

METCALF : Chair

HSB 633

GIPP  
Bradley  
Jochum  
T. Taylor

Submitted  
S: 02486

STATE GOVERNMENT

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON STATE  
GOVERNMENT BILL BY  
CHAIRPERSON METCALF)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to redistricting, the process of congressional  
2 and legislative redistricting, and review by the ethics and  
3 campaign disclosure board of county supervisor redistricting  
4 plans, and providing an effective date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 42.3, subsection 1, Code 2001, is  
2 amended to read as follows:

3 1. Not later than April 1 of each year ending in one, the  
4 legislative service bureau shall deliver to the secretary of  
5 the senate and the chief clerk of the house of representatives  
6 identical bills embodying a plan of legislative and  
7 congressional districting prepared in accordance with section  
8 42.4. It is the intent of this chapter that the general  
9 assembly shall bring the bill to a vote in either the senate  
10 or the house of representatives expeditiously, but not less  
11 than ~~seven~~ three days after the report of the commission  
12 required by section 42.6 is received and made available to the  
13 members of the general assembly, under a procedure or rule  
14 permitting no amendments except those of a purely corrective  
15 nature. It is further the intent of this chapter that if the  
16 bill is approved by the first house in which it is considered,  
17 it shall expeditiously be brought to a vote in the second  
18 house under a similar procedure or rule.

19 However, if the population data for legislative districting  
20 which the United States census bureau is required to provide  
21 this state under Pub. L. No. 94-171 and, if used by the  
22 legislative service bureau, the corresponding topologically  
23 integrated geographic encoding and referencing data file for  
24 that population data, are not available to the legislative  
25 service bureau on or before February 15 of the year ending in  
26 one, the dates set forth in this subsection shall be extended  
27 by a number of days equal to the number of days after February  
28 15 of the year ending in one that the federal census  
29 population data and the topologically integrated geographic  
30 encoding and referencing data file for legislative districting  
31 become available.

32 Sec. 2. Section 42.3, subsection 2, Code 2001, is amended  
33 by striking the subsection and inserting in lieu thereof the  
34 following:

35 2. If the bill embodying the plan submitted by the

1 legislative service bureau under subsection 1 fails to be  
 2 enacted, the legislative service bureau shall prepare a bill  
 3 embodying a second plan of legislative and congressional  
 4 districting. The bill shall be prepared in accordance with  
 5 section 42.4, and, insofar as it is possible to do so within  
 6 the requirements of section 42.4, with the reasons cited by  
 7 the senate or house of representatives by resolution, or the  
 8 governor by veto message, for the failure to approve the plan.  
 9 If a second plan is required under this subsection, the bill  
 10 embodying it shall be delivered to the secretary of the senate  
 11 and the chief clerk of the house of representatives not later  
 12 than thirty-five days after the date of the vote by which the  
 13 senate or the house of representatives fails to approve the  
 14 bill submitted under subsection 1, or the date the governor  
 15 vetoes or fails to approve the bill. If it is necessary to  
 16 submit a bill under this subsection, the bill shall be brought  
 17 to a vote not less than seven days after the bill is submitted  
 18 and made available to the members of the general assembly,  
 19 under a procedure or rule permitting no amendments except  
 20 those of a purely corrective nature. It is further the intent  
 21 of this chapter that if the bill is approved by the first  
 22 house in which it is considered, it shall expeditiously be  
 23 brought to a vote in the second house under a similar  
 24 procedure or rule.

25 If the bill embodying the plan submitted by the legislative  
 26 service bureau under subsection 1 fails to be approved by a  
 27 constitutional majority in either the senate or the house of  
 28 representatives, the secretary of the senate or the chief  
 29 clerk of the house, as the case may be, shall at once, but in  
 30 no event later than seven days after the date the bill failed  
 31 to be approved, transmit to the legislative service bureau  
 32 information which the senate or house may direct by resolution  
 33 regarding reasons why the plan was not approved.

34 Sec. 3. Section 42.3, subsection 3, Code 2001, is amended  
 35 to read as follows:

1 3. If the bill embodying the plan submitted by the  
2 legislative service bureau under subsection 2 fails to be  
3 ~~approved by a constitutional majority in either the senate or~~  
4 ~~the house of representatives enacted~~, the same procedure as  
5 prescribed by subsection 2 shall be followed. If a third plan  
6 is required under this subsection, the bill embodying it shall  
7 be delivered to the secretary of the senate and the chief  
8 clerk of the house of representatives not later than ~~June 1 of~~  
9 ~~the year ending in one, or twenty one~~ thirty-five days after  
10 the date of the vote by which the senate or the house of  
11 representatives fails to approve the bill submitted under  
12 subsection 2, ~~whichever date is later~~ or the date the governor  
13 vetoes or fails to approve the bill. The legislative service  
14 bureau shall submit a bill under this subsection sufficiently  
15 in advance of September 1 of the year ending in one to permit  
16 the general assembly to consider the plan prior to that date.  
17 ~~It is the intent of this chapter that, if~~ If it is necessary  
18 to submit a bill under this subsection, the bill shall be  
19 brought to a vote within the same time period after its  
20 delivery to the secretary of the senate and the chief clerk of  
21 the house of representatives as is prescribed for the bill  
22 submitted under subsection 2, but shall be subject to  
23 amendment in the same manner as other bills.

24 Sec. 4. Section 42.3, subsection 4, Code 2001, is amended  
25 by striking the subsection.

26 Sec. 5. Section 42.4, subsection 3, Code 2001, is amended  
27 to read as follows:

28 3. Districts shall be composed of **convenient** contiguous  
29 territory. Areas which meet only at the points of adjoining  
30 corners are not contiguous.

31 Sec. 6. Section 42.4, subsection 4, Code 2001, is amended  
32 by striking the subsection and inserting in lieu thereof the  
33 following:

34 4. Districts shall be reasonably compact in form, to the  
35 extent consistent with the standards established by

1 subsections 1, 2, and 3. In general, reasonably compact  
 2 districts are those which are square, rectangular, or  
 3 hexagonal in shape, and not irregularly shaped, to the extent  
 4 permitted by natural or political boundaries. If it is  
 5 necessary to compare the relative compactness of two or more  
 6 districts, or of two or more alternative districting plans,  
 7 the tests prescribed by paragraphs "a" and "b" shall be used.

8 a. Length-width compactness. The compactness of a  
 9 district is greatest when the length of the district and the  
 10 width of the district are equal. The measure of a district's  
 11 compactness is the absolute value of the difference between  
 12 the length and the width of the district. In general, the  
 13 length-width compactness of a district is calculated by  
 14 measuring the distance from the northernmost point or portion  
 15 of the boundary of a district to the southernmost point or  
 16 portion of the boundary of the same district and the distance  
 17 from the westernmost point or portion of the boundary of the  
 18 district to the easternmost point or portion of the boundary  
 19 of the same district. The absolute values computed for  
 20 individual districts under this paragraph may be cumulated for  
 21 all districts in a plan in order to compare the overall  
 22 compactness of two or more alternative districting plans for  
 23 the state, or for a portion of the state.

24 b. Perimeter compactness. The compactness of a district  
 25 is greatest when the distance needed to traverse the perimeter  
 26 boundary of a district is as short as possible. The total  
 27 perimeter distance computed for individual districts under  
 28 this paragraph may be cumulated for all districts in a plan in  
 29 order to compare the overall compactness of two or more  
 30 alternative districting plans for the state, or for a portion  
 31 of the state.

32 Sec. 7. Section 42.4, subsection 6, Code 2001, is amended  
 33 to read as follows:

34 6. In order to minimize electoral confusion and to  
 35 facilitate communication within state legislative districts,

1 each plan drawn under this section shall provide that each  
2 representative district is wholly included within a single  
3 senatorial district ~~and-that, so far as possible, each~~  
4 ~~representative and each senatorial district shall be included~~  
5 ~~within a single congressional district. However, the~~  
6 ~~standards established by subsections 1 through 5 shall take~~  
7 ~~precedence where a conflict arises between these standards and~~  
8 ~~the requirement, so far as possible, of including a senatorial~~  
9 ~~or representative district within a single congressional~~  
10 ~~district.~~

11 Sec. 8. Section 42.4, subsection 8, Code 2001, is amended  
12 to read as follows:

13 8. Each bill embodying a plan drawn under this section  
14 shall include provisions for election of senators to the  
15 general assemblies which take office in the years ending in  
16 three and five, which shall be in conformity with article III,  
17 section 6, of the Constitution of the State of Iowa. With  
18 respect to any plan drawn for consideration in the year ~~2001~~  
19 2011, those provisions shall be substantially as follows:

20 a. Each ~~odd-numbered~~ even-numbered senatorial district  
21 shall elect a senator in ~~2002~~ 2012 for a four-year term  
22 commencing in January ~~2003~~ 2013. If an incumbent senator who  
23 was elected to a four-year term which commenced in January  
24 ~~2001~~ 2011, or was subsequently elected to fill a vacancy in  
25 such a term, is residing in an ~~odd-numbered~~ even-numbered  
26 senatorial district on February 1, ~~2002~~ 2012, that senator's  
27 term of office shall be terminated on January 1, ~~2003~~ 2013.

28 b. Each ~~even-numbered~~ odd-numbered senatorial district  
29 shall elect a senator in ~~2004~~ 2014 for a four-year term  
30 commencing in January ~~2005~~ 2015.

31 (1) If one and only one incumbent state senator is  
32 residing in an ~~even-numbered~~ odd-numbered senatorial district  
33 on February 1, ~~2002~~ 2012, and that senator meets all of the  
34 following requirements, the senator shall represent the  
35 district in the senate for the ~~Eightieth~~ Eighty-fifth General

1 Assembly:

2 (a) The senator was elected to a four-year term which  
3 commenced in January ~~2001~~ 2011 or was subsequently elected to  
4 fill a vacancy in such a term.

5 (b) The senatorial district in the plan which includes the  
6 place of residence of the state senator on the date of the  
7 senator's last election to the senate is the same as the even-  
8 numbered odd-numbered senatorial district in which the senator  
9 resides on February 1, ~~2002~~ 2012, or is contiguous to such  
10 even-numbered senatorial district ~~and the senator's declared~~  
11 ~~residence as of February 17, 2002, was within the district from~~  
12 ~~which the senator was last elected.~~ Areas which meet only at  
13 the points of adjoining corners are not contiguous.

14 ~~The secretary of state shall prescribe a form to be~~  
15 ~~completed by all senators to declare their residences as of~~  
16 ~~February 17, 2002. The form shall be filed with the secretary~~  
17 ~~of state no later than five p.m. on February 17, 2002.~~

18 (2) Each even-numbered odd-numbered senatorial district to  
19 which subparagraph (1) of this paragraph is not applicable  
20 shall elect a senator in ~~2002~~ 2012 for a two-year term  
21 commencing in January ~~2003~~ 2013. However, if more than one  
22 incumbent state senator is residing in an even-numbered odd-  
23 numbered senatorial district on February 1, ~~2002~~ 2012, and, on  
24 or before February 15, ~~2002~~ 2012, all but one of the incumbent  
25 senators resigns from office effective no later than January  
26 1, ~~2003~~ 2013, the remaining incumbent state senator shall  
27 represent the district in the senate for the Eightieth Eighty-  
28 fifth General Assembly. A copy of the resignation must be  
29 filed in the office of the secretary of state no later than  
30 five p.m. on February 15, ~~2002~~ 2012.

31 c. For purposes of this subsection, "incumbent state  
32 senator" means a state senator who holds the office of state  
33 senator on February 1, 2012, and whose declared residence on  
34 that day is within the district from which the senator was  
35 last elected.

1 d. The secretary of state shall prescribe a form to be  
2 completed by all senators to declare their residences as of  
3 February 1, 2012. The form shall be filed with the secretary  
4 of state no later than five p.m. on February 1, 2012.

5 Sec. 9. Section 42.6, subsection 4, paragraph b, Code  
6 2001, is amended to read as follows:

7 b. Following the hearings, promptly prepare and submit to  
8 the secretary of the senate and the chief clerk of the house a  
9 report summarizing information and testimony received by the  
10 commission in the course of the hearings. The commission's  
11 report shall include any comments and conclusions which its  
12 members deem appropriate on the information and testimony  
13 received at the hearings, or otherwise presented to the  
14 commission. The report shall be submitted no later than  
15 fourteen days after the date the bill embodying an initial  
16 plan of congressional and legislative redistricting is  
17 delivered to the general assembly.

18 Sec. 10. NEW SECTION. 42.8 CONGRESSIONAL REDISTRICTING  
19 -- DEADLINE -- SUPREME COURT ACTION.

20 A plan of congressional redistricting shall be enacted in  
21 each year ending in one immediately following the United  
22 States decennial census. If a plan of congressional  
23 redistricting fails to be enacted prior to September 15 of the  
24 year ending in one, the supreme court shall cause the state to  
25 be apportioned into congressional districts to comply with the  
26 requirements of the Constitution of the State of Iowa prior to  
27 December 31 of such year.

