. Rather, it has established standards for a fair plan, and this plan certainly meets those standards. It is possible thst any future plan could meet these standards, also, but for the present that is conjecture."

The third group of speakers opposed the plan because it divided political subdivisions such as towns or townships or because it did not meet the guidelines of contiguity or compactness.

In making my decision I wish to state that at no time was I approached by any incumbent, any staff of an incumbent, by any party official, or by any member of this commission to lobby or attempt to

influence my decision. Neither have I wasted one second's sleep over any incumbent whose position would be threatened by any change of boundary lines. In politics there is no such thing as a "sure seat" and that is a fact of life which one assumes when one seeks public office. If serving in the legislature or the Congress is a priority for someone then they must accommodate the requirements for the office. History is replete with examples of elected representatives who have maintained family homes outside of the district they represented, and rented an apartment within the district to meet resident requirements.

When serving on a jury I was instructed by the presiding judge that the over-riding principle must be that the defendant was guilty beyond all "reasonable doubt." I have applied the same principle in evaluating Plan 1. In my evaluation it not only had to meet the population standards required by the law, but it also had to reflect the interests and concerns of Iowa citizens through the district boundary lines beyond "all reasonable doubt." In other words the question I dealt with was, "Can another plan be drawn which will meet the population deviation standards and yet more fairly represent socio-economic factors and compatible ideologies? In arriving at my answer I reviewed two previous personal experiences:

As a member and later President of the Des Moines League of Women Voters I worked very hard for what I considered to be an "ideal" plan of representation on the Des Moines City Council. All members were to be elected at large and thus each would represent the same number of people; the 200,000 citizens of Des Moines. It was true democracy. And yet as the plan was put into effect the League of Women Voters began to realize that despite the intention that the interests and concerns of the people on the east, south and north sides of Des Moines were not being addressed by the Council. And so the League urged the adoption of the Ward plan of election so that socio-economic factors and specific concerns of areas of

of Des Moines (streets, sewers, parks, etc.) could be addressed by elected representatives. On another occasion when I was serving as President of the Des Moines School Board we were opening eight new schools (instead of closing them as is the requirement today) so we were faced with changing the boundaries of many attendance areas. In order to avoid the emotionalism attached to athletics and perceived images about the academic possibilities of certain schools, our staff was instructed to draw the boundary lines so as to assure an equal amount of children each school. The map presented was beautiful with each dot representing so many children and achieved absolute fairness in drawing the boundaries. The problem occurred when one placed children's faces in place of the dots and saw that five and six year olds had to cross a six foot high fence and a six-lane freeway to get to school. So I have a record of paying attention to the needs of citizens as well as recognizing the problems created by natural geographic or man-made barriers as it affects the drawing of boundary lines.

There are three problems with Plan 1 that bother me. As an English teacher I deplore dangling participles. As a commissioner I deplore dangling townships. Plan 1 splits <u>one</u> township from the rest of the county in 18 counties. One of these townships is in my former home county of Kossuth. I know the people and their habits in Kossuth County well. They depend on the newspapers emanating from Algona, the county seat for their news. On occasions I receive those papers and I have noted that the papers carry detailed stories reporting on the actions of the representatives from Kossuth County in the General Assembly. In fact the representatives frequently write letters or columns in the paper to explain their positions or votes on certain legislation. The isolated rural township of some 250 residents will have little or no news of their legislator

unless they or their legislator make valiant efforts to maintain communication in some other manner. I believe a plan can be drawn which will place small-population townships in at least the same Senate district as the rest of the townships in their county.

Secondly I feel that redistricting should acknowledge the socio-economic needs of the people within the district. Senate District 19 as proposed places blue-collar workers from Sioux City in the same district as a large number of rural residents. Depending on which ideological group the Senator represents, the other group will feel un-represented as far as their particular needs are addressed in the General Assembly. If a rural farm legislator is elected his/her concern will reflect rural interests. If the Senator comes from the blue collar district of Sioux City, the emphasis will more likely shift to labor legislation and needs of urban communities.

