

Summary of Meeting with Edwin Cook

Civic Caucus, 8301 Creekside Circle, Bloomington, MN 55437
Friday, January 12, 2007

Guest speaker: Edwin Cook, Senior Legal Counsel, Iowa Legislative Services Agency

Present: Verne C. Johnson, chair, (by phone), Chuck Clay (by phone), Bill Frenzel (by phone), Paul Gilje (by phone), John Mooty (by phone), Jim Olson (by phone), Wayne Popham (by phone)

A. Context of the meeting-- As the Civic Caucus has been learning about the elections process, some speakers have mentioned the approach used by Iowa in redistricting. Today's meeting is devoted to a discussion of the Iowa process.

B. Introductions and welcome-- Paul welcomed and introduced Edwin Cook, senior legal counsel, Iowa Legislative Services Agency. Cook has a law degree from the University of Iowa, and has been a legal council with the Iowa Legislative Services Agency since 1992.

C. Comments and discussion-- During Cook's remarks and in discussion with the Civic Caucus the following points were raised. (Information also is supplied from "Legislative Guide to Redistricting", December 2000, by Cook. See: <http://www.legis.state.ia.us/Central/Guides/redist.pdf>)

1. Background on the Iowa Legislative Services Agency-- The non-partisan agency has served the Iowa Legislature since the late 1960s. It is responsible for all bill-drafting services for the Legislature. Since 1980, it has also been assigned the responsibility of preparing the every-10-years redistricting plans for congressional and legislative seats in Iowa.

2. History of Iowa redistricting-- In 1962 the U.S. Supreme Court ruled that a challenge to a redistricting plan could be brought and resolved in court. This ruling had repercussions throughout the nation. In 1968 the Iowa constitution was amended to fulfill the U. S. constitutional mandate to draw boundaries based on population and provide the basis for establishing districts following the federal decennial census. Iowa's constitution provides that if the General Assembly (state legislature) fails to redistrict, the Iowa Supreme Court shall assume responsibility. The Iowa constitution provides that legislative districts be based on population and be of compact and contiguous territory. After the 1970 census, the General Assembly adopted a redistricting plan that was struck down by the Iowa Supreme Court, which then redrew the boundaries. In 1980, with support from the League of Women Voters, the General Assembly enacted a statutory process that provides for the Iowa Legislative Services Agency to draw the districts, subject to legislative and gubernatorial approval. That process, used in the 1981, 1991 and 2001 redistricting, remains intact today.

3. How the process works-- When the Iowa Legislative Services Agency prepares a plan, it is submitted to the Legislature in bill form. Under law the Legislature must accept or reject the first plan and be signed into law by the Governor. It can't be amended. If the first plan is rejected by the Legislature or Governor, the Legislative Services Agency prepares a second plan, which also must be accepted or rejected without amendment. If both the first and second plans are rejected, a third plan is presented by the Agency. This time the Legislature is allowed to amend the plan, if it

chooses. If the third plan is not adopted, the Iowa Supreme Court prepares and adopts a plan.

In 1981, the Legislature adopted the third plan, without amendments. In 1991 the Legislature adopted the first plan, and in 2001, the second plan. In 1981 the Republicans were in control of the Legislature. In the elections after 1981 redistricting, the Democrats regained control. In 1991 the Democrats were in control. In the elections after 1991, the Republicans regained control. In 2001 the Republicans were in control, but after the 2006 elections, Democrats regained control.

4. Respect for county boundaries in congressional redistricting-- Iowa has 99 counties. The state now has five representatives in Congress (dropping to four after the 2010 census). The state constitution requires that counties shall not be split between congressional districts. Cook said no county in Iowa is so large as to need to be split. The requirement to respect county boundaries has the effect of limiting ways that district lines might be drawn.

5. Iowa standards for redistricting-- The following standards are in state law:

a. Population equality--The deviation from equal population in congressional district may not exceed one percent, unless necessary to avoid splitting counties. The deviation from equal population in legislative districts may not exceed one percent.

b. Respect for city, township and county boundaries-- Iowa law provides that consistent with population equality requirements, district boundaries should coincide with boundaries of political subdivisions. The law states that the number of cities and counties divided among more than one legislative district should be as small as possible; if a choice exists on dividing political subdivisions, the most populous shall be divided first.

c. Contiguous territory required--The state constitution requires territory in each district to be contiguous. That is, one part of a district cannot be separated from another part. State law specifies that areas which meet only at points of adjoining corners are not contiguous.

d. Compact districts required-- State law requires that congressional and legislative districts must be compact in form, "those which are square, rectangular, or hexagonal in shape to the extent permitted by natural or political boundaries."