28 Sec. 11. Section 68B.32A, Code 2001, is amended by adding  
29 the following new subsection:

30 NEW SUBSECTION. 15. Establish an expedited procedure for  
31 reviewing complaints forwarded by the state commissioner of  
32 elections to the board for a determination as to whether a  
33 supervisor district plan adopted pursuant to section 331.210A  
34 was drawn for improper political reasons as described in  
35 section 42.4, subsection 5. The expedited procedure shall be

1 substantially similar to the process used for other complaints  
2 filed with the board except that the provisions of section  
3 68B.32D shall not apply.

4 Sec. 12. Section 331.210A, subsection 2, paragraph e, Code  
5 2001, is amended to read as follows:

6 e. The plan approved by the board of supervisors shall be  
7 submitted to the state commissioner of elections for approval.  
8 If the state commissioner or the ethics and campaign  
9 disclosure board finds that the plan does not meet the  
10 standards of section 42.4, the state commissioner shall reject  
11 the plan, and the board of supervisors shall direct the  
12 commission to prepare and adopt an acceptable plan.

13 For purposes of determining whether the standards of  
14 section 42.4 have been met, an eligible elector may file a  
15 complaint with the state commissioner of elections within  
16 fourteen days after a plan is approved by the board of  
17 supervisors of the county in which the eligible elector  
18 resides, on a form prescribed by the commissioner, alleging  
19 that the plan was drawn for improper political reasons as  
20 described in section 42.4, subsection 5. If a complaint is  
21 filed with the state commissioner of elections, the state  
22 commissioner shall forward the complaint to the ethics and  
23 campaign disclosure board established in section 68B.32 for  
24 resolution.

25 If, after the initial proposed supervisor district plan or  
26 precinct plan has been submitted to the state commissioner for  
27 approval, it is necessary for the temporary county  
28 redistricting commission to make subsequent attempts at  
29 adopting an acceptable plan, the subsequent plans do not  
30 require public hearings.

31 Sec. 13. LEGISLATIVE SERVICE BUREAU REVIEW. It is the  
32 intent of the general assembly that communities of interest be  
33 considered by the legislative service bureau in drawing  
34 proposed congressional and legislative districts. However, no  
35 objective method of determining what constitutes a community

1 of interest currently exists which would permit the  
2 establishment of a redistricting standard that the legislative  
3 service bureau could use for congressional and legislative  
4 redistricting. The legislative service bureau shall  
5 continually review and monitor information prepared by the  
6 United States census bureau, as well as any other nonpartisan  
7 information, that might provide a basis for the statutory  
8 establishment of a standard that would permit consideration of  
9 communities of interest. The legislative service bureau shall  
10 submit a report to the general assembly no later than January  
11 2008, concerning its findings.

12 Sec. 14. EFFECTIVE DATE. This Act takes effect July 1,  
13 2003.

14 EXPLANATION

15 This bill makes changes to the process of redistricting in  
16 Iowa.

17 Code section 42.3 is amended to modify the time  
18 requirements for submission and consideration of a bill of  
19 congressional and legislative redistricting. The bill  
20 shortens by up to 14 days the time by which the legislative  
21 service bureau shall submit the first plan of congressional  
22 and legislative redistricting if the population data needed to  
23 complete redistricting is made available after February 1 of  
24 the year following the census. The bill further provides that  
25 the legislative service bureau shall have, if applicable, up  
26 to 35 days to submit a second plan, or a third plan, following  
27 the rejection of the prior submitted plan of congressional and  
28 legislative redistricting.

29 Code section 42.3 is also amended to provide that the  
30 senate or house need only wait three days, and not seven days,  
31 to consider the first proposed plan of redistricting following  
32 submission of the report of the temporary redistricting  
33 advisory commission. In addition, the bill provides that if  
34 reasons for rejection of the bill are to be made by the senate  
35 or house, they must be made within seven days after rejection

1 of the proposed redistricting plan. The bill also eliminates  
 2 the option that separate bills of congressional and  
 3 legislative redistricting can be submitted if the population  
 4 data necessary to complete congressional redistricting is made  
 5 available prior to the availability of population data for  
 6 legislative redistricting.

7 Code section 42.4, subsection 3, is amended to eliminate  
 8 the requirement that districts be composed of contiguous  
 9 territory that is "convenient".

10 Code section 42.4, subsection 4, concerning compactness is  
 11 modified. The bill provides that districts shall be  
 12 reasonably compact in form to the extent consistent with the  
 13 standards of population equality, respect for political  
 14 subdivisions, and contiguity. In describing compactness, the  
 15 bill provides that districts, to the extent permitted by  
 16 natural and political boundaries, not be irregularly shaped.  
 17 The bill maintains the test for compactness that compares the  
 18 length and width of a district but eliminates the test of  
 19 compactness based upon population dispersion. The bill adds a  
 20 test for compactness that provides that a district is compact  
 21 if the distance needed to traverse the perimeter of the  
 22 district is as short as possible.

23 Code section 42.4, subsection 6, is amended to eliminate  
 24 the requirement that a legislative district be wholly  
 25 contained within a single congressional district so far as  
 26 possible.

27 Code section 42.4, subsection 8, is amended to provide for  
 28 senatorial elections following redistricting that must be  
 29 completed in 2011. The changes establish the method of  
 30 determining which senate districts are required to have an  
 31 election in 2012 and 2014.

32 Code section 42.6, subsection 4, is amended to provide that  
 33 the temporary redistricting advisory commission shall submit  
 34 its report to the general assembly within 14 days after the  
 35 delivery of the first proposed redistricting plan to the

1 general assembly.

2 New Code section 42.8 is created to provide that if a plan  
3 of congressional redistricting is not enacted by September 15  
4 of the year ending in one, the supreme court shall create  
5 congressional districts to comply with the requirements of the  
6 constitution prior to December 31 of that year. This  
7 provision is similar to the Iowa constitutional requirement  
8 found in article III, section 35, that provides for the  
9 supreme court to complete legislative redistricting by  
10 December 31 if a plan of legislative redistricting is not  
11 enacted by September 15.

12 Code sections 68B.32A and 331.210A are amended to provide  
13 that the ethics and campaign disclosure board shall establish  
14 an expedited procedure for reviewing a county supervisor  
15 redistricting plan to determine if the plan was drawn for  
16 improper political reasons in violation of Code section 42.4,  
17 subsection 5. The procedure shall be substantially similar to  
18 the process used for other complaints considered by the board.  
19 The bill provides that an eligible elector in the county for  
20 which the plan was adopted has 14 days following adoption of  
21 the plan to file a complaint with the state commissioner of  
22 elections (secretary of state) alleging a violation. The bill  
23 provides that the state commissioner shall forward the  
24 complaint to the ethics board and if the board does find a  
25 violation, the state commissioner is required to reject the  
26 plan.

27 The bill also provides that it is the intent of the general  
28 assembly that communities of interest be considered in drawing  
29 congressional and legislative districts but recognizes that no  
30 objective standard to determine this currently exists. The  
31 bill requires the legislative service bureau to submit a  
32 report to the general assembly by January 2008, concerning any  
33 findings relating to the possible establishment of a community  
34 of interest standard in redistricting.

35 The bill takes effect July 1, 2003.

FEB 21 2002  
Place On Calendar

REPRINTED

HOUSE FILE 2486  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 633)

Passed House, <sup>(P. 622)</sup> Date 3/5/02 Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 96 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

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2 and legislative redistricting, and review by the ethics and  
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HF 2486

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9 assembly shall bring the bill to a vote in either the senate  
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12 required by section 42.6 is received and made available to the  
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15 nature. It is further the intent of this chapter that if the  
16 bill is approved by the first house in which it is considered,  
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18 house under a similar procedure or rule.

19 However, if the population data for legislative districting  
20 which the United States census bureau is required to provide  
21 this state under Pub. L. No. 94-171 and, if used by the  
22 legislative service bureau, the corresponding topologically  
23 integrated geographic encoding and referencing data file for  
24 that population data, are not available to the legislative  
25 service bureau on or before February 15 of the year ending in  
26 one, the dates set forth in this subsection shall be extended  
27 by a number of days equal to the number of days after February  
28 15 of the year ending in one that the federal census  
29 population data and the topologically integrated geographic  
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5 section 42.4, and, insofar as it is possible to do so within  
6 the requirements of section 42.4, with the reasons cited by  
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8 clerk of the house of representatives not later than ~~June 1 of~~  
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11 compactness is the absolute value of the difference between  
12 the length and the width of the district. In general, the  
13 length-width compactness of a district is calculated by  
14 measuring the distance from the northernmost point or portion  
15 of the boundary of a district to the southernmost point or  
16 portion of the boundary of the same district and the distance  
17 from the westernmost point or portion of the boundary of the  
18 district to the easternmost point or portion of the boundary  
19 of the same district. The absolute values computed for  
20 individual districts under this paragraph may be cumulated for  
21 all districts in a plan in order to compare the overall  
22 compactness of two or more alternative districting plans for  
23 the state, or for a portion of the state.

24 b. Perimeter compactness. The compactness of a district  
25 is greatest when the distance needed to traverse the perimeter  
26 boundary of a district is as short as possible. The total  
27 perimeter distance computed for individual districts under  
28 this paragraph may be cumulated for all districts in a plan in  
29 order to compare the overall compactness of two or more  
30 alternative districting plans for the state, or for a portion  
31 of the state.

32 Sec. 7. Section 42.4, subsection 6, Code 2001, is amended  
33 to read as follows:

34 6. In order to minimize electoral confusion and to  
35 facilitate communication within state legislative districts,

1 each plan drawn under this section shall provide that each  
2 representative district is wholly included within a single  
3 senatorial district ~~and that, so far as possible, each~~  
4 ~~representative and each senatorial district shall be included~~  
5 ~~within a single congressional district. However, the~~  
6 ~~standards established by subsections 1 through 5 shall take~~  
7 ~~precedence where a conflict arises between these standards and~~  
8 ~~the requirement, so far as possible, of including a senatorial~~  
9 ~~or representative district within a single congressional~~  
10 ~~district.~~

11 Sec. 8. Section 42.4, subsection 8, Code 2001, is amended  
12 to read as follows:

13 8. Each bill embodying a plan drawn under this section  
14 shall include provisions for election of senators to the  
15 general assemblies which take office in the years ending in  
16 three and five, which shall be in conformity with article III,  
17 section 6, of the Constitution of the State of Iowa. With  
18 respect to any plan drawn for consideration in the year ~~2001~~  
19 2011, those provisions shall be substantially as follows:

20 a. Each ~~odd-numbered~~ even-numbered senatorial district  
21 shall elect a senator in ~~2002~~ 2012 for a four-year term  
22 commencing in January ~~2003~~ 2013. If an incumbent senator who  
23 was elected to a four-year term which commenced in January  
24 ~~2001~~ 2011, or was subsequently elected to fill a vacancy in  
25 such a term, is residing in an ~~odd-numbered~~ even-numbered  
26 senatorial district on February 1, ~~2002~~ 2012, that senator's  
27 term of office shall be terminated on January 1, ~~2003~~ 2013.

28 b. Each ~~even-numbered~~ odd-numbered senatorial district  
29 shall elect a senator in ~~2004~~ 2014 for a four-year term  
30 commencing in January ~~2005~~ 2015.

31 (1) If one and only one incumbent state senator is  
32 residing in an ~~even-numbered~~ odd-numbered senatorial district  
33 on February 1, ~~2002~~ 2012, and that senator meets all of the  
34 following requirements, the senator shall represent the  
35 district in the senate for the ~~Eightieth~~ Eighty-fifth General

1 Assembly:

2 (a) The senator was elected to a four-year term which  
3 commenced in January ~~2001~~ 2011 or was subsequently elected to  
4 fill a vacancy in such a term.

5 (b) The senatorial district in the plan which includes the  
6 place of residence of the state senator on the date of the  
7 senator's last election to the senate is the same as the ~~even-~~  
8 ~~numbered~~ odd-numbered senatorial district in which the senator  
9 resides on February 1, ~~2002~~ 2012, or is contiguous to such  
10 even-numbered senatorial district ~~and the senator's declared~~  
11 ~~residence as of February 1, 2002, was within the district from~~  
12 ~~which the senator was last elected.~~ Areas which meet only at  
13 the points of adjoining corners are not contiguous.

14 ~~The secretary of state shall prescribe a form to be~~  
15 ~~completed by all senators to declare their residences as of~~  
16 ~~February 1, 2002. The form shall be filed with the secretary~~  
17 ~~of state no later than five p.m. on February 1, 2002.~~

18 (2) Each ~~even-numbered~~ odd-numbered senatorial district to  
19 which subparagraph (1) of this paragraph is not applicable  
20 shall elect a senator in ~~2002~~ 2012 for a two-year term  
21 commencing in January ~~2003~~ 2013. However, if more than one  
22 incumbent state senator is residing in an ~~even-numbered~~ odd-  
23 numbered senatorial district on February 1, ~~2002~~ 2012, and, on  
24 or before February 15, ~~2002~~ 2012, all but one of the incumbent  
25 senators resigns from office effective no later than January  
26 1, ~~2003~~ 2013, the remaining incumbent state senator shall  
27 represent the district in the senate for the Eightieth Eighty-  
28 fifth General Assembly. A copy of the resignation must be  
29 filed in the office of the secretary of state no later than  
30 five p.m. on February 15, ~~2002~~ 2012.