Finally compactness and contiguity while not the priority of the Plan are an important consideration. I would like to quote from testimony given at one of the hearings by the Waterloo Chamber of Commerce. "Under this first plan, totally objective, the area commonly called West Waterloo is combined with the City of Evansdale. By no stretch of the imagination can these two areas be considered contiguous. To travel from one area to the other requires passage through an entirely different district, or a good long swim. There are no bridges crossing the Cedar River between West Waterloo and Evandale. Any subject, rational human approach to drawing lines would have incorporated this knowledge."

Plan 1 is a good plan. I am not convinced that it is the only good plan. Already some minor errors have been detected which must be dealt with by amendment. Strict devotion to numerical equality does not take into account the needs of people. I believe that a new plan can

be drawn
which will meet the constituional standards of the allowable deviation and yet permit the unique needs of the citizens of Iowa to be addressed through their elected representatives.

I regret that we could not have dealt with Congressional redistricting and the redistricting of the General Assembly separately. Had we been able to do so I would have supported the Congressional district boundaries and opposed the proposed districts for the General Assembly. Since that was not possible I am forced to vote to reject Plan 1 with the hope that Plan 2 will more adequately reflect the needs of Iowa citizens.

Mary A. Grefe

Mary A. Grefe, Chairperson

I would like to commend the staff of the Legislative Research Bureau for the professional manner in which they have worked with the Commission, the General Assembly and the public. Their efforts to draw up a fair plan under extremely difficult circumstances and the trying pressures of time constraints imposed by the lateness of the census figures should be acknowledged and appreciated by every citizen of Iowa.

I would also like to commend my colleagues on the commission. While there were philosophical differences as well as political differences which emerged during the hearings and the final decision, the discussions took place in an atmosphere of respect for each other's opinions and in good-humored disagreement. It should be noted that they sat through some 20 hours of testimony during the hearings and skipped the evening meal for three days in a row in order to accommodate their fellow citizens.

REAPPORTIONMENT OPINION

I. INTRODUCTION

Time does not permit the full discussion and analysis of the reapportionment situation, including the decisions of the U.S. Supreme Court and Iowa Supreme Courts, and the U.S. and State Constitutional standards, as well as House File 707.

First of all, I join with many others in commending the Legislative Service Bureau for an excellent approach in their reapportionment mandate from the Iowa Legislature and the professionalism and competence with which they have gone about their work. I personally want to pay tribute to Serge Garrison, Gary Kauffman, the late Phil Burks, and their assistants. Iowa can be proud to have such dedicated public servants like these.

Secondly, I personally want to thank all who took the time to present oral or written testimony before the Commission. Their participation whether for partisan or altruistic reasons, or both, is highly commendable.

Thirdly, I personally believe that reapportionment every 10 years is terrifically important for the future directions of the State and therefore, every effort needs to be taken to get as close to the "perfect plan", as possible.

RECOMMENDATION

Because I believe this Plan is an excellent start toward achieving the "perfect plan", I urge the Legislature to reject this Plan and ask the Legislative Service Bureau to see if it

could come up with a plan that would move toward solving the following problems (which should not result in great population deviation,) which problems showed up in the testimony presented to us:

1. Reduce further the number of counties that have one township or precinct in a different legislative district.

2. Work on the problem of counties with numerous legislative districts, notably Sac and Pocahontas O'Brien counties in northwestern Iowa; Dallas County in central Iowa, and Clinton County in eastern Iowa.

3. Work on compactness of certain districts, notably House District 37 in western Iowa.

4. Work on problem of division of communities present in certain urban and suburban communities, notably West Des Moines, Iowa as testified to by West Des Moines officials; and Dubuque testified to by the Mayor of Dubuque; and the whole situation of urban districts in Des Moines, Cedar Rapids, Waterloo-Cedar Falls.

5. Perhaps look at the compactness issue as it affects the 1st and 2nd Congressional Districts in eastern Iowa.

GENERAL COMMENTS

The following are some general comments:

1. Some will say the above comments are "minor" flaws in the Plan, but they are only "minor" if they do not happen to

affect your county or community. (In fact, we had several counties or communities urging adoption of the Plan because it was such an improvement over the 1972 plan and/or it unified their county or community into more compact and less divisive districts.)

2. Several witnesses commented on the importance of one person-one vote, but "fair, meaningful representation" has more to it than just one person-one vote and the U.S. Supreme Court has recognized this. Otherwise, plans can be developed that cross county lines, divide precincts, etc. but could get within 1/100ths of 1 percent or at the extreme, everyone could be elected at large which would take away completely any really meaningful representation.

