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Legislative Digest

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Approved.....

S. J. R. 13

By FULTON and DODDS.

Passed House, Date.....

Vote: Ayes..... Nays.....

SENATE JOINT RESOLUTION

A Joint Resolution proposing amendments to the constitution of the state of Iowa relating to the apportionment, the terms and qualifications, the time and manner of the election of members of the house of representatives and senators in the general assembly, the establishment of the ratio of representation in the house of representatives and in the senate, the manner of establishing representative and senatorial districts, the formation of a congressional, senatorial or representative district composed of two (2) or more counties or parts of two (2) or more counties, and the payment of compensation to senators whose terms shall expire by reason of redistricting before the time such terms would otherwise expire and who shall not be elected senators, by proposing to repeal section three (3) of article three (III) as amended in eighteen hundred eighty-four (1884) and nineteen hundred sixteen (1916), A. D., section four (4) of article three (III) as amended in eighteen hundred eighty (1880) and nineteen hundred twenty-six (1926), A. D., sections five (5) and six (6) of article three (III), section thirty-four (34) of article three (III) as amended in nineteen hundred four (1904) and nineteen hundred twenty-eight (1928), A. D., sections thirty-five (35) and thirty-six (36) of article three (III) as amended in nineteen hundred four (1904), A. D., and section thirty-seven (37) of article three (III), and proposing to adopt substitutes in lieu thereof, to redesignate section thirty-eight (38) of article three (III) as section thirty-nine (39) of article (III), and to adopt a new section thirty-eight (38) of article three (III).

Be It Resolved by the General Assembly of the State of Iowa:

- 1 Section 1. The following amendment to the constitution of
- 2 the state of Iowa is hereby proposed:
- 3 1. Section three (3) of article three (III) of the consti-
- 4 tution of the state of Iowa as amended in eighteen hundred
- 5 eighty-four (1884) and nineteen hundred sixteen (1916), A. D.,
- 6 section four (4) of article three (III) as amended in eighteen

7 hundred eighty (1880) and nineteen hundred twenty-six (1926),
8 A. D., sections five (5) and six (6) of article three (III),
9 section thirty-four (34) or article three (III) as amended in
10 nineteen hundred four (1904) and nineteen hundred twenty-eight
11 (1928), A. D., sections thirty-five (35) and thirty-six (36) of
12 article three (III) as amended in nineteen hundred four (1904),
13 A. D., and section thirty-seven (37) of article three (III) are
14 hereby repealed and the following adopted in lieu thereof:

15 "Sec. 3. The members of the house of representatives shall
16 be chosen at general elections by the qualified electors of
17 their respective districts, or at large, as the case may be, and
18 their terms of office shall commence on the first day of January
19 next after their election, and continue two (2) years, and until
20 their successors are elected and qualified."

21 "Sec. 4. No person shall be a member of the house of rep-
22 resentatives unless at the time of his election he shall have
23 attained the age of twenty-one (21) years, be a citizen of the
24 United States, shall have been a resident of this state one (1)
25 year, and, if elected from a representative district and not
26 at large, of such district sixty (60) days."

27 "Sec. 5. Senators shall be chosen at general elections for
28 terms of four (4) years, except as otherwise provided for in this
29 section and in section six (6) of this article, which terms shall
30 commence on the first day of January next following their elec-
31 tion, and shall continue until their successors are elected and
32 qualified. No person shall be a member of the senate unless at
33 the time of his election he shall have attained the age of
34 twenty-five (25) years and shall possess the same qualifications
35 as representatives with respect to citizenship and residence

36 within the state and senatorial district.

37 "The terms of senators serving at the time when the first
38 redistricting is to be accomplished under the provisions of
39 section thirty-six (36) of this article shall terminate on the
40 last day of December following the general election held in
41 nineteen hundred sixty-six (1966). At such general election
42 senators shall be elected from the several senatorial districts
43 as provided by section six (6) of this article or at large as
44 provided by sections thirty-six (36) and thirty-eight (38) of
45 this article, as the case may be.