6. "Negative" standards--The law also lists factors that may not be considered in drawing districts: addresses of incumbents, political affiliation of registered voters, and previous election results. The redistricting plan adopted in 2001 "paired" two incumbent members of Congress, 25 of the 50 incumbents in the Iowa Senate, and 39 of 100 incumbents in the Iowa House. Four legislative leaders were paired. In effect, Cook said, it's Iowa's version of term limits. Some paired office holders decided it was a good time to retire. Some moved their residences.

7. How the Legislative Services Agency is structured--The Legislative Service Agency is headed by a director who is appointed by the Legislature. About 20 attorneys are on the staff of the Agency, appointed by the director. In the fall before redistricting is undertaken, three staffers, including Cook, a computer expert, and one other staffer, move to a separate office to prepare for redistricting. This three-person staff prepares the plan. Ultimately the director of the Agency comes in and approves the plan. The plan is officially submitted in bill form to the Legislature by the Agency. The current director is Dennis Prouty. The director during the 1991 and 2001 redistricting was Diane Bolender.

A five-person Temporary Redistricting Advisory Commission (four selected by the majority and minority floor leaders and the fifth, the chair, who may not be an elected

official, selected by the other four) are responsible for conducting public hearings on the plan. Cook said the Agency may consult with the Commission on technical matters.

8. Difficulty in defining "competitive"-- In discussion it was noted that the Arizona redistricting commission is required to make districts competitive; in Iowa, the Legislative Services Agency is prohibited from using such a criterion. Cook said that the key to including any criterion is whether it can be adequately defined. One possibility for defining "competitive" would be that it would be possible for either party to win a district. Such a criterion would not work in Iowa, he said. A Civic Caucus member observed that the strength of the Iowa approach lies in its "negative" criteria, including a prohibition on political considerations.

9. General satisfaction-- In response to a question Cook said people seem satisfied with the Iowa approach and no serious attempts have been undertaken to change the system. Cook said he has visited from time to time with various people from Minnesota and other states. He doesn't recall being asked to come to Minnesota to describe the Iowa system.

10. Start with the largest geographic entity possible-- It was agreed in the discussion that it is helpful in Iowa that the Constitution specifies counties as the basic unit for preserving in redistricting. Iowa has 99 counties, all of them similar in shape and size. The state has five Congressional districts, 50 State Senate districts, and 100 State House districts. The Constitution requires that no county can be divided up into more than one Congressional district, although counties can be divided in legislative districts to meet population requirements. Currently the 50 State Senate districts are divided, 10 each, into the five Congressional Districts, and the 100 State House districts divided, two each, into the 50 Senate Districts.

Cook said that after the 2010 census, Iowa is scheduled to lose a Congressional seat, so the "neatness" of the 5-50-100 approach will have to be modified. Cook acknowledged that Iowa benefits from a requirement that it begin redistricting with the largest geographic entity possible, in its case, the county. He advised that other states ought to pick the largest geographic entity it can come up with, for example, census tracts.

11. Iowa presidential caucuses--The group discussed briefly with Cook the role of the Iowa presidential caucuses. Cook clarified that these caucuses, every four years, function only for a presidential preference ballot. They are not used for

endorsement of congressional, legislative, governor or other races. The Iowa primary occurs in May-June, he said. Unlike Minnesota, the political parties don't use precinct caucuses for endorsement purposes.

12. Active involvement of legislative leaders in legislative campaigns-- It was noted that the Civic Caucus has had extensive discussions in recent weeks about the large and growing role of the legislative caucuses in selecting candidates, providing financing, and conducting the campaigns. Cook said the same kind of practices are occurring in Iowa.

13. Single transferable vote (instant runoff voting)-- Cook had no comment on Civic Caucus discussion of instant runoff voting, in which voters rank candidates in order of preference, rather than only voting for one.

14. Thanks-- On behalf of the Civic Caucus, Verne Johnson and others thanked Cook for meeting with us today.