3. Several pointed out that mathematical equality is only as good as the numbers and that population census figures are not only subject to considerable questions of accuracy, but also that population has changed since the census.

4. As intimated by witness Ed Skinner, it may well be that portions of House File 707 are unconstitutional in stating definitive mathematical standards.

5. While sympathetic to arguments relating to tradition, demographic factors other than population such as economic, social, and cultural, House File 707 does not appear to permit consideration of other such factors; perhaps now or for 1990 if this kind of approach is to be used then, the statute

should be amended to permit consideration of such factors as long as population remains of primary importance.

6. This Legislature ultimately has the responsibility to reapportion under the Iowa Constitution; they are not necessarily bound by House File 707 unless they choose to be because the Iowa Constitution specifically gives this Legislature the responsibility and one Legislature cannot bind another subsequent one.

7. It became apparent to this observer as the hearings progressed that while no accurate figures were kept, partially over the objection of Mr. Worthington, that most persons who identified themselves as or who were known to the Commission as Democrats tended to favor the Plan and most Republicans opposed it suggesting that even "nonpartisan" plans become "partisan" because you are ultimately dealing with a very political matter.

8. The Legislature may wish to break up the Congressional and Legislative Plans in the future for consideration.

9. As suggested by Frank Nye, it might also have been desirable to initially have more than one plan to choose from, which in my mind is an additional reason, given the importance of the subject, to look at a second Plan.

10. This is one area where the additional expense is worth it because all Iowa citizens will have to live with the decision for the next 10 years.

Respectfully submitted,

Stephen W. Roberts

COMMENTS AND CONCLUSIONS OF COMMISSIONER WILEY MAYNE

The following comments and conclusions are submitted by me to be included with the Commission's report pursuant to Section 6(b), Ch. 1021 Laws of the 68 G.A., 1980 Session.

On the basis of information and testimony received at the hearings and otherwise presented to the Commission, I recommend that the Legislature reject Plan 1.

HF 707 does not require that districts be exactly equal in population, but rather that each shall have a population as nearly equal as practicable to ideal population. Section 4 specifically permits some variation in population of legislative districts "as necessary to comply with one of the other standards enumerated in this section." The Legislature clearly intended that an effort should be made to make both legislative and congressional district boundaries coincide with the boundaries of political subdivisions, and that the number of counties and cities divided among more than one district should be as small as possible, not as practicable but as possible. This mandate is modified only by (1) requirement that it be consistent with the less regard "nearly equal as practicable" provision of subsection b; and (2) the imposition of an upper limit of one percent as the maximum permissible variance in population from the respective or applicable ideal district.

I am not persuaded that Plan 1 satisfies the requirement that the number of counties and cities divided among more than one district is as small as possible.

For example, Audubon, Dallas, Sioux, Poweshiek, Marion, Grundy, Kossuth, Allamakee, Mitchell, Hardin and Cerro Gordo counties all appear to have just one of their townships placed in different senatorial districts. Many of these are townships of small population. Several witnesses testified to the isolating effect being thus cut off has on such single townships. I conclude a greater effort should be made to restore these single townships to their own counties. Considerable latitude for such an effort exists in that the average variance of senatorial districts in Plan 1 is only 6/100 of 1%, or approximately 1/17 of the average variance permitted by statute. In other words, the population variance could be multiplied by 16.7 and still be within the 1% maximum imposed by HR 707. Similarly, the House variance of only 1/10 of 1% in Plan 1 could be increased 10 times without exceeding the 1% maximum.

At least 6 counties have just 2 townships placed in different senatorial districts. There are numerous instances in which one township has been separated from the rest of its county in a house district. Cities have been divided in both senatorial and house districts. Surely all of the above situations should be studied further to determine if the standard of dividing as few counties and cities <u>as possible</u> has been sacrificed to achieve more exact equality of population than required by the legislative standard of population as nearly equal <u>as practicable</u>.

