

STATE OF IDAHO  
COMMISSION FOR REAPPORTIONMENT  
REVISED FINDINGS AND CONCLUSIONS  
FOR LEGISLATIVE PLAN L 93, A REVISION OF PLAN L 87

This Commission For Reapportionment, whose members are:

Ron Beitelspacher, Co-Chair  
Dolores Crow, Co-Chair  
Shauneen Grange, Commissioner  
Randy Hansen , Commissioner  
Elmer Martinez, Commissioner  
Sheila Olsen, Commissioner

was reconvened on January 26, 2012 by order of the Idaho Supreme Court within their opinion and holding in the case of *Twin Falls County v. Idaho Redistricting Commission*, (January 18, 2012) to revise Legislative Plan L 87. Set forth below are the findings and conclusions of the Commission in their adoption of Plan L 93, A Revision of Plan L 87.

**PRIOR REDISTRICTING COMMISSION<sup>1</sup>**

The prior Redistricting Commission was convened by the Secretary of State on June 7, 2011. That Commission held a total of fourteen public hearings around the state in Sandpoint, Coeur d’Alene, Moscow, Lewiston, Boise, Meridian, Caldwell, Hailey, Twin Falls, Burley, Soda Springs, Rexburg, Pocatello and Idaho Falls. The prior Commission also held several public meetings in Boise reviewing approximately 82 proposed Legislative Plans and 50 proposed Constitutional Plans. The previous Commission concluded its proceedings without adopting either a legislative or congressional plan on September 6, 2011.

**CURRENT REDISTRICTING COMMISSION**

After being sworn in by the Secretary of the State, this Redistricting Commission adopted the record and proceedings of the previous Redistricting Commission. This Commission convened public hearings in Idaho Falls (October 5, 2011), Coeur D’ Alene (October 6, 2011) and Boise (October 7, 2011) during which time citizens were provided the opportunity to comment on the approximately 86

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<sup>1</sup> The Commission for Reapportionment is commonly referred to as the Redistricting Commission. The terms “Commission for Reapportionment” and “Redistricting Commission” are used interchangeably herein.

Legislative plans under consideration by the Commission along with the approximately 51 Congressional plans under consideration. Pursuant to the Order of the Idaho Supreme Court, the Commission reconvened on January 26-29, 2012 for the purpose of revising Plan L 87. Within those meetings, the Commission adopted these findings, and revised plan L 87 resulting in the adoption of Plan L 93, a Revision of Plan L 87.

Based upon the Redistricting Commission's review of the record, its meetings, the public comments received, and the governing legal requirements, the Commission makes the following findings and conclusions:

### LEGAL REQUIREMENTS AND APPLICATION

1. **Federal Constitutional Requirements.** The United States Constitution has been interpreted by the United States Supreme Court and the Idaho Supreme Court to require that legislative districts be formed after each census with substantially equal population to satisfy the one person/one vote requirement. A legislative redistricting plan that has more than a ten percent deviation is presumptively unconstitutional. *Smith v. Idaho Comm'n on Redistricting*, 136 Idaho 542 (2001). State legislative redistricting plans of less than 10% deviation between the most populous and least populous districts are presumed to satisfy the federal constitutional requirement. Merely showing that an alternative plan with a lower overall range could be used was not in itself sufficient to require invalidation of a plan. *Gafney v. Cummings*, 412 U.S. 735 (1973).
2. **State Constitutional Requirements.** Article III §5 of the Idaho Constitution establishes the following requirements on legislative redistricting:

SENATORIAL AND REPRESENTATIVE DISTRICTS. A senatorial or representative district, when more than one county shall constitute the same, shall be composed of contiguous counties, and a county may be divided in creating districts only to the extent it is reasonably determined by statute that counties must be divided to create senatorial and representative districts which comply with the constitution of the United States. A county may be divided into more than one legislative district when districts are wholly contained within a single county. No flatorial district shall be created. Multi-member districts may be created in any district composed of more than one county only to the extent that two representatives may be elected from a district from which one senator is elected. The provisions of this section shall apply to any apportionment adopted following the 1990 decennial census.

Idaho Constitution, Art. III, Sec. 5.