31 c. For purposes of this subsection, "incumbent state  
32 senator" means a state senator who holds the office of state  
33 senator on February 1, 2012, and whose declared residence on  
34 that day is within the district from which the senator was  
35 last elected.

1 d. The secretary of state shall prescribe a form to be  
2 completed by all senators to declare their residences as of  
3 February 1, 2012. The form shall be filed with the secretary  
4 of state no later than five p.m. on February 1, 2012.

5 Sec. 9. Section 42.6, subsection 4, paragraph b, Code  
6 2001, is amended to read as follows:

7 b. Following the hearings, promptly prepare and submit to  
8 the secretary of the senate and the chief clerk of the house a  
9 report summarizing information and testimony received by the  
10 commission in the course of the hearings. The commission's  
11 report shall include any comments and conclusions which its  
12 members deem appropriate on the information and testimony  
13 received at the hearings, or otherwise presented to the  
14 commission. The report shall be submitted no later than  
15 fourteen days after the date the bill embodying an initial  
16 plan of congressional and legislative redistricting is  
17 delivered to the general assembly.

18 Sec. 10. NEW SECTION. 42.8 CONGRESSIONAL REDISTRICTING  
19 -- DEADLINE -- SUPREME COURT ACTION.

20 A plan of congressional redistricting shall be enacted in  
21 each year ending in one immediately following the United  
22 States decennial census. If a plan of congressional  
23 redistricting fails to be enacted prior to September 15 of the  
24 year ending in one, the supreme court shall cause the state to  
25 be apportioned into congressional districts to comply with the  
26 requirements of the Constitution of the State of Iowa prior to  
27 December 31 of such year.

28 Sec. 11. Section 49.7, unnumbered paragraphs 2 and 3, Code  
29 2001, are amended to read as follows:

30 City councils shall complete any changes in precinct and  
31 ward boundaries, necessary to comply with sections 49.3 and  
32 ~~49.5, not-later-than-sixty-days~~ after the redistricting of  
33 congressional and legislative districts becomes law ~~7-or~~  
34 September 1-of and no later than the date set by the state  
35 commissioner of elections in the year immediately following

1 each the year in which the federal decennial census is taken,  
2 ~~whichever-is-later~~. Different compliance dates may be set by  
3 the general assembly by joint resolution.

4 County boards of supervisors or the temporary county  
5 redistricting commission shall complete any changes in  
6 precinct and supervisor district boundaries necessary to  
7 comply with sections 49.3, 49.4, and 331.209 ~~not-later-than~~  
8 ~~ninety-days~~ after the redistricting of congressional and  
9 legislative districts becomes law ~~or-October-15-of~~ and no  
10 later than the date set by the state commissioner of elections  
11 in the year immediately following each the year in which the  
12 federal decennial census is taken ~~whichever-is-later~~.

13 Different compliance dates may be set by the general assembly  
14 by joint resolution.

15 Sec. 12. Section 68B.32A, Code 2001, is amended by adding  
16 the following new subsection:

17 NEW SUBSECTION. 15. Establish an expedited procedure for  
18 reviewing complaints forwarded by the state commissioner of  
19 elections to the board for a determination as to whether a  
20 supervisor district plan adopted pursuant to section 331.210A  
21 was drawn for improper political reasons as described in  
22 section 42.4, subsection 5. The expedited procedure shall be  
23 substantially similar to the process used for other complaints  
24 filed with the board except that the provisions of section  
25 68B.32D shall not apply.

26 Sec. 13. Section 331.210A, subsection 2, paragraph e, Code  
27 2001, is amended to read as follows:

28 e. The plan approved by the board of supervisors shall be  
29 submitted to the state commissioner of elections for approval.  
30 If the state commissioner or the ethics and campaign  
31 disclosure board finds that the plan does not meet the  
32 standards of section 42.4, the state commissioner shall reject  
33 the plan, and the board of supervisors shall direct the  
34 commission to prepare and adopt an acceptable plan.

35 For purposes of determining whether the standards of

1 section 42.4 have been met, an eligible elector may file a  
2 complaint with the state commissioner of elections within  
3 fourteen days after a plan is approved by the board of  
4 supervisors of the county in which the eligible elector  
5 resides, on a form prescribed by the commissioner, alleging  
6 that the plan was drawn for improper political reasons as  
7 described in section 42.4, subsection 5. If a complaint is  
8 filed with the state commissioner of elections, the state  
9 commissioner shall forward the complaint to the ethics and  
10 campaign disclosure board established in section 68B.32 for  
11 resolution.

12 If, after the initial proposed supervisor district plan or  
13 precinct plan has been submitted to the state commissioner for  
14 approval, it is necessary for the temporary county  
15 redistricting commission to make subsequent attempts at  
16 adopting an acceptable plan, the subsequent plans do not  
17 require public hearings.

18 Sec. 14. LEGISLATIVE SERVICE BUREAU REVIEW. It is the  
19 intent of the general assembly that communities of interest be  
20 considered by the legislative service bureau in drawing  
21 proposed congressional and legislative districts. However, no  
22 objective method of determining what constitutes a community  
23 of interest currently exists which would permit the  
24 establishment of a redistricting standard that the legislative  
25 service bureau could use for congressional and legislative  
26 redistricting. The legislative service bureau shall  
27 continually review and monitor information prepared by the  
28 United States census bureau, as well as any other nonpartisan  
29 information, that might provide a basis for the statutory  
30 establishment of a standard that would permit consideration of  
31 communities of interest. The legislative service bureau shall  
32 submit a report to the general assembly no later than January  
33 2008, concerning its findings.

34 Sec. 15. EFFECTIVE DATE. This Act takes effect July 1,  
35 2003.

## 1 EXPLANATION

2 This bill makes changes to the process of redistricting in  
3 Iowa.

4 Code section 42.3 is amended to modify the time  
5 requirements for submission and consideration of a bill of  
6 congressional and legislative redistricting. The bill  
7 shortens by up to 14 days the time by which the legislative  
8 service bureau shall submit the first plan of congressional  
9 and legislative redistricting if the population data needed to  
10 complete redistricting is made available after February 1 of  
11 the year following the census. The bill further provides that  
12 the legislative service bureau shall have, if applicable, up  
13 to 35 days to submit a second plan, or a third plan, following  
14 the rejection of the prior submitted plan of congressional and  
15 legislative redistricting.

16 Code section 42.3 is also amended to provide that the  
17 senate or house need only wait three days, and not seven days,  
18 to consider the first proposed plan of redistricting following  
19 submission of the report of the temporary redistricting  
20 advisory commission. In addition, the bill provides that if  
21 reasons for rejection of the bill are to be made by the senate  
22 or house, they must be made within seven days after rejection  
23 of the proposed redistricting plan. The bill also eliminates  
24 the option that separate bills of congressional and  
25 legislative redistricting can be submitted if the population  
26 data necessary to complete congressional redistricting is made  
27 available prior to the availability of population data for  
28 legislative redistricting.

29 Code section 42.4, subsection 3, is amended to eliminate  
30 the requirement that districts be composed of contiguous  
31 territory that is "convenient".

32 Code section 42.4, subsection 4, concerning compactness is  
33 modified. The bill provides that districts shall be  
34 reasonably compact in form to the extent consistent with the  
35 standards of population equality, respect for political

1 subdivisions, and contiguity. In describing compactness, the  
2 bill provides that districts, to the extent permitted by  
3 natural and political boundaries, not be irregularly shaped.  
4 The bill maintains the test for compactness that compares the  
5 length and width of a district but eliminates the test of  
6 compactness based upon population dispersion. The bill adds a  
7 test for compactness that provides that a district is compact  
8 if the distance needed to traverse the perimeter of the  
9 district is as short as possible.

10 Code section 42.4, subsection 6, is amended to eliminate  
11 the requirement that a legislative district be wholly  
12 contained within a single congressional district so far as  
13 possible.

14 Code section 42.4, subsection 8, is amended to provide for  
15 senatorial elections following redistricting that must be  
16 completed in 2011. The changes establish the method of  
17 determining which senate districts are required to have an  
18 election in 2012 and 2014.

19 Code section 42.6, subsection 4, is amended to provide that  
20 the temporary redistricting advisory commission shall submit  
21 its report to the general assembly within 14 days after the  
22 delivery of the first proposed redistricting plan to the  
23 general assembly.

24 New Code section 42.8 is created to provide that if a plan  
25 of congressional redistricting is not enacted by September 15  
26 of the year ending in one, the supreme court shall create  
27 congressional districts to comply with the requirements of the  
28 constitution prior to December 31 of that year. This  
29 provision is similar to the Iowa constitutional requirement  
30 found in article III, section 35, that provides for the  
31 supreme court to complete legislative redistricting by  
32 December 31 if a plan of legislative redistricting is not  
33 enacted by September 15.

34 Code section 49.7 is amended to provide that the state  
35 commissioner of elections shall establish the time deadlines

1 for cities and counties to complete redistricting. Under  
2 current law, the Code provides a definite date by which plans  
3 shall be completed.

4 Code sections 68B.32A and 331.210A are amended to provide  
5 that the ethics and campaign disclosure board shall establish  
6 an expedited procedure for reviewing a county supervisor  
7 redistricting plan to determine if the plan was drawn for  
8 improper political reasons in violation of Code section 42.4,  
9 subsection 5. The procedure shall be substantially similar to  
10 the process used for other complaints considered by the board.  
11 The bill provides that an eligible elector in the county for  
12 which the plan was adopted has 14 days following adoption of  
13 the plan to file a complaint with the state commissioner of  
14 elections (secretary of state) alleging a violation. The bill  
15 provides that the state commissioner shall forward the  
16 complaint to the ethics board and if the board does find a  
17 violation, the state commissioner is required to reject the  
18 plan.

19 The bill also provides that it is the intent of the general  
20 assembly that communities of interest be considered in drawing  
21 congressional and legislative districts but recognizes that no  
22 objective standard to determine this currently exists. The  
23 bill requires the legislative service bureau to submit a  
24 report to the general assembly by January 2008, concerning any  
25 findings relating to the possible establishment of a community  
26 of interest standard in redistricting.

27 The bill takes effect July 1, 2003.

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## HOUSE FILE 2486

H-8177

1 Amend House File 2486 as follows:

2 1. Page 8, line 17, by striking the word  
3 "Establish", and inserting the following: "Adopt  
4 rules establishing".

5 2. Page 8, line 18, by inserting after the word  
6 "reviewing" the following: "and investigating".

7 3. Page 8, line 21, by striking the word  
8 "described", and inserting the following: "defined".

9 4. Page 8, line 22, by striking the figure  
10 "42.4", and inserting the following: "331.210A".

11 5. Page 8, line 24, by striking the word  
12 "section" and inserting the following: "sections  
13 68B.32C and".

14 6. Page 8, by inserting after line 25 the  
15 following:

16 "Sec. \_\_\_\_ . Section 331.209, subsection 1, Code  
17 2001, is amended to read as follows:

18 1. ~~Not later than ninety days after~~ After the  
19 redistricting of congressional and legislative  
20 districts becomes law, or October 15 of and no later  
21 than the date set by the state commissioner of  
22 elections in the year immediately following each the  
23 year in which the federal decennial census is taken,  
24 ~~whichever is later,~~ the temporary county redistricting  
25 commission shall divide the county into a number of  
26 supervisor districts corresponding to the number of  
27 supervisors in the county. However, if the plan is  
28 selected pursuant to section 331.207, the temporary  
29 county redistricting commission shall divide the  
30 county before February 15 of the election year. The  
31 supervisor districts shall be drawn, to the extent  
32 applicable, in compliance with the redistricting  
33 standards provided for senatorial and representative  
34 districts in section 42.4, and if a supervisor  
35 redistricting plan is challenged in court, the  
36 requirement of justifying any variance in excess of  
37 one percent contained in section 42.4, subsection 1,  
38 paragraph "c" applies to the board. If the temporary  
39 county redistricting commission adopts a supervisor  
40 redistricting plan with a variance in excess of one  
41 percent, the board shall publish the justification for  
42 the variance in one or more official newspapers as  
43 provided in chapter 349 within ten days after the  
44 action is taken. If more than one incumbent  
45 supervisor resides in the same supervisor district  
46 after the districts have been redrawn following the  
47 federal decennial census, the terms of office of those  
48 supervisors shall expire on the first day of January  
49 that is not a Sunday or a holiday following the next  
50 general election."