I further conclude that the Legislative Service Bureau should renew its efforts for greater compliance with the standards of convenient contiguous territory and compactness. A number of legislative districts in Plan 1 seem to fall short of meeting these standards. Likely candidates for improvement appear to be Senate Districts 2, 7, 8, 11, 15, 16, 18, 19, 25, 33, 34, 39, 40, 42, 45, 46 and 48 and House Districts 3, 4, 7, 11, 12, 13, 15, 21, 30, 31, 35, 36, 37, 41, 50, 65, 66, 68, 69, 77, 91, 99 and 100. Not all the zigzags in the above districts can be straightened but the legislative intent will be better served if the Bureau succeeds in straightening at least some of them. Director Garrison has conceded in his written presentation at the hearings that "There always seemed to be one district in each congressional district and within each plan that had an odd shape." I recognize that compactness is only preferable under HR 707. Lack of compactness standing alone probably would not justify rejection. However, conflict would not necessarily arise between greater compactness and the other standards in a second plan. Greater compactness would enhance, not weaken the standards of convenient contiguous territory and having as few counties and cities divided as possible. The Bureau must of course avoid achieving compactness to such an extent as to violate the population standard as it is defined in the statute. No conflict would arise been compactness and population so long as the new plan stays within the 1% average population variance prescribed

by the Legislature.

Modifications of legislative districts to achieve better compliance with subsections 2, 3 and 4 of Sec. 4 may lead the Bureau to consider some modification of congressional districts as well. This would be permissible under U.S. Supreme Court standards so long as the new congressional districts are as mathematically equal as reasonably possible. The applicable state maximum under HR 707 is again 1%. The Bureau should consider whether better compacting of irregularly shaped congressional districts in Plan 1 can be achieved without departing from those population standards. Could Crawford County be restored to the 6th District and Hamilton County (of substantially equal population) to the 3rd, thus removing 3 protuberances and recesses from the 3rd, 5th and 6th Districts? Could not a way be found to make the proposed 1st District more compact and conveniently contiguous by removing Linn County, described by several witnesses as "a long finger sticking upward from the district?" Only, of course, if other population could be added to the district to make it as mathematically equal to other districts as reasonably possible. Straightening of these and other congressional as well as legislative boundaries should at least be considered to determine if this can be accomplished within applicable equal population standards.

The Bureau has worked hard to produce Plan 1 and is entitled to great credit. However, statements emanating from the Bureau itself encourage me to believe it could do a substantially better job if given more time. I note that in his letter to the General Assembly of April 22 Director Garrison stated: "The greatest problem**in preparing the present plan was the lack of adequate time**the redistricting law anticipated two months for preparation of the first plan. The Bureau is submitting the plan 5 1/2 weeks following receipt of official census data.**because of the short length of time, the Bureau has not had the opportunity to review its work as closely as it desires**The Bureau actually had only 2 1/2 weeks to prepare the plan."

In his written presentation at the hearings he stated:

"I did note in the covering letter that**the Bureau did not have sufficient time to consider all factors and I still feel that is true.**We continue to search for a better plan, however, if we find such a plan we are prohibited from revealing such fact." (by the law).

In his oral presentations at the hearings, he testified that Plan 1 "is the best plan we could come up with as of the date we submitted it (April 22) but we would like to have had more time."

It is therefore entirely possible and even probable that the Bureau has already found a better plan. While it may be prohibited from revealing such fact while Plan 1 is still under consideration, there will be nothing to prevent the Bureau

after rejection of Plan 1 from submitting any better plan already developed plus further improvements which may be developed by the time a second plan is submitted under the statute.

For all the above reasons I conclude that the Legislature should vote to reject Plan 1. I do so in the hope that the Bureau will then be able to produce a Plan 2 which will more nearly meet the criteria of paragraphs 2, 3 and 4 of Sec. 4 while continuing to satisfy the population standard of paragraph 1."

May 4, 1981

Respectfully submitted,

Wiley Mayne

Wiley Mayne

TEMPORARY REDISTRICTING ADVISORY COMMISSION

During the three hearings held by the Temporary Redistricting Advisory Commission, it became apparent that there was broad based support for Plan One of redistricting prepared by the Legislature Service Bureau. Non-partisan groups such as: The Iowa League of Women Voters, Common Cause of Iowa, The State Federation of Labor, The Iowa Civil Liberties Union, the Sioux City City Council, the Woodbury County Labor Council, the Sioux City Education Association, AFSCME, the National Organization of Women, the Quad City Federation of Labor, the Iowa City City Council, the International Brotherhood of Electical Workers, the A. Phillip Randolph Institute, the Iowa Chapter of the NAACP, the Iowa Farmers Union, IPERG, the Polk County Women's Political Caucus and the Iowa State Education Assoc. testified that they favor Plan One.