46 "Following any subsequent redistricting pursuant to section
47 thirty-six (36) of this article, the terms of senators elected
48 from those districts the boundary lines of which shall be
49 changed thereby shall terminate on the last day of December
50 following the general election first held after such redistricting.
51 Likewise, in the event that there shall be an
52 election of senators at large under the provisions of section
53 thirty-six (36) or thirty-eight (38) of this article, the terms
54 of all incumbent senators shall terminate on the last day of
55 December following such election at large. The terms of senators
56 elected at large shall be two (2) years.

57 "Those senators whose terms would not terminate on or before
58 the first day of January, 1967, except for the provisions of
59 this section, and who are not elected senators at such general
60 election, may be paid such sum as shall be established by the
61 general assembly at the next regular session."

62 "Sec. 6. The senatorial districts established in the first
63 redistricting under section thirty-six (36) of this article and
64 in the first redistricting after an election at large shall be

65 numbered consecutively in the legislative redistricting act or
66 redistricting statement so that odd-numbered and even-numbered
67 districts shall be equal in number or nearly so. The terms of
68 senators elected from odd-numbered districts shall terminate on
69 the last day of December following a presidential election, and
70 the terms of senators elected from even-numbered districts shall
71 terminate on the last day of December of the alternate even-
72 numbered years. Accordingly, the terms of senators elected from
73 one (1) of the two (2) classes of numbered districts in the first
74 general election held after the first redistricting and in the
75 first general election after the redistricting becomes effective
76 or after an election at large, shall be four (4) years, and the
77 terms of senators elected from the other class of numbered
78 districts shall be two (2) years. In subsequent redistrictings
79 the general assembly or redistricting commission shall so assign
80 numbers to senatorial districts, the boundary lines of which
81 shall be changed, and to senatorial districts established there-
82 by, as to conform, as far as possible, to those existing before
83 such redistricting, to the end that such boundary changes shall
84 cause the least practicable adjustment of terms of incumbent
85 senators. The first terms of senators elected from such
86 districts shall be two (2) or four (4) years depending on the
87 class of their respective districts."

88 "Sec. 34. In each redistricting accomplished under section
89 thirty-six (36) of this article, senatorial districts shall be
90 established, each entitled to one (1) senator. Senatorial
91 districts shall be so established that each county having a
92 population of two (2) percent or more of the whole number of the
93 population of the state, as shown by the most recent national

94 decennial census, shall constitute a senatorial district; pro-
95 vided, however, that in the event there shall be an even number
96 of such counties, the next most populous county shall also
97 constitute a senatorial district. The remaining counties shall
98 be divided into senatorial districts, each composed of two (2)
99 contiguous counties.”

100 “Sec. 35. In each redistricting accomplished under section
101 thirty-six (36) of this article, representative districts shall
102 be established, each entitled to one (1) member of the house of
103 representatives. The ratio of representation in the house of
104 representatives shall be determined by dividing the whole number
105 of the population of the state, as shown by the last national
106 decennial census, by one hundred twenty-five (125). The
107 boundaries of representative districts shall be so drawn that
108 each district shall have a population equal to that of every
109 other district, a deviation of not more than ten (10) percent
110 from the ratio number being allowed, shall consist of compact
111 and contiguous territory, and shall, as far as possible, lie
112 wholly within a single county.”

113 “Sec. 36. The general assembly in nineteen hundred sixty-
114 five (1965) and thereafter in each decade in the year ending in
115 “one (1)” shall redistrict the state into senatorial and repre-
116 sentative districts in a single legislative enactment. In the
117 event any such session of the general assembly shall fail by
118 the first day of July following the convening of such session
119 to so redistrict the state, then such redistricting shall be
120 accomplished by a commission. Within thirty (30) days after
121 such first day of July the state central committee of each of
122 the two (2) political parties casting the highest number of

123 votes for governor in the last preceding election shall submit
124 to the governor a list of ten (10) resident, qualified voters.
125 Within fifteen (15) days after the receipt of such lists, but
126 not later than the fifteenth (15) day of August, the governor
127 shall appoint a commission of ten (10) members, five (5) from
128 each list. If either of the state central committees shall fail
129 to submit such a list within the time prescribed, the governor
130 shall appoint five (5) members of his choice from among the
131 resident, qualified voters of the party of such committee. Each
132 member of the redistricting commission may receive such compen-
133 sation as shall be established by law.