H-8177

-1-

**H-8177**

Page 2

1 7. By striking page 8, line 28, through page 9,  
2 line 11, and inserting the following:

3 "e. The plan approved by the board of supervisors  
4 shall be submitted to the state commissioner of  
5 elections for review and approval as provided in  
6 subsection 5. ~~If the plan does not meet the standards~~  
7 ~~of section 42.4, the state commissioner shall reject~~  
8 ~~the plan, and the board of supervisors shall direct~~  
9 ~~the commission to prepare and adopt an acceptable~~  
10 ~~plan."~~

11 8. Page 9, by inserting after line 17, the  
12 following:

13 "Sec. \_\_\_\_\_. Section 331.210A, Code 2001, is amended  
14 by adding the following new subsection:

15 NEW SUBSECTION. 5. SUPERVISOR REPRESENTATION PLAN  
16 REVIEW.

17 a. A supervisor representation plan approved by  
18 the board of supervisors under this section shall be  
19 submitted to the state commissioner of elections for  
20 review and approval. The state commissioner shall  
21 determine if all legal requirements applicable to the  
22 plan have been met, including compliance with the  
23 standards of section 42.4, prior to approving the  
24 plan. If the applicable legal requirements have not  
25 been met, the state commissioner shall make or cause  
26 to be made the necessary changes as permitted by  
27 section 321.209, subsection 4, or shall require the  
28 board of supervisors to direct the commission to  
29 prepare and adopt an acceptable plan.

30 b. (1) For purposes of determining whether a  
31 supervisor representation plan has met the statutory  
32 requirement that a plan not be drawn for improper  
33 political reasons, an eligible elector may file a  
34 complaint with the state commissioner of elections  
35 within fourteen days after a plan has been approved by  
36 the board of supervisors of the county in which the  
37 eligible elector resides, on a form prescribed by the  
38 state commissioner, alleging that the plan was drawn  
39 for improper political reasons. The eligible elector  
40 filing a complaint under this paragraph shall post a  
41 bond in the amount of two hundred dollars. For  
42 purposes of this paragraph, "a plan drawn for improper  
43 political reasons" means a plan approved by the board  
44 that contains at least one district that has been  
45 drawn for one or more of the purposes prohibited in  
46 section 42.4, subsection 5, or a plan approved by the  
47 board in which consideration was given to one or more  
48 prohibited factors listed in section 49.3, subsection  
49 4, paragraph "d".

50 (2) If a complaint is filed with the state

**H-8177**

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Page 3

1 commissioner of elections under this paragraph "b",  
2 the state commissioner shall promptly forward the  
3 complaint to the ethics and campaign disclosure board  
4 established in section 68B.32 for its review and  
5 investigation. Following completion of its review and  
6 investigation, the ethics and campaign disclosure  
7 board shall report its findings to the state  
8 commissioner of elections, including notification of  
9 whether probable cause exists to believe the plan was  
10 drawn for improper political reasons. If the ethics  
11 and campaign disclosure board finds probable cause to  
12 believe the plan was drawn for improper political  
13 reasons, the state commissioner shall reject the plan.

14 (3) If a plan is rejected pursuant to this  
15 paragraph "b", the bond posted shall be returned to  
16 the eligible elector who filed the complaint. If a  
17 plan is not rejected pursuant to this paragraph "b",  
18 the bond shall be deposited in the general fund of the  
19 state."

20 9. By renumbering as necessary.

By METCALF of Polk

H-8177 FILED MARCH 4, 2002

*A dopted*  
*3-5-02*  
*(p. 621)*

HOUSE FILE 2486

H-8173

1 Amend House File 2486 as follows:

2 1. Page 9, by inserting after line 17 the  
3 following:

4 "Sec. \_\_\_\_ Section 331.210A, subsection 2, Code  
5 2001, is amended by adding the following new  
6 paragraph:

7 NEW PARAGRAPH. f. Notwithstanding the provisions  
8 of this section to the contrary, for a county with a  
9 population of ninety-five thousand or more that is  
10 required to draw a plan "three" supervisor  
11 representation plan, the legislative service bureau,  
12 and not the temporary county redistricting commission,  
13 shall draw a first plan as required by paragraph "a".  
14 The plan drawn by the legislative service bureau shall  
15 be based upon the precinct plan adopted for use by the  
16 county and shall be drawn in accordance with section  
17 42.4. The plan drawn by the legislative service  
18 bureau shall be submitted to the temporary county  
19 redistricting commission which shall perform the  
20 duties required by paragraphs "b" and "c" concerning  
21 the plan. After the requirements of paragraphs "b"  
22 and "c" have been met, the plan drawn by the  
23 legislative service bureau shall be submitted to the  
24 board or supervisors for its approval or rejection.  
25 If the plan drawn by the legislative service bureau is  
26 rejected by the board of supervisors, the board of  
27 supervisors shall direct the temporary county  
28 redistricting commission to prepare a second plan as  
29 provided by paragraph "d".

30 2. Title page, line 2, by inserting after the  
31 word "redistricting," the following: "the  
32 redistricting of county supervisor districts for  
33 certain counties,".

34 3. By renumbering as necessary.

By NUSER of Polk

H-8173 FILED MARCH 4, 2002

*Adopted  
3/5/02  
(p. 672)*

**HOUSE FILE 2486****H-8187**

1 Amend the amendment, H-8177, to House File 2486 as  
2 follows:  
3 1. Page 2, line 27, by striking the figure  
4 "321.209", and inserting the following: "331.209".  
5 2. Page 2, line 39, by inserting after the word  
6 "reasons." the following: "The state commissioner  
7 shall establish by rule the procedure for the filing  
8 and processing of complaints under this paragraph."  
9 3. Page 3, line 9, by striking the words  
10 "probable cause exists to believe", and inserting the  
11 following: "the board found, by the preponderance of  
12 the evidence, that".  
13 4. Page 3, lines 11 and 12, by striking the words  
14 "probable cause to believe", and inserting the  
15 following: ", by a preponderance of the evidence,  
16 that".

**By METCALF of Polk****H-8187 FILED MARCH 5, 2002**

3/5/02  
(P.621)

S-3/15/02 State Gov.  
S-3/14/02 Do Pass

HOUSE FILE 2486  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 633)

(As Amended and Passed by the House March 5, 2002)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to redistricting, the process of congressional  
2 and legislative redistricting, the redistricting of county  
3 supervisor districts for certain counties, and review by the  
4 ethics and campaign disclosure board of county supervisor  
5 redistricting plans, and providing an effective date.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

7  
8 House Amendments \_\_\_\_\_  
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1 Section 1. Section 42.3, subsection 1, Code 2001, is  
2 amended to read as follows:

3 1. Not later than April 1 of each year ending in one, the  
4 legislative service bureau shall deliver to the secretary of  
5 the senate and the chief clerk of the house of representatives  
6 identical bills embodying a plan of legislative and  
7 congressional districting prepared in accordance with section  
8 42.4. It is the intent of this chapter that the general  
9 assembly shall bring the bill to a vote in either the senate  
10 or the house of representatives expeditiously, but not less  
11 than ~~seven~~ three days after the report of the commission  
12 required by section 42.6 is received and made available to the  
13 members of the general assembly, under a procedure or rule  
14 permitting no amendments except those of a purely corrective  
15 nature. It is further the intent of this chapter that if the  
16 bill is approved by the first house in which it is considered,  
17 it shall expeditiously be brought to a vote in the second  
18 house under a similar procedure or rule.

19 However, if the population data for legislative districting  
20 which the United States census bureau is required to provide  
21 this state under Pub. L. No. 94-171 and, if used by the  
22 legislative service bureau, the corresponding topologically  
23 integrated geographic encoding and referencing data file for  
24 that population data, are not available to the legislative  
25 service bureau on or before February 15 of the year ending in  
26 one, the dates set forth in this subsection shall be extended  
27 by a number of days equal to the number of days after February  
28 15 of the year ending in one that the federal census  
29 population data and the topologically integrated geographic  
30 encoding and referencing data file for legislative districting  
31 become available.

32 Sec. 2. Section 42.3, subsection 2, Code 2001, is amended  
33 by striking the subsection and inserting in lieu thereof the  
34 following:

35 2. If the bill embodying the plan submitted by the

1 legislative service bureau under subsection 1 fails to be  
2 enacted, the legislative service bureau shall prepare a bill  
3 embodying a second plan of legislative and congressional  
4 districting. The bill shall be prepared in accordance with  
5 section 42.4, and, insofar as it is possible to do so within  
6 the requirements of section 42.4, with the reasons cited by  
7 the senate or house of representatives by resolution, or the  
8 governor by veto message, for the failure to approve the plan.  
9 If a second plan is required under this subsection, the bill  
10 embodying it shall be delivered to the secretary of the senate  
11 and the chief clerk of the house of representatives not later  
12 than thirty-five days after the date of the vote by which the  
13 senate or the house of representatives fails to approve the  
14 bill submitted under subsection 1, or the date the governor  
15 vetoes or fails to approve the bill. If it is necessary to  
16 submit a bill under this subsection, the bill shall be brought  
17 to a vote not less than seven days after the bill is submitted  
18 and made available to the members of the general assembly,  
19 under a procedure or rule permitting no amendments except  
20 those of a purely corrective nature. It is further the intent  
21 of this chapter that if the bill is approved by the first  
22 house in which it is considered, it shall expeditiously be  
23 brought to a vote in the second house under a similar  
24 procedure or rule.

25 If the bill embodying the plan submitted by the legislative  
26 service bureau under subsection 1 fails to be approved by a  
27 constitutional majority in either the senate or the house of  
28 representatives, the secretary of the senate or the chief  
29 clerk of the house, as the case may be, shall at once, but in  
30 no event later than seven days after the date the bill failed  
31 to be approved, transmit to the legislative service bureau  
32 information which the senate or house may direct by resolution  
33 regarding reasons why the plan was not approved.

34 Sec. 3. Section 42.3, subsection 3, Code 2001, is amended  
35 to read as follows:

1 3. If the bill embodying the plan submitted by the  
2 legislative service bureau under subsection 2 fails to be  
3 ~~approved-by-a-constitutional-majority-in-either-the-senate-or~~  
4 ~~the-house-of-representatives enacted~~, the same procedure as  
5 prescribed by subsection 2 shall be followed. If a third plan  
6 is required under this subsection, the bill embodying it shall  
7 be delivered to the secretary of the senate and the chief  
8 clerk of the house of representatives not later than ~~June-1-of~~  
9 ~~the-year-ending-in-one,--or-twenty-one~~ thirty-five days after  
10 the date of the vote by which the senate or the house of  
11 representatives fails to approve the bill submitted under  
12 subsection 2, ~~whichever-date-is-later~~ or the date the governor  
13 vetoed or fails to approve the bill. The legislative service  
14 bureau shall submit a bill under this subsection sufficiently  
15 in advance of September 1 of the year ending in one to permit  
16 the general assembly to consider the plan prior to that date.  
17 ~~It-is-the-intent-of-this-chapter-that,--if~~ If it is necessary  
18 to submit a bill under this subsection, the bill shall be  
19 brought to a vote within the same time period after its  
20 delivery to the secretary of the senate and the chief clerk of  
21 the house of representatives as is prescribed for the bill  
22 submitted under subsection 2, but shall be subject to  
23 amendment in the same manner as other bills.

24 Sec. 4. Section 42.3, subsection 4, Code 2001, is amended  
25 by striking the subsection.

26 Sec. 5. Section 42.4, subsection 3, Code 2001, is amended  
27 to read as follows:

28 3. Districts shall be composed of ~~convenient~~ contiguous  
29 territory. Areas which meet only at the points of adjoining  
30 corners are not contiguous.

31 Sec. 6. Section 42.4, subsection 4, Code 2001, is amended  
32 by striking the subsection and inserting in lieu thereof the  
33 following:

34 4. Districts shall be reasonably compact in form, to the  
35 extent consistent with the standards established by

1 subsections 1, 2, and 3. In general, reasonably compact  
2 districts are those which are square, rectangular, or  
3 hexagonal in shape, and not irregularly shaped, to the extent  
4 permitted by natural or political boundaries. If it is  
5 necessary to compare the relative compactness of two or more  
6 districts, or of two or more alternative districting plans,  
7 the tests prescribed by paragraphs "a" and "b" shall be used.

8 a. Length-width compactness. The compactness of a  
9 district is greatest when the length of the district and the  
10 width of the district are equal. The measure of a district's  
11 compactness is the absolute value of the difference between  
12 the length and the width of the district. In general, the  
13 length-width compactness of a district is calculated by  
14 measuring the distance from the northernmost point or portion  
15 of the boundary of a district to the southernmost point or  
16 portion of the boundary of the same district and the distance  
17 from the westernmost point or portion of the boundary of the  
18 district to the easternmost point or portion of the boundary  
19 of the same district. The absolute values computed for  
20 individual districts under this paragraph may be cumulated for  
21 all districts in a plan in order to compare the overall  
22 compactness of two or more alternative districting plans for  
23 the state, or for a portion of the state.

24 b. Perimeter compactness. The compactness of a district  
25 is greatest when the distance needed to traverse the perimeter  
26 boundary of a district is as short as possible. The total  
27 perimeter distance computed for individual districts under  
28 this paragraph may be cumulated for all districts in a plan in  
29 order to compare the overall compactness of two or more  
30 alternative districting plans for the state, or for a portion  
31 of the state.