This provision has been interpreted and applied by the Idaho Supreme Court to mean that a plan that splits 8 counties is unconstitutional if a plan that splits 7 counties within the allowable deviation (less than 10%), is advanced. *Twin Falls County v. Idaho Com'n on Redistricting*, ---P.3d ---, 2012 WL 130416, \*3 (2012). Art. III, Section 2(2) of the Idaho Constitution charges the Commission for Reapportionment with the task of redistricting the Idaho legislature. Art. III. Sec. 2(3) of the Idaho Constitution authorizes the legislature to "enact laws providing for the implementation of the provisions of this section."

3. **State Statutory Requirements.** Idaho Code section 72-1506 provides criteria to govern legislative redistricting plans.

a. Idaho Code section 72-1506 states:

72-1506. Criteria governing plans. Congressional and legislative redistricting plans considered by the commission, and plans adopted by the commission, shall be governed by the following criteria:

(1) The total state population as reported by the U.S. census bureau, and the population of subunits determined therefrom, shall be exclusive permissible data.

(2) To the maximum extent possible, districts shall preserve traditional neighborhoods and local communities of interest.

(3) Districts shall be substantially equal in population and should seek to comply with all applicable federal standards and statutes.

(4) To the maximum extent possible, the plan should avoid drawing districts that are oddly shaped.

(5) Division of counties shall be avoided whenever possible. In the event that a county must be divided, the number of such divisions, per county, should be kept to a minimum.

(6) To the extent that counties must be divided to create districts, such districts shall be composed of contiguous counties.

(7) District boundaries shall retain the local voting precinct boundary lines to the extent those lines comply with the provisions of section [34-306](#), Idaho Code. When the commission determines, by an affirmative vote of at least five (5) members recorded in its minutes, that it cannot complete its duties for a legislative district by fully complying with the provisions of this subsection, this subsection shall not apply to the commission or legislative redistricting plan it shall adopt.

(8) Counties shall not be divided to protect a particular political party or a particular incumbent.

(9) When a legislative district contains more than one (1) county or a portion of a county, the counties or portion of a county in the district shall be directly connected by roads and highways which are designated as part of the interstate highway system, the United States highway system or the state highway system. When the commission determines, by an affirmative vote of at least five (5) members recorded in its minutes, that it cannot complete its duties for a legislative district by fully complying with the provisions of this subsection, this subsection shall not apply to the commission or legislative redistricting plan it shall adopt.

b. Within the *Twin Falls County* case, the Court found that the following provisions of Idaho Code § 72-1506 are mandatory: (1), (2), (3), (6), (7), (8), and (9). To the maximum extent possible, the Commission complied with the mandatory requirements placed upon it for compliance. Two provisions of Idaho Code § 72-1506 are advisory: (4) and the provision in ¶(5) that states: “In the event that a county must be divided, the number of such divisions, per county, should be kept to a minimum. *Twin Falls County*, at \*4, (“They are merely advisory.”) & n.4 (clarifying which provisions are advisory).

c. The Commission found that it could not complete its duties by fully complying with the provisions of Idaho Code section 72-1506(7). Therefore, on January 27, 2012, all six Commissioners voted unanimously to waive the requirement that precincts be kept intact.

- d. The Commission also found that it could not complete its duties by fully complying with the provisions of Idaho Code section 72-1506(9). Therefore, on January 27, 2012, all six Commissioners voted unanimously to waive the requirement that all counties included in a district be connected by state highways.
4. **Application of Legal Requirements: Deviation.** The Idaho Supreme Court has held that a population deviation exceeding ten percent is presumptively unconstitutional. *Smith v. Idaho Comm'n on Redistricting*, 136 Idaho 542 (2001). The deviation in the legislative redistricting plan adopted hereby submitted by the Commission has a deviation of 9.92%.
5. **Application of Legal Requirements: Division of Counties.** The Idaho Supreme Court has held that Article III Sec. 5 of the Idaho Constitution prohibits the division of counties unless absolutely necessary to satisfy the one person/one vote requirement of the United States Constitution. *Bingham County v. Comm'n for Reapportionment*, 137 Idaho 870, 874 (2002). Further, the Idaho Supreme Court has directed that a plan that splits 8 counties is unconstitutional upon the presentation of a plan that splits only 7. *Twin Falls County v. Idaho Redistricting Commission*, --- P.3d ---Consistent with this requirement, Counties were only divided when required by one person/ one vote.