134 "The redistricting commission shall redistrict the state
135 into senatorial and representative districts in the manner pre-
136 scribed in sections thirty-four (34) and thirty-five (35) of
137 this article and shall file with the secretary of state a full
138 statement of the senatorial and representative districts and
139 their boundaries. No redistricting statement shall be valid
140 unless it shall have been approved by seven (7) members of such
141 commission. If the redistricting commission does not file the
142 required statement within four (4) months of its appointment,
143 it shall stand discharged, and at the next general election
144 senators and members of the house of representatives shall be
145 elected from the state at large.

146 "Whenever it shall be necessary under the provisions of this
147 section or section thirty-eight (38) of this article to nominate
148 and elect senators and members of the house of representatives
149 at large, the numbers thereof shall be as fixed for the preceding
150 general assembly. Following such an election at large, the
151 general assembly at its next regular session shall redistrict

152 the state as specified in the first sentence of this section,
153 but if it fails to do so, another redistricting commission shall
154 be appointed by the governor in the same manner, with the same
155 duties and powers and with the same effect as hereinbefore
156 provided, and so on, until a valid redistricting is secured.
157 There shall be only one (1) valid redistricting during any par-
158 ticular decade.

159 "A redistricting shall become effective on the first day of
160 January following the general election first held after the
161 adoption of the legislative redistricting act or the filing of
162 and redistricting statement, as the case may be."

163 "Sec. 37. When a congressional, senatorial or representa-
164 tive district shall be composed of two (2) or more counties, or
165 parts or two (2) or more counties, it shall not be entirely
166 separated by any county belonging to any other district."

167 2. Section thirty-eight (38) of article three (III) of the
168 constitution of the state of Iowa is hereby designated section
169 thirty-nine (39) of article three (III).

170 8. The following is hereby adopted as section thirty-eight
171 (38) of article three (III) of the constitution of the state of
172 Iowa:

173 "Sec. 38. Redistricting by the general assembly or by a
174 redistricting commission shall be subject to judicial review
175 upon the petition of a qualified voter filed in the district
176 court of Iowa, in and for Polk County, within thirty (30) days
177 after the adoption of the legislative redistricting act or the
178 filing of the redistricting statement, as the case may be. The
179 rules of civil procedure shall be applicable to such action.
180 The district and supreme courts shall give precedence to such

181 petition over all other causes and proceedings, and either court
182 may, if it finds such legislative act or redistricting statement
183 invalid for any reason, enjoin any action thereunder. If such
184 legislative enactment or redistricting statement shall be finally
185 adjudicated to be unconstitutional or if action under such act or
186 statement shall be enjoined, then senators and representatives
187 shall be elected at the next general election from the state at
188 large. Thereafter, the provisions of section thirty-six (36) of
189 this article shall be followed until a valid redistricting is
190 secured for the particular decade.

191 "In the event that prior to a final adjudication of the
192 constitutionality of the legislative redistricting act or of
193 the redistricting statement, nominations of senators and repre-
194 sentatives shall have been made and such nominations shall not
195 be in accord with the effect of such adjudication, the requisite
196 number of qualified candidates for senators and representatives
197 shall be chosen in the manner prescribed by law."

1 Sec. 2. The foregoing proposed amendment is hereby referred
2 to the general assembly to be chosen at the next general election
3 for members of the general assembly and the secretary of state
4 shall cause the same to be published for three (3) consecutive
5 months previous to the date of said election as provided by law.