32 Sec. 7. Section 42.4, subsection 6, Code 2001, is amended  
33 to read as follows:

34 6. In order to minimize electoral confusion and to  
35 facilitate communication within state legislative districts,

1 each plan drawn under this section shall provide that each  
2 representative district is wholly included within a single  
3 senatorial district ~~and that, so far as possible, each~~  
4 ~~representative and each senatorial district shall be included~~  
5 ~~within a single congressional district. However, the~~  
6 ~~standards established by subsections 1 through 5 shall take~~  
7 ~~precedence where a conflict arises between these standards and~~  
8 ~~the requirement, so far as possible, of including a senatorial~~  
9 ~~or representative district within a single congressional~~  
10 ~~district.~~

11 Sec. 8. Section 42.4, subsection 8, Code 2001, is amended  
12 to read as follows:

13 8. Each bill embodying a plan drawn under this section  
14 shall include provisions for election of senators to the  
15 general assemblies which take office in the years ending in  
16 three and five, which shall be in conformity with article III,  
17 section 6, of the Constitution of the State of Iowa. With  
18 respect to any plan drawn for consideration in the year ~~2001~~  
19 2011, those provisions shall be substantially as follows:

20 a. Each ~~odd-numbered~~ even-numbered senatorial district  
21 shall elect a senator in ~~2002~~ 2012 for a four-year term  
22 commencing in January ~~2003~~ 2013. If an incumbent senator who  
23 was elected to a four-year term which commenced in January  
24 ~~2001~~ 2011, or was subsequently elected to fill a vacancy in  
25 such a term, is residing in an ~~odd-numbered~~ even-numbered  
26 senatorial district on February 1, ~~2002~~ 2012, that senator's  
27 term of office shall be terminated on January 1, ~~2003~~ 2013.

28 b. Each ~~even-numbered~~ odd-numbered senatorial district  
29 shall elect a senator in ~~2004~~ 2014 for a four-year term  
30 commencing in January ~~2005~~ 2015.

31 (1) If one and only one incumbent state senator is  
32 residing in an ~~even-numbered~~ odd-numbered senatorial district  
33 on February 1, ~~2002~~ 2012, and that senator meets all of the  
34 following requirements, the senator shall represent the  
35 district in the senate for the Eightieth Eighty-fifth General

1 Assembly:

2 (a) The senator was elected to a four-year term which  
3 commenced in January ~~2001~~ 2011 or was subsequently elected to  
4 fill a vacancy in such a term.

5 (b) The senatorial district in the plan which includes the  
6 place of residence of the state senator on the date of the  
7 senator's last election to the senate is the same as the ~~even-~~  
8 ~~numbered~~ odd-numbered senatorial district in which the senator  
9 resides on February 1, ~~2002~~ 2012, or is contiguous to such  
10 even-numbered senatorial district ~~and the senator's declared~~  
11 ~~residence as of February 1, 2002, was within the district from~~  
12 ~~which the senator was last elected.~~ Areas which meet only at  
13 the points of adjoining corners are not contiguous.

14 ~~The secretary of state shall prescribe a form to be~~  
15 ~~completed by all senators to declare their residences as of~~  
16 ~~February 1, 2002. The form shall be filed with the secretary~~  
17 ~~of state no later than five p.m. on February 1, 2002.~~

18 (2) Each ~~even-numbered~~ odd-numbered senatorial district to  
19 which subparagraph (1) of this paragraph is not applicable  
20 shall elect a senator in ~~2002~~ 2012 for a two-year term  
21 commencing in January ~~2003~~ 2013. However, if more than one  
22 incumbent state senator is residing in an ~~even-numbered~~ odd-  
23 numbered senatorial district on February 1, ~~2002~~ 2012, and, on  
24 or before February 15, ~~2002~~ 2012, all but one of the incumbent  
25 senators resigns from office effective no later than January  
26 1, ~~2003~~ 2013, the remaining incumbent state senator shall  
27 represent the district in the senate for the ~~Eightieth~~ Eighty-  
28 fifth General Assembly. A copy of the resignation must be  
29 filed in the office of the secretary of state no later than  
30 five p.m. on February 15, ~~2002~~ 2012.

31 c. For purposes of this subsection, "incumbent state  
32 senator" means a state senator who holds the office of state  
33 senator on February 1, 2012, and whose declared residence on  
34 that day is within the district from which the senator was  
35 last elected.

1 d. The secretary of state shall prescribe a form to be  
2 completed by all senators to declare their residences as of  
3 February 1, 2012. The form shall be filed with the secretary  
4 of state no later than five p.m. on February 1, 2012.

5 Sec. 9. Section 42.6, subsection 4, paragraph b, Code  
6 2001, is amended to read as follows:

7 b. Following the hearings, promptly prepare and submit to  
8 the secretary of the senate and the chief clerk of the house a  
9 report summarizing information and testimony received by the  
10 commission in the course of the hearings. The commission's  
11 report shall include any comments and conclusions which its  
12 members deem appropriate on the information and testimony  
13 received at the hearings, or otherwise presented to the  
14 commission. The report shall be submitted no later than  
15 fourteen days after the date the bill embodying an initial  
16 plan of congressional and legislative redistricting is  
17 delivered to the general assembly.

18 Sec. 10. NEW SECTION. 42.8 CONGRESSIONAL REDISTRICTING  
19 -- DEADLINE -- SUPREME COURT ACTION.

20 A plan of congressional redistricting shall be enacted in  
21 each year ending in one immediately following the United  
22 States decennial census. If a plan of congressional  
23 redistricting fails to be enacted prior to September 15 of the  
24 year ending in one, the supreme court shall cause the state to  
25 be apportioned into congressional districts to comply with the  
26 requirements of the Constitution of the State of Iowa prior to  
27 December 31 of such year.

28 Sec. 11. Section 49.7, unnumbered paragraphs 2 and 3, Code  
29 2001, are amended to read as follows:

30 City councils shall complete any changes in precinct and  
31 ward boundaries, necessary to comply with sections 49.3 and  
32 ~~49.5, not-later-than-sixty-days~~ after the redistricting of  
33 congressional and legislative districts becomes law, ~~or~~  
34 September 1 of and no later than the date set by the state  
35 commissioner of elections in the year immediately following

1 ~~each the~~ year in which the federal decennial census is taken,  
2 ~~whichever-is-later~~. Different compliance dates may be set by  
3 the general assembly by joint resolution.

4 County boards of supervisors or the temporary county  
5 redistricting commission shall complete any changes in  
6 precinct and supervisor district boundaries necessary to  
7 comply with sections 49.3, 49.4, and 331.209 ~~not-later-than~~  
8 ~~ninety-days~~ after the redistricting of congressional and  
9 legislative districts becomes law ~~or-October-15-of~~ and no  
10 later than the date set by the state commissioner of elections  
11 in the year immediately following each the year in which the  
12 federal decennial census is taken ~~whichever-is-later~~.  
13 Different compliance dates may be set by the general assembly  
14 by joint resolution.

15 Sec. 12. Section 68B.32A, Code 2001, is amended by adding  
16 the following new subsection:

17 NEW SUBSECTION. 15. Adopt rules establishing an expedited  
18 procedure for reviewing and investigating complaints forwarded  
19 by the state commissioner of elections to the board for a  
20 determination as to whether a supervisor district plan adopted  
21 pursuant to section 331.210A was drawn for improper political  
22 reasons as defined in section 331.210A, subsection 5. The  
23 expedited procedure shall be substantially similar to the  
24 process used for other complaints filed with the board except  
25 that the provisions of sections 68B.32C and 68B.32D shall not  
26 apply.

27 Sec. 13. Section 331.209, subsection 1, Code 2001, is  
28 amended to read as follows:

29 1. ~~Not-later-than-ninety-days-after~~ After the  
30 redistricting of congressional and legislative districts  
31 becomes law ~~or-October-15-of~~ and no later than the date set  
32 by the state commissioner of elections in the year immediately  
33 following each the year in which the federal decennial census  
34 is taken, ~~whichever-is-later~~, the temporary county  
35 redistricting commission shall divide the county into a number

1 of supervisor districts corresponding to the number of  
2 supervisors in the county. However, if the plan is selected  
3 pursuant to section 331.207, the temporary county  
4 redistricting commission shall divide the county before  
5 February 15 of the election year. The supervisor districts  
6 shall be drawn, to the extent applicable, in compliance with  
7 the redistricting standards provided for senatorial and  
8 representative districts in section 42.4, and if a supervisor  
9 redistricting plan is challenged in court, the requirement of  
10 justifying any variance in excess of one percent contained in  
11 section 42.4, subsection 1, paragraph "c" applies to the  
12 board. If the temporary county redistricting commission  
13 adopts a supervisor redistricting plan with a variance in  
14 excess of one percent, the board shall publish the  
15 justification for the variance in one or more official  
16 newspapers as provided in chapter 349 within ten days after  
17 the action is taken. If more than one incumbent supervisor  
18 resides in the same supervisor district after the districts  
19 have been redrawn following the federal decennial census, the  
20 terms of office of those supervisors shall expire on the first  
21 day of January that is not a Sunday or a holiday following the  
22 next general election.

23 Sec. 14. Section 331.210A, subsection 2, paragraph e, Code  
24 2001, is amended to read as follows:

25 e. The plan approved by the board of supervisors shall be  
26 submitted to the state commissioner of elections for review  
27 and approval as provided in subsection 5. ~~If the plan does~~  
28 ~~not meet the standards of section 42.4, the state commissioner~~  
29 ~~shall reject the plan, and the board of supervisors shall~~  
30 ~~direct the commission to prepare and adopt an acceptable plan.~~

31 If, after the initial proposed supervisor district plan or  
32 precinct plan has been submitted to the state commissioner for  
33 approval, it is necessary for the temporary county  
34 redistricting commission to make subsequent attempts at  
35 adopting an acceptable plan, the subsequent plans do not

1 require public hearings.

2 Sec. 15. Section 331.210A, Code 2001, is amended by adding  
3 the following new subsection:

4 NEW SUBSECTION. 5. SUPERVISOR REPRESENTATION PLAN REVIEW.

5 a. A supervisor representation plan approved by the board  
6 of supervisors under this section shall be submitted to the  
7 state commissioner of elections for review and approval. The  
8 state commissioner shall determine if all legal requirements  
9 applicable to the plan have been met, including compliance  
10 with the standards of section 42.4, prior to approving the  
11 plan. If the applicable legal requirements have not been met,  
12 the state commissioner shall make or cause to be made the  
13 necessary changes as permitted by section 331.209, subsection  
14 4, or shall require the board of supervisors to direct the  
15 commission to prepare and adopt an acceptable plan.

16 b. (1) For purposes of determining whether a supervisor  
17 representation plan has met the statutory requirement that a  
18 plan not be drawn for improper political reasons, an eligible  
19 elector may file a complaint with the state commissioner of  
20 elections within fourteen days after a plan has been approved  
21 by the board of supervisors of the county in which the  
22 eligible elector resides, on a form prescribed by the state  
23 commissioner, alleging that the plan was drawn for improper  
24 political reasons. The state commissioner shall establish by  
25 rule the procedure for the filing and processing of complaints  
26 under this paragraph. The eligible elector filing a complaint  
27 under this paragraph shall post a bond in the amount of two  
28 hundred dollars. For purposes of this paragraph, "a plan  
29 drawn for improper political reasons" means a plan approved by  
30 the board that contains at least one district that has been  
31 drawn for one or more of the purposes prohibited in section  
32 42.4, subsection 5, or a plan approved by the board in which  
33 consideration was given to one or more prohibited factors  
34 listed in section 49.3, subsection 4, paragraph "d".

35 (2) If a complaint is filed with the state commissioner of

1 elections under this paragraph "b", the state commissioner  
2 shall promptly forward the complaint to the ethics and  
3 campaign disclosure board established in section 68B.32 for  
4 its review and investigation. Following completion of its  
5 review and investigation, the ethics and campaign disclosure  
6 board shall report its findings to the state commissioner of  
7 elections, including notification of whether the board found,  
8 by the preponderance of the evidence, that the plan was drawn  
9 for improper political reasons. If the ethics and campaign  
10 disclosure board finds, by a preponderance of the evidence,  
11 that the plan was drawn for improper political reasons, the  
12 state commissioner shall reject the plan.

13 (3) If a plan is rejected pursuant to this paragraph "b",  
14 the bond posted shall be returned to the eligible elector who  
15 filed the complaint. If a plan is not rejected pursuant to  
16 this paragraph "b", the bond shall be deposited in the general  
17 fund of the state.

18 Sec. 16. Section 331.210A, subsection 2, Code 2001, is  
19 amended by adding the following new paragraph:

20 NEW PARAGRAPH. f. Notwithstanding the provisions of this  
21 section to the contrary, for a county with a population of  
22 ninety-five thousand or more that is required to draw a plan  
23 "three" supervisor representation plan, the legislative  
24 service bureau, and not the temporary county redistricting  
25 commission, shall draw a first plan as required by paragraph  
26 "a". The plan drawn by the legislative service bureau shall  
27 be based upon the precinct plan adopted for use by the county  
28 and shall be drawn in accordance with section 42.4. The plan  
29 drawn by the legislative service bureau shall be submitted to  
30 the temporary county redistricting commission which shall  
31 perform the duties required by paragraphs "b" and "c"  
32 concerning the plan. After the requirements of paragraphs "b"  
33 and "c" have been met, the plan drawn by the legislative  
34 service bureau shall be submitted to the board or supervisors  
35 for its approval or rejection. If the plan drawn by the

1 legislative service bureau is rejected by the board of  
2 supervisors, the board of supervisors shall direct the  
3 temporary county redistricting commission to prepare a second  
4 plan as provided by paragraph "d".