#### GENERAL FINDINGS

6. **Unique Physical Features.** There are several physical factors which complicate redistricting in Idaho. The unique shape of the state limits the combinations of contiguous counties that can be combined to create legislative districts. The geography of Idaho (wilderness areas, mountain ranges, deserts and rivers) in some cases limits the ideal combination of certain counties in the creation of legislative districts. The low population of many counties limits the ideal combination of certain counties in the creation of legislative districts. The fact that most of the external boundaries of Idaho (with the exception of certain areas on the western border) run through very sparsely populated areas limits the ideal combination of counties in the creation of legislative districts. For redistricting purposes, Idaho is the exact opposite of the rectangular shaped state whose population is evenly distributed over flat farmland. The federal one person/one vote requirement, the Idaho Constitution's limitation on the number of districts, the Idaho Constitution's limitation on the division of counties in the formation of legislative districts, and these unique physical features necessarily result in the creation of a few legislative districts that are not ideal under any redistricting plan.
7. **Number of Districts.** Art. III Sec. 2 of the Idaho Constitution requires that there be "not less than thirty nor more than thirty-five" legislative districts. After considering redistricting plans from thirty to thirty-five districts, as well as the very nearly unanimous public testimony received in favor of retaining the maximum number of thirty-five districts, the Commission finds that the thirty-five district plan is constitutional and serves the best interests of the citizens of the state of Idaho. Consistent with Article III, sec. 2, the Commission has adopted a 35 district plan.

8. **Division of Counties.** In a thirty-five district plan:
- a. 1 county has a population that it can constitute a single district by itself without combining with any other county or portion of another county. It is Bingham County. Bingham County has not been split and constitutes a district of its own within its County boundaries.
  - b. Two counties could be divided into districts wholly within that county that meet the one person/one vote requirement without having to combine any portion of that county with any other county or portion of another county. They are Ada and Kootenai County.
  - c. Four counties are of such population that one or more districts can be created solely within the county, but a portion of the county must be combined with other counties to meet the one person/one vote requirements. They are Bannock, Bonneville, Canyon, and Twin Falls Counties.
    - i. Bonneville County occupies a particularly unique situation because it has the population sufficient to equal 2.32 districts (pop. 104,234), but it must be split in order to preserve the County boundaries surrounding it in compliance with the Idaho Supreme Court's application of Article III, § 5 that a plan that splits 8 counties is unconstitutional if a plan splitting only 7 counties is advanced.
    - ii. Twin Falls County occupies a situation similar to Bonneville County. It has a population that should indicate 1.72 districts, but it is surrounded by counties requiring additional population and combinations. As Twin Falls mathematically must be split to comply with one person/ one vote, the Commission relied on the advisory portion of Idaho Code § 72-1506(5) to create legislative districts by splitting Twin Falls County twice.
  - d. The remaining counties are so sparsely populated that they must be combined with other counties to create districts of sufficient population to comply with the federal constitutional requirement of one person/one vote. One of these counties (Bonner) must be divided and combined with contiguous counties because one neighboring county (Boundary) is not contiguous to any other county. Boundary County is so small it cannot constitute a district by itself which satisfies the one person/one vote requirement and when Bonner and Boundary Counties are combined undivided, they are too large to constitute a district which complies with the one person/one vote requirement.
9. **Demographic Data.** Although divided into 44 counties, both the population and land area of the counties are disparate. For example, out of 44 counties, 36 must be combined in some

fashion or another to achieve a district with a constitutionally acceptable population. Additionally, based upon the lack of an equal distribution of the population throughout the state, often a simple combination of counties into one district cannot be achieved, which therefore requires a county to be split in order to satisfy the one person - one vote requirement. To illustrate this principle (although no Idaho counties are actually configured like this), if there were three adjacent counties each with the population of two-thirds of a district, it might be necessary to split one of them among two districts to apportion them while keeping the other two wholly within a district, and there is no constitutional reason to choose among them which of the three to split. As indicated above, the following Counties must be split: Bonner (geography/ one person/ one vote), Kootenai (internally), Ada (internally), Canyon (internally and externally), Twin Falls (internally and externally), Bannock (internally and externally) and Bonneville (internally and externally). Idaho's unique shape further challenges the reapportionment of the Idaho because neighboring state boundaries often limit the direction in which the Commission can combine Counties. For example, within the Panhandle of Idaho, counties must generally be combined north and south, while on the Eastern border, combinations are limited to North, South, and West.

