

In the Iowa Supreme Court

**In the Matter of Reapportionment
of State Senatorial and
Representative Districts**

**No. 21-1281
Order**

In 1980 the general assembly created a statutory process for decennial legislative redistricting (reapportionment). *See* 1980 Iowa Acts ch. 1021 (codified at Iowa Code ch. 42 (1981)). Pursuant to this statutory process, nonpartisan professionals in the state’s Legislative Services Agency (LSA) reapportion the state’s legislative districts following a set of strict criteria. After the LSA creates the proposed reapportionment plan and delivers it to the general assembly, a temporary redistricting advisory commission must hold at least three public hearings around the state regarding the proposal. Iowa Code § 42.6(3)(a) (2021). The commission then submits a report regarding the information learned at the public hearings to the general assembly for its consideration. *Id.* § 42.6(3)(b). If the general assembly does not approve the initial reapportionment plan proposed by the LSA, there is a statutory process to generate additional plans for the general assembly’s consideration and ultimate approval. *Id.* § 42.3.

Iowa’s statutory process has been recognized as the nation’s “gold standard” for redistricting. *See, e.g., The “Iowa Model” For Redistricting*, Nat’l Conf. of State Legislatures (Mar. 25, 2021), <https://www.ncsl.org/research/redistricting/the-iowa-model-for-redistricting.aspx>; *Virtual Presentation to Cover Redistricting*, Globe Gazette (Mar. 13, 2021), https://globegazette.com/news/local/govt-and-politics/virtual-presentation-to-cover-redistricting/article_d5c47556-13ef-58e0-af37-004f946c729d.html. It has been studied and praised by official redistricting reform commissions in other states. Md. Redistricting Reform Comm’n, *2015 Report* 21–22 (2015), <https://governor.maryland.gov/wp-content/uploads/2015/11/Final-Redistricting-Report.pdf>.

Article III, section 35 of the Iowa Constitution provides a deadline for the completion of this nonpartisan process. It states the general assembly shall “in

each year immediately following the United States decennial census determine the number of senators and representatives to be elected to the general assembly and establish senatorial and representative districts.” This reapportionment is to be completed prior to September 1. If the reapportionment does not become law prior to September 15, the constitution further provides that “the supreme court shall cause the state to be apportioned into senatorial and representative districts to comply with the requirements of the constitution prior to December 31 of such year.”

The LSA has indicated that because of the delayed delivery of the 2020 decennial census data to the State of Iowa, the reapportionment process will not be concluded before September 1, 2021, and the apportionment will not become law before September 15, 2021. Because of this, the constitution now vests the supreme court with the responsibility and authority to “cause the state to be apportioned.” Iowa Const. art. III, § 35.

Pursuant to its constitutional authority to “cause the state to be apportioned,” the supreme court permits the parties identified in Iowa Code chapter 42 (2021) to prepare an apportionment in accord with Iowa Code chapter 42 (2021) by December 1, 2021.

Dated this 14th day of September, 2021.



IOWA APPELLATE COURTS

State of Iowa Courts

Case Number
21-1281

Case Title
In the Matter of Reapportionment

So Ordered

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Susan Larson Christensen, Chief Justice

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