5 Sec. 17. LEGISLATIVE SERVICE BUREAU REVIEW. It is the  
6 intent of the general assembly that communities of interest be  
7 considered by the legislative service bureau in drawing  
8 proposed congressional and legislative districts. However, no  
9 objective method of determining what constitutes a community  
10 of interest currently exists which would permit the  
11 establishment of a redistricting standard that the legislative  
12 service bureau could use for congressional and legislative  
13 redistricting. The legislative service bureau shall  
14 continually review and monitor information prepared by the  
15 United States census bureau, as well as any other nonpartisan  
16 information, that might provide a basis for the statutory  
17 establishment of a standard that would permit consideration of  
18 communities of interest. The legislative service bureau shall  
19 submit a report to the general assembly no later than January  
20 2008, concerning its findings.

21 Sec. 18. EFFECTIVE DATE. This Act takes effect July 1,  
22 2003.

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## HOUSE FILE 2486

S-5428

1 Amend House File 2486, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking page 5, line 11, through page 7,  
4 line 4, and inserting the following:

5 "Sec. \_\_\_\_ Section 42.4, subsection 8, Code 2001,  
6 is amended to read as follows:

7 8. Each bill embodying a plan drawn under this  
8 section shall include provisions for election of  
9 senators to the general assemblies which take office  
10 in the years ending in three and five, which shall be  
11 in conformity with article III, section 6, of the  
12 Constitution of the State of Iowa. With respect to  
13 any plan drawn for consideration ~~in the year 2001~~,  
14 those provisions shall be substantially as follows:

15 a. Each ~~odd-numbered~~ senatorial district in the  
16 plan which is not a holdover senatorial district shall  
17 elect a senator in 2002 the year ending in two for a  
18 four-year term commencing in January 2003 of the year  
19 ending in three. If an incumbent senator who was  
20 elected to a four-year term which commenced in January  
21 2001 of the year ending in one, or was subsequently  
22 elected to fill a vacancy in such a term, is residing  
23 in an ~~odd-numbered~~ a senatorial district in the plan  
24 which is not a holdover senatorial district on the  
25 first Wednesday in February 1, 2002 of the year ending  
26 in two, that senator's term of office shall be  
27 terminated on January 1, 2003 of the year ending in  
28 three.

29 b. Each ~~even-numbered~~ holdover senatorial district  
30 in the plan shall elect a senator in 2004 the year  
31 ending in four for a four-year term commencing in  
32 January 2005 of the year ending in five.

33 (1) If one and only one incumbent state senator is  
34 residing in an ~~even-numbered~~ a holdover senatorial  
35 district in the plan on the first Wednesday in  
36 February 1, 2002 of the year ending in two, and that  
37 senator meets all of the following requirements, the  
38 senator shall represent the district in the senate for  
39 the ~~Eightieth~~ General Assembly commencing in January  
40 of the year ending in three:

41 (a) The senator was elected to a four-year term  
42 which commenced in January 2001 of the year ending in  
43 one or was subsequently elected to fill a vacancy in  
44 such a term.

45 (b) The senatorial district in the plan which  
46 includes the place of residence of the state senator  
47 on the date of the senator's last election to the  
48 senate is the same as the ~~even-numbered~~ holdover  
49 senatorial district in which the senator resides on  
50 the first Wednesday in February 1, 2002 of the year

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1 ~~ending in two, or is contiguous to such even-numbered~~  
2 ~~holdover senatorial district and the senator's~~  
3 ~~declared residence as of February 1, 2002, was within~~  
4 ~~the district from which the senator was last elected.~~

5 Areas which meet only at the points of adjoining  
6 corners are not contiguous.

7 ~~The secretary of state shall prescribe a form to be~~  
8 ~~completed by all senators to declare their residences~~  
9 ~~as of February 1, 2002. The form shall be filed with~~  
10 ~~the secretary of state no later than five p.m. on~~  
11 ~~February 1, 2002.~~

12 (2) Each ~~even-numbered~~ holdover senatorial  
13 district to which subparagraph (1) of this paragraph  
14 is not applicable shall elect a senator in ~~2002 the~~  
15 year ending in two for a two-year term commencing in  
16 January 2003 of the year ending in three. However, if  
17 more than one incumbent state senator is residing in  
18 ~~an even-numbered~~ a holdover senatorial district on the  
19 first Wednesday in February 1, 2002 of the year ending  
20 in two, and, on or before the third Wednesday in  
21 February 15, 2002 of the year ending in two, all but  
22 one of the incumbent senators resigns from office  
23 effective no later than January 1, 2003 of the year  
24 ending in three, the remaining incumbent senator shall  
25 represent the district in the senate for the Eightieth  
26 General Assembly commencing in January of the year  
27 ending in three. A copy of the resignation must be  
28 filed in the office of the secretary of state no later  
29 than five p.m. on the third Wednesday in February 15,  
30 2002 of the year ending in two.

31 c. For purposes of this subsection:

32 (1) "Holdover senatorial district" means a  
33 senatorial district in the plan which is numbered with  
34 an even or odd number in the same manner as senatorial  
35 districts, which were required to elect a senator in  
36 the year ending in zero, were numbered.

37 (2) "Incumbent state senator" means a state  
38 senator who holds the office of state senator on the  
39 first Wednesday in February of the year ending in two,  
40 and whose declared residence on that day is within the  
41 district from which the senator was last elected.

42 d. The secretary of state shall prescribe a form  
43 to be completed by all senators to declare their  
44 residences as of the first Wednesday in February of  
45 the year ending in two. The form shall be filed with  
46 the secretary of state no later than five p.m. on the  
47 first Wednesday in February of the year ending in  
48 two."

49 2. Page 10, by striking lines 17 and 18 and  
50 inserting the following: "representation plan has met

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1 the legal requirements applicable to the plan, an  
2 eligible".

3 3. Page 10, lines 23 and 24, by striking the  
4 words "for improper political reasons" and inserting  
5 the following: "in violation of the applicable legal  
6 requirements".

7 4. Page 10, line 27, by striking the word "two"  
8 and inserting the following: "one".

9 5. Page 10, by striking lines 28 through 34 and  
10 inserting the following: "thousand dollars."

11 6. Page 11, line 1 by inserting after the words  
12 "paragraph "b"" the following: "alleging that the  
13 plan was drawn for improper political purposes".

14 7. Page 11, line 12, by inserting after the word  
15 "plan." the following: "For purposes of this  
16 paragraph "b", "a plan drawn for improper political  
17 reasons" means a plan approved by the board that  
18 contains at least one district that has been drawn for  
19 one or more of the purposes prohibited in section  
20 42.4, subsection 5, or a plan approved by the board in  
21 which consideration was given to one or more  
22 prohibited factors listed in section 49.3, subsection  
23 4, paragraph "d"."

24 8. Page 11, by inserting after line 12 the  
25 following:

26 "(3) If a complaint is filed with the state  
27 commissioner of elections under this paragraph "b",  
28 which includes reasons for rejecting the plan that are  
29 not allegations that the plan was drawn for improper  
30 political reasons, the state commissioner shall review  
31 and investigate the complaint. If the state  
32 commissioner of elections finds, by a preponderance of  
33 the evidence, that the plan has not met all the legal  
34 requirements applicable to the plan, the state  
35 commissioner shall reject the plan."

36 9. Page 11, line 13, by striking the figure  
37 "(3)", and inserting the following: "(4)".

38 10. Page 11, line 22, by striking the word  
39 "ninety-five", and inserting the following: "two  
40 hundred fifty".

41 11. Page 11, line 34, by striking the word "or",  
42 and inserting the following: "of".

43 12. Page 12, by striking line 4 and inserting the  
44 following: "plan as provided by paragraph "d", which  
45 plan shall better meet the applicable legal  
46 requirements than the plan drawn by the legislative  
47 service bureau. For purposes of this paragraph "f",  
48 "a plan which shall better meet the applicable  
49 requirements" means a plan, based upon the applicable  
50 legal requirements, which has lower population

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1 deviations among the districts, does not establish  
2 districts which divide more cities or political  
3 subdivisions, and has districts that are more compact,  
4 than the plan drawn by the legislative service  
5 bureau."

6 13. Page 12, by striking lines 5 through 20.

7 14. By renumbering as necessary.

**By STEVE KING**

**S-5428 FILED APRIL 9, 2002**

*W/D  
4/12/02  
(P1189)*

## HOUSE FILE 2486

S-5502

1 Amend House File 2486, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking page 5, line 11, through page 7,  
4 line 4, and inserting the following:

5 "Sec. \_\_\_\_ Section 42.4, subsection 8, Code 2001,  
6 is amended to read as follows:

7 8. Each bill embodying a plan drawn under this  
8 section shall include provisions for election of  
9 senators to the general assemblies which take office  
10 in the years ending in three and five, which shall be  
11 in conformity with article III, section 6, of the  
12 Constitution of the State of Iowa. With respect to  
13 any plan drawn for consideration ~~in the year 2001~~,  
14 those provisions shall be substantially as follows:

15 a. ~~Each odd-numbered~~ senatorial district in the  
16 plan which is not a holdover senatorial district shall  
17 elect a senator in 2002 the year ending in two for a  
18 four-year term commencing in January 2003 of the year  
19 ending in three. If an incumbent senator who was  
20 elected to a four-year term which commenced in January  
21 ~~2001~~ of the year ending in one, or was subsequently  
22 elected to fill a vacancy in such a term, is residing  
23 ~~in an odd-numbered~~ a senatorial district in the plan  
24 which is not a holdover senatorial district on the  
25 first Wednesday in February 1, 2002 of the year ending  
26 in two, that senator's term of office shall be  
27 terminated on January 1, ~~2003~~ of the year ending in  
28 three.

29 b. ~~Each even-numbered~~ holdover senatorial district  
30 in the plan shall elect a senator in 2004 the year  
31 ending in four for a four-year term commencing in  
32 January ~~2005~~ of the year ending in five.

33 (1) If one and only one incumbent state senator is  
34 residing in ~~an even-numbered~~ a holdover senatorial  
35 district in the plan on the first Wednesday in  
36 February 1, 2002 of the year ending in two, and that  
37 senator meets all of the following requirements, the  
38 senator shall represent the district in the senate for  
39 the ~~Eightieth~~ General Assembly commencing in January  
40 of the year ending in three:

41 (a) The senator was elected to a four-year term  
42 which commenced in January ~~2001~~ of the year ending in  
43 one or was subsequently elected to fill a vacancy in  
44 such a term.

45 (b) The senatorial district in the plan which  
46 includes the place of residence of the state senator  
47 on the date of the senator's last election to the  
48 senate is the same as the ~~even-numbered~~ holdover  
49 senatorial district in which the senator resides on  
50 the first Wednesday in February 1, 2002 of the year

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1 ~~ending in two, or is contiguous to such even-numbered~~  
2 ~~holdover senatorial district and the senator's~~  
3 ~~declared residence as of February 1, 2002, was within~~  
4 ~~the district from which the senator was last elected.~~  
5 Areas which meet only at the points of adjoining  
6 corners are not contiguous.

7 ~~The secretary of state shall prescribe a form to be~~  
8 ~~completed by all senators to declare their residences~~  
9 ~~as of February 1, 2002. The form shall be filed with~~  
10 ~~the secretary of state no later than five p.m. on~~  
11 ~~February 1, 2002.~~

12 (2) Each ~~even-numbered~~ holdover senatorial  
13 district to which subparagraph (1) of this paragraph  
14 is not applicable shall elect a senator in 2002 the  
15 year ending in two for a two-year term commencing in  
16 January 2003 of the year ending in three. However, if  
17 more than one incumbent state senator is residing in  
18 ~~an even-numbered~~ a holdover senatorial district on the  
19 first Wednesday in February 1, 2002 of the year ending  
20 in two, and, on or before the third Wednesday in  
21 February 15, 2002 of the year ending in two, all but  
22 one of the incumbent senators resigns from office  
23 effective no later than January 1, 2003 of the year  
24 ending in three, the remaining incumbent senator shall  
25 represent the district in the senate for the ~~Eightieth~~  
26 General Assembly commencing in January of the year  
27 ending in three. A copy of the resignation must be  
28 filed in the office of the secretary of state no later  
29 than five p.m. on the third Wednesday in February 15,  
30 2002 of the year ending in two.

31 c. For purposes of this subsection:

32 (1) "Holdover senatorial district" means a  
33 senatorial district in the plan which is numbered with  
34 an even or odd number in the same manner as senatorial  
35 districts, which were required to elect a senator in  
36 the year ending in zero, were numbered.

37 (2) "Incumbent state senator" means a state  
38 senator who holds the office of state senator on the  
39 first Wednesday in February of the year ending in two,  
40 and whose declared residence on that day is within the  
41 district from which the senator was last elected.

42 d. The secretary of state shall prescribe a form  
43 to be completed by all senators to declare their  
44 residences as of the first Wednesday in February of  
45 the year ending in two. The form shall be filed with  
46 the secretary of state no later than five p.m. on the  
47 first Wednesday in February of the year ending in  
48 two."