**10. Consideration of Plans:** The Commission had before it for consideration 93 full and partial legislative reapportionment plans. But of those 93, only 8 complied with dual requirements one person one vote and minimum county splits. Those plans were L 66, L 67, L 76, L 77, L 79, L 90, L 91, and L 93. The remaining plans (85) were either presumptively unconstitutional due to too many county splits or unacceptable population deviation, or failed to reapportion the entire state. The Commission evaluated and considered every plan submitted to it.

**11. Statistical Data.** The total state population is 1,567,582. With a total of thirty-five legislative districts, the ideal district population is 44,788 people.

### **SPECIFIC FINDINGS**

#### **APPROVED PLAN: L 93**

12. The Commission adopts Plan L 93 as the Idaho Legislative Redistricting Plan by a unanimous 6-0 vote. District 28 contains the largest population with a total of 46,955 people. This constitutes a deviation of 4.84%<sup>2</sup> above the ideal district size of 44,788 people. District 20 has the smallest population with a total of 42,610 people. This constitutes a deviation of 4.86% below the ideal district size. Combined the overall plan population deviation of Plan L 93 is 9.70%. Specifically as to each district in Plan L 93, the Commission finds:

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<sup>2</sup> The deviation percentages have been rounded to the nearest hundredth of a percentage point.

13. District 1 (Boundary County and Bonner County (part)). Separately, neither Boundary County nor Bonner County have sufficiently large populations to constitute one ideal district of 44,788 persons. When combined, they exceed 44,788 people, the population of an ideal district, by more than allowable deviation. The Commission therefore finds that it is necessary to divide the population of Bonner County to create District 1 because it is the only Idaho county contiguous to Boundary County and the division is necessary to satisfy the one person, one vote requirement of the 14<sup>th</sup> Amendment to the United States Constitution. Bonner County was divided along major highways and roads in an effort to keep communities of interest together. District 1 contains 46,712 people, a deviation of +4.30% from the ideal district.
14. District 2 (Kootenai County (part)). Consists primarily of the northern and eastern rural areas of Kootenai County. Includes the communities of Hayden, Dalton Gardens. Runs South to the Benewah County line, east to Shoshone County Line, and West to the Washington Border. District 2 contains 45,894 people with a deviation of +2.47 % from the ideal district.
15. District 3 (Kootenai County (part)). District 3 is contained wholly within Kootenai County. It includes the remainder of Kootenai County that is west of the city of Coeur d'Alene and Highway 95 to the Idaho border. Consistent with public testimony received at the June 22, 2011 hearings in Coeur d'Alene and Sandpoint, and the October 6, 2011 hearing in Coeur d'Alene, District 3 includes the majority of the cities of Post Falls and Rathdrum, keeping traditional communities of interest intact. Further, the district was divided along major highways providing an easily distinguished boundary. District 3 contains 46,276 people with a deviation of +3.32% from the ideal district.
16. District 4 (Kootenai County (part)). District 4 is contained entirely within Kootenai County and includes the majority of the city of Coeur d'Alene, a traditional community of interest unto itself. The district line follows well known and clearly identifiable streets and highways. District 4 contains 46,324 people with a deviation of +3.43% from the ideal district.
17. District 5 (Benewah County and Latah County). District 5 is comprised of the entirety of Benewah County and Latah County. Separately, Benewah County and Latah County do not have a large enough population to constitute an entire legislative district. Therefore, combining Benewah County and Latah County is necessary to meet the one person one vote requirement. Further, combining these counties keeps communities of interest intact. Idaho's major state highway, Highway 95 runs the entire length of the District 5. District 5 contains 46,529 people with a deviation of +3.89% from the ideal district.
18. District 6 (Lewis County and Nez Perce County). District 6 contains all of Lewis County and Nez Perce County. Separately, Lewis County and Nez Perce County do not have enough population to constitute an entire legislative district. As Nez Perce County is bounded by

Oregon and Washington on the west, the only contiguous county that could be combined with Nez Perce County to make compact legislative district is Lewis County. District 6 contains 43,086 people with a deviation of -3.80% from the ideal district.