The only non-partisan groups opposing Plan One were: The Iowa Farm Bureau Federation, the Sac County Farm Bureau, and the Chambers of Commerce

from West Des Moines, Cedar Rapids and Sac City.

Five County Auditors testified and all five in their capacity as Chief Election officials from their respective counties favored Plan One.

Two former Iowa Supreme Court Justices who participated in drafting the 1972 Apportionment Plan testified. Both Justice Rawlings and Justice Becker favored Plan Number One.

Numerous individuals testifed on their own behalf and support for Plan One was overwhelming. The heavy support for the Plan, though substantial, wasn't the most impressive part of their testimony. The consistent support for the guidelines contained in Chapter 42 of the 1981 Code of Iowa, and the observations that Plan One appeared to meet those guidelines to a much higher degree than most felt possible was in our opinion the most impressive thing about the testimony given. Another common reason for support centered around the wisdom of spending funds for one or two special sessions of the legislature when the

state finds itself in such a financial bind that many valuable programs are being cut because of lack of funds.

One individual who testified in favor of Plan One was Larry Staunton, a mathematician and computer expert. He said the following as a part of his testimony: "In my professional opinion, it is impossible to formulate a valid criticism of this redistricting plan based upon violation of any one of the four legally binding technical constraints underwhich it was drawn".

The arguments in opposition to the plan were mostly centered around displeasure with divisions within political subdivisions; eg. a County placed in one or more legislative districts, cities divided, and townships separated from one county and put in a legislative district where another county was more dominate. This reason for opposition however becomes less significant when one considers that the guideline dealing with division of political subdivisons was required to be subordinated to the guideline requiring an effort to achieve equality of population among the legislative districts. When one compares Plan

One's adherence to political subdivision boundary lines to the current legislative districts a very substantial improvement is apparent.

> "Only four house districts and three senate districts cross congressional district lines, compared to 21 house districts and 16 senate districts under the current plan. Under the proposed state legislative districting plan, 35 counties are contained entirely within one house district, and 14 other counties are only one or two townships away from being totally contained within a single house district. This compares with 14 counties which are contained entirely within a single house district under the current plan. Also under the proposed plan, 53 counties are contained entirely within one senate district, and six other counties are only one or two townships away from being totally contained with a single senate district. This compares with 33 counties that are contained entirely within a single senate district under the current plan. In addition several cities are retained intact in the proposed redistricting plan."

TO: Secretary of the Iowa Senate, Chief Clerk of the Iowa House of Represenatives, and Members of the Iowa General Assembly

FROM: Serge H. Garrison, Director and Gary L. Kaufman, Legal Counsel, Iowa Legislative Service Bureau

DATE: April 22, 1981

Another objection which was heard from the minority who opposed the adoption of Plan One centered around the location of Linn County in Congressional District One and of Scott County in Congressional District Two. The reasons for the objections were based on demographic and political factors which were not allowed consideration under the provisions of Chapter 42, and which were in fact specifically excluded by the act. Disapproval of Plan One for this reason would be in direct consideration of the statutes.

Based on our analysis of the plan and the testimony presented at the three hearings, we recommend passage of Plan One. This plan meets all the criteria established by the General Assembly to a remarkable degree. One could not imagine a more adequate adherence to the principal of one person, one vote, with less damage to political subdivision boundaries, with greater compactness and with less influence in preserving incumbent seats at the expense of equal representation under the law. The provisions of Chapter 42 allow for a greater variance of population deviations, than Plan ONe provides for, but it

must be remembered that the goal is to have zero difference, in an effort to achieve true equality, not to establish districts that approach the maximum allowable disminishment of the one person, one vote principle. A proposal such as Plan One does give maximum adherence to the principle of one person, one vote while approaching the ideal in meeting the other standards.

Prompt adoption of Plan One can avoid the need for a special session or sessions of the legislature. The current financial crisis can only be accentuated by spending funds for special sessions when there is no valid reason under the provisions of the law for rejecting Plan One and forcing additional sessions of the legislature.

Tom Worthington
John Chrystal