49 2. Page 10, by striking lines 17 and 18 and  
50 inserting the following: "representation plan has met

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1 the legal requirements applicable to the plan, an  
2 eligible".

3 3. Page 10, lines 23 and 24, by striking the  
4 words "for improper political reasons" and inserting  
5 the following: "in violation of the applicable legal  
6 requirements".

7 4. Page 10, line 27, by striking the word "two"  
8 and inserting the following: "one".

9 5. Page 10, by striking lines 28 through 34 and  
10 inserting the following: "thousand dollars."

11 6. Page 11, line 1 by inserting after the words  
12 "paragraph "b"" the following: "alleging that the  
13 plan was drawn for improper political purposes".

14 7. Page 11, line 12, by inserting after the word  
15 "plan." the following: "For purposes of this  
16 paragraph "b", "a plan drawn for improper political  
17 reasons" means a plan approved by the board that  
18 contains at least one district that has been drawn for  
19 one or more of the purposes prohibited in section  
20 42.4, subsection 5, or a plan approved by the board in  
21 which consideration was given to one or more  
22 prohibited factors listed in section 49.3, subsection  
23 4, paragraph "d"."

24 8. Page 11, by inserting after line 12 the  
25 following:

26 "(3) If a complaint is filed with the state  
27 commissioner of elections under this paragraph "b",  
28 which includes reasons for rejecting the plan that are  
29 not allegations that the plan was drawn for improper  
30 political reasons, the state commissioner shall review  
31 and investigate the complaint. If the state  
32 commissioner of elections finds, by a preponderance of  
33 the evidence, that the plan has not met all the legal  
34 requirements applicable to the plan, the state  
35 commissioner shall reject the plan."

36 9. Page 11, line 13, by striking the figure  
37 "(3)", and inserting the following: "(4)".

38 10. Page 11, line 22, by striking the word  
39 "ninety-five", and inserting the following: "two  
40 hundred fifty".

41 11. Page 11, line 34, by striking the word "or",  
42 and inserting the following: "of".

43 12. Page 12, by striking line 4 and inserting the  
44 following: "plan as provided by paragraph "d", which  
45 plan shall better meet the applicable legal  
46 requirements than the plan drawn by the legislative  
47 service bureau. For purposes of this paragraph "f",  
48 "a plan which shall better meet the applicable  
49 requirements" means a plan, based upon the applicable  
50 legal requirements, which has lower population

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1 deviations among the districts, does not establish  
2 districts which divide more cities or political  
3 subdivisions, and has districts that are more compact,  
4 than the plan drawn by the legislative service  
5 bureau."

6 13. Page 12, by striking lines 5 through 20.

7 14. By renumbering as necessary.

**By** STEVE KING

S-5502 FILED APRIL 11, 2002

*adopted*

*4/12/02*

*(p. 1189)*

## HOUSE FILE 2486

## S-5507

1 Amend House File 2486, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 8, by inserting after line 14, the  
4 following:

5 "Sec. \_\_\_\_\_. Section 49.13, Code 2001, is amended by  
6 adding the following new subsection:

7 NEW SUBSECTION. 5. The commissioner may appoint  
8 high school students who are not yet qualified to be  
9 registered voters to serve as precinct election board  
10 members.

11 a. To qualify to serve as a precinct election  
12 board member, a high school student shall:

13 (1) Be a United States citizen.

14 (2) Be a junior or senior in good standing  
15 enrolled in a public or private secondary school in  
16 Iowa.

17 (3) Have a cumulative grade point average  
18 equivalent to at least 2.0 on a 4.0 scale.

19 (4) At the time of appointment, have the written  
20 approval of the principal of the secondary school the  
21 student attends.

22 (5) Have the written approval of the student's  
23 parent or legal guardian.

24 (6) Have satisfactorily completed the training  
25 course for election officials.

26 (7) Meet all other qualifications for appointment  
27 and service as an election board member except the  
28 requirement of being a registered voter.

29 b. No more than one student precinct election  
30 board member may serve on each precinct election  
31 board.

32 c. Student precinct election board members shall  
33 not serve as the chairperson of a precinct election  
34 board.

35 d. Before serving at a partisan election, the  
36 student election precinct board member must certify in  
37 writing to the commissioner the political party with  
38 which the student is affiliated.

39 e. Student precinct election board members shall  
40 not be counted as absent from school on the day they  
41 serve as election officials.

42 f. Student precinct election board members shall  
43 not be allowed to work more hours than allowed under  
44 the applicable labor laws.

45 Sec. \_\_\_\_\_. Section 49.15, Code 2001, is amended by  
46 adding the following new unnumbered paragraph:

47 NEW UNNUMBERED PARAGRAPH. In drawing up precinct  
48 election board panels, the commissioner may use  
49 student precinct election board members appointed  
50 pursuant to section 49.13, subsection 5.

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1 Sec. \_\_\_\_\_. Section 49.84, Code 2001, is amended by  
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. This section does not  
4 prohibit a voter from taking minor children into the  
5 voting booth with the voter.

6 Sec. \_\_\_\_\_. Section 49.88, Code 2001, is amended by  
7 adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. This section does not  
9 prohibit a voter from taking minor children into the  
10 voting booth with the voter."

11 2. Title page, by striking line 1, and inserting  
12 the following: "An Act relating to the election  
13 process, including youth participation in elections,  
14 the procedure for congressional".

15 3. By renumbering as necessary.

**By MICHAEL E. GRONSTAL**

**S-5507 FILED APRIL 12, 2002**

**RULED OUT OF ORDER**

(P. 1190)

**HOUSE FILE 2486****S-5508**

1 Amend House File 2486, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1, the  
4 following:

5 "Section 1. Section 39.3, Code 2001, is amended by  
6 adding the following new subsections:

7 NEW SUBSECTION. 8A. "Overvote" means when a voter  
8 marks more than the permitted number of choices for an  
9 office or question.

10 NEW SUBSECTION. 17. "Undervote" means when a  
11 voter marks fewer than the permitted number of choices  
12 for an office or question."

13 2. Page 7, by inserting before line 28, the  
14 following:

15 "Sec. \_\_\_\_ . Section 43.49, Code 2001, is amended by  
16 adding the following new subsection:

17 NEW SUBSECTION. 4. The number of overvotes and  
18 undervotes for each office on the ballot.

19 Sec. \_\_\_\_ . Section 43.56, unnumbered paragraph 2,  
20 Code 2001, is amended by striking the unnumbered  
21 paragraph."

22 3. Page 8, by inserting after line 14, the  
23 following:

24 "Sec. \_\_\_\_ . Section 49.98, Code 2001, is amended by  
25 striking the section and inserting in lieu thereof the  
26 following:

27 49.98 COUNTING BALLOTS.

28 1. Ballots shall be counted according to the  
29 voters' marks on them as provided in sections 49.92  
30 through 49.97, this section, and sections 49.98A and  
31 49.98B. A ballot, or the votes on any part of the  
32 ballot, shall be counted if the ballot contains a  
33 clear indication that the voter has made a definite  
34 choice. A vote for any office or question on a ballot  
35 shall not be rejected solely because a voter failed to  
36 follow instructions for marking the ballot. If for  
37 any reason it is impossible to determine from a  
38 ballot, as marked, the choice of the voter for any  
39 office or question, the vote for that office or  
40 question shall not be counted. Failure to vote for  
41 any candidate for a particular office or for either  
42 choice for a question shall not invalidate valid marks  
43 made on the rest of the ballot.

44 2. When ballots are counted by automatic  
45 tabulating equipment, the vote tabulating devices  
46 shall be configured to sort out any ballots read as  
47 blank, or that contain overvotes for one or more  
48 offices or questions. If the ballots are tabulated at  
49 the precinct, the voter shall be offered the  
50 opportunity to review the ballot and correct any

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1 errors. Absentee ballots counted by automatic  
2 tabulating equipment and ballots tabulated at a  
3 counting center established under section 52.34 shall  
4 be sorted for blank ballots and for overvotes. Blank  
5 and overvoted ballots shall be given to the resolution  
6 board and tabulated as required by this section and  
7 section 52.37.

8 3. If a voter uniformly uses a mark other than the  
9 mark prescribed in the ballot instructions, and does  
10 not use the prescribed mark anywhere else, and the  
11 mark the voter uses clearly indicates that the voter  
12 has made a choice for a candidate or a question on the  
13 ballot, the voter's marks shall be counted. However,  
14 no votes shall be counted if the voter's marks  
15 identify the ballot in violation of section 49.107,  
16 subsection 7.

17 4. A vote for an office or question shall be  
18 counted if the voter has marked the ballot in a manner  
19 that will be counted as an overvote by automatic  
20 tabulating equipment but the voter has indicated in a  
21 clear fashion that the voter has made a mistake and  
22 has attempted to correct it, either by an erasure or  
23 by otherwise indicating which mark is the voter's  
24 choice, if such indication does not violate section  
25 49.107, subsection 7.

26 Sec. \_\_\_\_ . NEW SECTION. 49.98A COUNTING STRAIGHT  
27 PARTY OR ORGANIZATION VOTES.

28 When a voter has marked a straight party or  
29 organization target for one political party or  
30 nonparty political organization, blank voting targets  
31 under an office shall be counted as votes for that  
32 party or organization. If the voter has marked any  
33 voting targets next to any of the following in  
34 addition to the straight party or organization target,  
35 those votes shall be counted as marked:

36 1. A candidate for a political party or nonparty  
37 political organization that differs from the straight  
38 party or organization marked by the voter.

39 2. A candidate who is not affiliated with any  
40 political party.

41 3. A write-in line.

42 However, if a voter has marked the voting target  
43 next to the name of more than one political party or  
44 organization, only votes cast for individual  
45 candidates shall be counted.

46 Sec. \_\_\_\_ . NEW SECTION. 49.98B RULES FOR COUNTING  
47 BALLOTS.

48 The state commissioner of elections shall adopt  
49 rules to provide guidance for counting votes for each  
50 type of voting equipment and voting target on ballots

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1 in use in the state. The rules shall provide specific  
2 examples of the kinds of errors made by voters and the  
3 appropriate interpretation based upon the vote  
4 counting procedures of this chapter.

5 Sec. \_\_\_\_ . Section 49.99, Code 2001, is amended to  
6 read as follows:

7 49.99 WRITING NAME ON BALLOT.

8 The voter may also write on the line provided for  
9 write-in votes the name of any person for whom the  
10 voter desires to vote and mark the voting target  
11 opposite the name. ~~If the voter is using a voting~~  
12 ~~system other than an electronic voting system, as~~  
13 ~~defined in section 52.1, the writing of the Writing a~~  
14 ~~name on the write-in line shall constitute a valid~~  
15 ~~vote for the person whose name has been written on the~~  
16 ~~ballot without regard to whether the voter has made a~~  
17 ~~mark opposite the name. ~~However, when~~ When a write-in~~  
18 ~~vote is cast using an electronic voting system, the~~  
19 ~~ballot must also be marked in the corresponding space~~  
20 ~~in order to be counted. ~~However, precinct election~~~~  
21 ~~officials, resolution boards, and recount boards shall~~  
22 ~~count otherwise valid write-in votes cast without the~~  
23 ~~mark in the corresponding space. Marking the voting~~  
24 ~~target opposite a write-in line without writing a name~~  
25 ~~on the line shall ~~not affect the validity of the~~~~  
26 ~~remainder of the ballot be interpreted as no vote for~~  
27 ~~that office.~~

28 If a voter writes the name of a person more than  
29 once in the proper places on a ballot or on a voting  
30 machine for an office to which more than one person is  
31 to be elected, all but one of those votes for that  
32 person for that office are void and shall not be  
33 counted. If a write-in vote is duplicative of an  
34 otherwise correctly cast vote for a candidate whose  
35 name appears on the ballot, the write-in vote shall be  
36 interpreted as a confirmation of the voter's choice  
37 and shall be counted as one vote for the candidate.

38 The officials tabulating write-in votes shall  
39 disregard misspellings or variations in names or  
40 abbreviations for write-in candidates and shall count  
41 the variations in the form of the name for a single  
42 person if the officials can determine for whom the  
43 write-in votes were cast.

44 Sec. \_\_\_\_ . Section 50.24, unnumbered paragraph 1,  
45 Code 2001, is amended to read as follows:

46 The county board of supervisors shall meet to  
47 canvass the vote on the first Monday or Tuesday after  
48 the day of each election to which this chapter is  
49 applicable, unless the law authorizing the election  
50 specifies another date for the canvass. If that

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1 Monday or Tuesday is a public holiday, section 4.1,  
2 subsection 34, controls. Upon convening, the board  
3 shall open and canvass the tally lists and shall  
4 prepare abstracts stating, in words written at length,  
5 the number of votes cast in the county, or in that  
6 portion of the county in which the election was held,  
7 for each office and on each question on the ballot for  
8 the election. The board shall contact the chairperson  
9 of the special precinct board before adjourning and  
10 include in the canvass any absentee ballots which were  
11 received after the polls closed in accordance with  
12 section 53.17 and which were canvassed by the special  
13 precinct board after election day. The abstract shall  
14 further indicate the name of each person who received  
15 votes for each office on the ballot, and the number of  
16 votes each person named received for that office, and  
17 the number of votes for and against each question  
18 submitted to the voters at the election. The votes of  
19 all write-in candidates who each received less than  
20 two percent of the votes cast for an office shall be  
21 reported collectively under the heading "scattering".  
22 The abstract shall also show the number of overvotes  
23 and undervotes for each office or question on the  
24 ballot.