19. District 7 (Bonner County (part), Shoshone County, Clearwater County, and Idaho County). District 7 includes a portion of Bonner County, the entirety of Shoshone County, the entirety of Clearwater County and the entirety of Idaho County. In order to meet the one person one vote requirement, the Commission combined this portion of Bonner County with Shoshone County because of the requirements of Article III sec. 5 and the geography of the panhandle. Any alternative configuration would result in an additional split of a county elsewhere. The requirement of Idaho Code sec. 72-1506 (9) (Roads), was waived by the Commission by a 6-0 vote.

This district is evidence of the great difficulty in creating legislative districts in a state the size and shape of Idaho with its diverse landscape and comparatively sparse population density. The Commission recognizes that this district is large and not ideal; however, it is necessary to meet the one person one vote requirement and preserve county boundaries whenever possible. It is particularly revealing that this district comprised of a massive geographical area is still population light, which clearly reflects the disparity between population and county land size evident throughout Idaho. District 7 includes 42,930 people with a deviation of -4.15% from the ideal district.

20. District 8 (Gem, Valley, Boise, Custer, Lemhi). District 8 consists of the entirety of Gem, Boise, Valley and Custer and Lemhi Counties. Separately, none of these counties have sufficient population to form independent legislative districts. More compact configurations were rejected because they would have required the splitting of counties, which is specifically disallowed by Article III, sec. 5 and the Court's holding in *Twin Falls County*. District 8 has 45,913 people, a deviation of +2.51% from the ideal district.

21. District 9 (Canyon County (part), Washington, Adams, and Payette County). District 9 contains a portion of Canyon County, Washington County, Adams County, and Payette County. Payette County is bounded on the west by the state of Oregon and does not have sufficient population to constitute one district. Payette County is bordered by both Canyon and Washington Counties. Adams, Washington, and Payette counties lack sufficient population to satisfy the one person one vote requirement requiring that a portion of Canyon County, the only remaining county that is contiguous to Payette County, be combined to create District 9. In dividing Canyon County, the Commission kept communities of interest intact by keeping the cities of Parma whole and including them in this district. Further, Payette County is connected to this portion of Canyon County by two major roadways, Highway 95 and Interstate 84, both major routes of commerce that create communities of interest and commonality throughout the region. District 9 includes 44,559 people with a deviation of -.51% from the ideal district.

22. District 10 (Canyon County (part)) is compact, follows major roads and highways and consists of the majority of the city of Caldwell, a traditional community of interest located entirely in Canyon County. District 10 contains 45,422 people, a deviation of +1.42% from the ideal district.
23. District 11 (Canyon County (part)). District 11 consists of all of rural Canyon County including Wilder, Notus, Greenleaf, and Middleton. This portion of Canyon County is tied together by Highways 44, 45, 55, and 95 that runs throughout the district as well as several other roads which creates a corridor for commerce and a commonality of interest between the two counties. District 11 contains 43,430 people, a deviation of -3.03% from the ideal district.
24. District 12 (Canyon County (part)) is compact and consists of a portion of the city of Nampa, which had to be split due to its size. Nampa was divided along major roads and highways and in accordance with traditional communities of interest. This district is located entirely in Canyon County. District 12 contains 45,525 people, a deviation of +1.65% from the ideal district.
25. District 13 (Canyon County (part)) is compact and includes the remainder of the city of Nampa, which had to be split due to its size. Nampa was divided along major roads and highways and in accordance with traditional communities of interest. This district is located entirely in Canyon County and contains 46,784 people, a deviation of +4.46% from the ideal district.
26. District 14 (Ada County (part)). Ada County has sufficient population for nine total districts. This plan keeps Ada County intact, uses major roads and highways as easily identifiable boundaries and divides the districts based on city lines which constitute traditional communities of interest. The majority of the districts in Ada County have a population deviation of less than the ideal district in order to accommodate for future growth in these areas. District 14 consists of the cities of Eagle and Star, traditional communities of interest unto themselves. District 14 contains 44,919 people, a deviation of .29% from the ideal district.
27. District 15 (Ada County (part)) is made up of a community of interest located wholly within the city of Boise and Ada County. District 15 contains 42,799 people, a deviation of -4.44% from the ideal district.
28. District 16 (Ada County (part)) consists of the entirety of Garden City as well as traditional communities of interest in the city of Boise. Portions of the city of Boise were included in order to satisfy the one person one vote requirement. District 16 includes 44,383 people, a deviation of -.90% from the ideal district.