25 Sec. \_\_\_\_\_. Section 50.48, subsections 1, 2, and 3,  
26 Code 2001, are amended by striking the subsections and  
27 inserting in lieu thereof the following:

28 1. a. The county board of canvassers shall order  
29 a recount of the votes cast in all precincts in that  
30 county for a particular office or nomination if a  
31 written request for a recount is filed not later than  
32 five p.m. on the third day following the county  
33 board's canvass of the election in question. For  
34 elections for a state or federal office or nomination,  
35 the request shall be filed with the state commissioner  
36 of elections. Immediately upon receipt of a request  
37 for a recount in an election for a state or federal  
38 office or nomination, the state commissioner shall  
39 notify the commissioners of all counties in which  
40 votes were cast for the office or nomination for which  
41 a recount is requested. For county officers, city  
42 elections, school elections, and all other elections,  
43 except those for state or federal office, the request  
44 shall be filed with each commissioner of each county  
45 in which votes for that office or nomination were  
46 cast, or with the commissioner responsible for  
47 conducting the election if section 47.2, subsection 2,  
48 is applicable.

49 b. A recount may be requested only if the returns  
50 prepared pursuant to section 50.24 indicate that a

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1 candidate for an office or nomination was defeated or  
2 eliminated by one percent or less of the votes cast  
3 for that office or nomination, or that a political  
4 party or nonparty political organization did not  
5 retain or attain political party status by one percent  
6 or less of the votes required to be eligible for  
7 political party status.

8 c. A recount may be requested by one of the  
9 following:

10 (1) A candidate elected or defeated by one percent  
11 or less of the votes cast for that office or  
12 nomination.

13 (2) A political party or nonparty political  
14 organization that did not retain or attain political  
15 party status by one percent or less of the votes  
16 required to be eligible for political party status. A  
17 request by a political party or a political  
18 organization must be signed by an officer of that  
19 party or organization or by the political party or  
20 nonparty political organization candidate for the  
21 office of president of the United States or governor,  
22 whichever is applicable.

23 2. Immediately upon receipt of a request for a  
24 recount, the state commissioner or the commissioner  
25 receiving the written request, as applicable, shall  
26 send a copy of the request by certified mail to all  
27 candidates who received votes for the particular  
28 office or nomination for which a recount is requested.  
29 In addition, the commissioner shall notify the  
30 following persons by first-class mail or by telephone:

31 a. The chairperson of each state political party,  
32 if the office or nomination for which a recount is  
33 requested is a state or federal office.

34 b. The county chairperson of each county political  
35 party, if the office or nomination for which a recount  
36 is requested is a county office.

37 c. An officer of any nonparty political  
38 organization whose candidate received votes for the  
39 office or nomination for which a recount is requested.

40 3. a. In each county that a recount has been  
41 requested, the recount shall be conducted by a board  
42 which shall consist of the following:

43 (1) A designee of the candidate who received the  
44 highest number of votes cast for that office or  
45 nomination.

46 (2) A designee of the candidate who received the  
47 second highest number of votes cast for that office or  
48 nomination.

49 (3) A designee of the candidate who requested the  
50 recount, if such candidate is not otherwise allowed to

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1 designate a board member under subparagraph (1) or  
2 (2).

3 (4) A person chosen jointly by the designees under  
4 subparagraphs (1) and (2) if subparagraph (3) does not  
5 apply.

6 b. If paragraph "a", subparagraph (3) does not  
7 apply, the commissioner shall convene the persons  
8 designated under paragraph "a", subparagraphs (1) and  
9 (2), not later than nine a.m. on the seventh day  
10 following the county board's canvass of the election  
11 in question. If those board members cannot agree on  
12 another member by eight a.m. on the ninth day  
13 following the canvass, they shall immediately so  
14 notify the chief judge of the judicial district in  
15 which the canvass is occurring, who shall appoint the  
16 other member not later than five p.m. on the eleventh  
17 day following the canvass.

18 Sec. \_\_\_\_ . Section 50.48, subsection 4, unnumbered  
19 paragraph 1, Code 2001, is amended to read as follows:

20 When all members of the recount board have been  
21 selected, the board shall undertake and complete the  
22 required recount as expeditiously as reasonably  
23 possible. The commissioner or the commissioner's  
24 designee shall supervise the handling of ballots or  
25 voting machine documents to ensure that the ballots  
26 and other documents are protected from alteration or  
27 damage. ~~The board shall open only the sealed ballot  
28 containers from the precincts specified to be  
29 recounted in the request or by the recount board.~~ The  
30 board shall recount only the ballots which were voted  
31 and counted for the office in question, including any  
32 disputed ballots returned as required in section 50.5.  
33 If an electronic tabulating system was used to count  
34 the ballots, the recount board may request the  
35 commissioner to retabulate the ballots using the  
36 electronic tabulating system. The same program used  
37 for tabulating the votes on election day shall be used  
38 at the recount unless the program is believed or known  
39 to be flawed. The board shall recount the ballots in  
40 accordance with the method for counting ballots set  
41 forth by statute and by administrative rule. The  
42 ballots shall be counted according to the voters'  
43 marks on the ballots as provided in sections 49.92  
44 through 49.98C and not otherwise. A voter's definite  
45 choices shall be counted even if the recount board  
46 determines that the voter's choices differ from the  
47 manner in which the ballot was counted by the  
48 automatic tabulating equipment.

49 Sec. \_\_\_\_ . Section 50.48, subsection 4, unnumbered  
50 paragraph 2, Code 2001, is amended by striking the

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1 unnumbered paragraph.

2 Sec. \_\_\_\_ . Section 50.48, subsection 5, Code 2001,  
3 is amended to read as follows:

4 5. If the recount ~~board's report is~~ board reports  
5 that the abstracts prepared pursuant to the county  
6 board's canvass were incorrect as to the number of  
7 votes cast for the candidates for the office or  
8 nomination in question, in that county or district,  
9 the commissioner shall at once so notify the county  
10 board. The county board shall reconvene within three  
11 days after being so notified, and shall correct its  
12 previous proceedings.

13 Sec. \_\_\_\_ . Section 50.49, unnumbered paragraph 4,  
14 Code 2001, is amended to read as follows:

15 The petitioners requesting the recount shall post a  
16 bond ~~as required by section 50.48, subsection 2.~~ The  
17 amount of the bond shall be one thousand dollars for a  
18 public measure appearing on the ballot statewide or  
19 one hundred dollars for any other public measure. If  
20 the difference between the affirmative and negative  
21 votes cast on the public measure is less than the  
22 greater of fifty votes or one percent of the total  
23 number of votes cast for and against the question, a  
24 bond is not required. If votes cast on the question  
25 were canvassed in more than one county, the abstracts  
26 prepared by the county boards in all of those counties  
27 shall be totaled for purposes of this paragraph. If a  
28 bond is required, it shall be filed with the  
29 commissioner responsible for conducting the election.

30 Sec. \_\_\_\_ . Section 50.49, Code 2001, is amended by  
31 adding the following new unnumbered paragraphs after  
32 unnumbered paragraph 5:

33 NEW UNNUMBERED PARAGRAPH. After all recount  
34 proceedings on a public measure are completed and the  
35 official canvass of votes cast on the measure is  
36 corrected or completed, if necessary, any bond posted  
37 under this section shall be returned to the  
38 petitioners if the outcome of the election on the  
39 question is different as shown by the corrected or  
40 completed canvass. In all other cases, the bond shall  
41 be deposited in the election fund of the county with  
42 whose commissioner it was filed.

43 NEW UNNUMBERED PARAGRAPH. For purposes of this  
44 section, "public measure" includes judicial retention  
45 elections held pursuant to section 46.17."

46 4. Title page, by striking line 1, and inserting  
47 the following: "An Act relating to the election  
48 process, including information contained on abstracts  
49 of votes, the definition of a valid vote for purposes  
50 of canvassing ballots after an election and during a

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- 1 recount, the procedures for requesting and conducting
- 2 recounts of votes cast, the procedure for
- 3 congressional".
- 4 5. By renumbering as necessary.

**By MICHAEL E. GRONSTAL****S-5508** FILED APRIL 12, 2002

RULED OUT OF ORDER

(p. 1189)

## HOUSE FILE 2486

S-5509

1 Amend House File 2486, as passed by the House, as  
2 follows:

3 1. Page 7, by inserting before line 28 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 43.52, unnumbered paragraph 2,  
6 Code 2001, is amended by striking the unnumbered  
7 paragraph.

8 Sec. \_\_\_\_\_. Section 43.52, unnumbered paragraph 3,  
9 Code 2001, is amended to read as follows:

10 When two or more nominees are required, as in the  
11 case of at-large elections, the nominees shall  
12 likewise be the required number of persons who receive  
13 the greatest number of votes cast in the primary  
14 election by the voters of the nominating party, ~~but no~~  
15 ~~candidate is nominated who fails to receive thirty-~~  
16 ~~five percent of the number of votes found by dividing~~  
17 ~~the number of votes cast by voters of the candidate's~~  
18 ~~party for the office in question by the number of~~  
19 ~~persons to be elected to that office. If the primary~~  
20 ~~is inconclusive under this paragraph, the necessary~~  
21 ~~number of nominations shall be made as provided by~~  
22 ~~section 43.78, subsection 1, paragraphs "d" and "e".~~

23 Sec. \_\_\_\_\_. Section 43.56, unnumbered paragraph 1,  
24 Code 2001, is amended to read as follows:

25 Recounts of votes for primary elections shall be  
26 conducted following the procedure outlined in section  
27 50.48. ~~However, if a recount is requested for an~~  
28 ~~office for which no candidate has received the~~  
29 ~~required thirty five percent to be nominated, the~~  
30 ~~recount board shall consist of the following persons:~~

31 Sec. \_\_\_\_\_. Section 43.56, subsections 1 through 3,  
32 Code 2001, are amended by striking the subsections.

33 Sec. \_\_\_\_\_. Section 43.65, Code 2001, is amended to  
34 read as follows:

35 43.65 WHO NOMINATED.

36 The candidate of each political party for  
37 nomination for each office to be filled by the voters  
38 of the entire state, and for each seat in the United  
39 States house of representatives, the Iowa house of  
40 representatives and each seat in the Iowa senate which  
41 is to be filled, who receives the highest number of  
42 votes cast by the voters of that party for that  
43 nomination shall be the candidate of that party for  
44 that office in the general election. ~~However, if~~  
45 ~~there are more than two candidates for any nomination~~  
46 ~~and none of the candidates receives thirty five~~  
47 ~~percent or more of the votes cast by voters of that~~  
48 ~~party for that nomination, the primary is inconclusive~~  
49 ~~and the nomination shall be made as provided by~~  
50 ~~section 43.78, subsection 1, paragraph "a", "b" or~~

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1 ~~"e", whichever is appropriate.~~

2 Sec. \_\_\_\_ Section 43.66, Code 2001, is amended to  
3 read as follows:

4 43.66 WRITE-IN CANDIDATES.

5 The fact that the candidate who receives the  
6 highest number of votes cast for any party's  
7 nomination for an office to which section 43.52 or  
8 43.65 is applicable is a person whose name was not  
9 printed on the official primary election ballot shall  
10 not affect the validity of the person's nomination as  
11 a candidate for that office in the general election.  
12 ~~However, if there is no candidate on the official  
13 primary ballot of a political party for nomination to  
14 a particular office, a write-in candidate may obtain  
15 the party's nomination to that office in the primary  
16 if the candidate receives a number of votes equal to  
17 at least thirty five percent of the total vote cast  
18 for all of that party's candidates for that office in  
19 the last preceding primary election for which the  
20 party had candidates on the ballot for that office.  
21 If there have been no candidates from a political  
22 party for a seat in the general assembly since the  
23 most recent redistricting of the general assembly, a  
24 write-in candidate shall be considered nominated who  
25 receives a number of votes equal to at least thirty  
26 five percent of the total votes cast, at the last  
27 preceding primary election in the precincts which  
28 currently constitute the general assembly district,  
29 for all of that party's candidates for representative  
30 in the Congress of the United States or who receives  
31 at least one hundred votes, whichever number is  
32 greater. When two or more nominees are required, the  
33 division procedure prescribed in section 43.52 shall  
34 be applied to establish the minimum number of write-in  
35 votes necessary for nomination. If the primary is  
36 inconclusive, the necessary nominations shall be made  
37 in accordance with section 43.78, subsection 1."~~

38 2. Title page, by striking line 1 and inserting  
39 the following: "An Act relating to the election  
40 process, including nomination of candidates to office  
41 at the primary election, the procedure for  
42 congressional".

43 3. By renumbering as necessary.

By MICHAEL E. GRONSTAL

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WITHDRAWN

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