29. District 17 (Ada County (part)) is made up of communities of interest located wholly within the city of Boise in Ada County. District 17 includes 43,778 people, a deviation of -2.26% from the ideal district.
30. District 18 (Ada County (part)) includes traditional communities of interest in the city of Boise and continues to Ada County's boundary. District 18 includes 43,586 people, a deviation of -2.68% from the ideal district.
31. District 19 (Ada County (part)) includes traditional communities of interest in the city of Boise and continues to Ada County's northern boundary and Highway 55. District 19 includes 42,921 people, a deviation of -4.17% from the ideal district.
32. District 20 (Ada County (part)) includes the majority of the city of Meridian, a traditional community of interest wholly contained in Ada County. Significant public testimony supported keeping the city of Meridian whole. District 20 includes 42,610 people, a deviation of -4.86% from the ideal district.
33. District 21(Ada County (part)) includes traditional communities of interest south of Interstate 84 that are wholly included in Ada County. District 21 includes 43,541 people, a deviation of -2.78% from the ideal district.
34. District 22 (Ada County (part)) keeps the majority of the city of Kuna intact and continues to the Ada County boundary. District 22 includes 43,828 people, a deviation of -2.14% from the ideal district.
35. District 23 (Owyhee County , Elmore County, and Twin Falls County (part)). District 23 includes all of Elmore and Owyhee Counties. Elmore County does not have a large enough population to constitute a district by itself and therefore in order to meet the one vote requirement, it was combined with Owyhee County and a small portion of Twin Falls County. Due to Owyhee County's geographic location this combination was necessary as Elmore and Twin Falls Counties are its only two remaining neighboring counties that could be combined to form a complete legislative district. Elmore and Owyhee Counties are connected by Highway 51 which runs north to south, creating a commercial zone and linking the communities within those counties together. Combined, these two counties did not have sufficient population to form a complete legislative district, and in the interest of forming compact districts, a portion of Twin Falls County which is contiguous to both Elmore and Owyhee Counties, had to be included. District 23 contains 44,458 people, a deviation of -0.74% from the ideal district.
36. District 24 (Twin Falls County (part)). District 24 consists of the majority of the city of Twin Falls, a traditional community of interest entirely contained within Twin Falls County. District 24 includes 46,915 people, a deviation of 4.75% from the ideal district.

37. District 25 (Jerome County and Twin Falls County). District 25 includes the entirety of Jerome County and Twin Falls County. Separately, these counties do not have a large enough population to constitute an entire legislative district. They are contiguous counties connected by Interstate 84 and Highways 30 and 93. This district keeps Buhl and Filer as well as Kimberly, Hansen and Murtaugh together. District 25 includes 46,795 people, a deviation of +4.48% from the ideal district.

a. In the creation of this district, and the reapportionment of Twin Falls County in particular, Districts 23, 24 and 25 reflect the difficulty of reapportionment in Idaho. A single plan was advanced (out of 8 possibilities) that split Twin Falls only once (apportioning it among two districts instead of three). The Commission considered that alternative but rejected it because it required the bisection of the City of Twin Falls, a combination of Minidoka and Jerome Counties (which are connected by a sliver of land constituting the Snake River Canyon, and breaks up the natural combination of Minidoka and Cassia Counties, an area that is commonly referred to based upon the combination as “Mini-Cassia.” Based upon the Idaho Supreme Court’s express recognition of the advisory nature of Idaho Code § 72-1506(5),<sup>3</sup> the Commission after careful consideration determined that the configuration of Plan L 93 best served the citizens of the State of Idaho, as well as, Twin Falls, Minidoka, Jerome, and Cassia Counties.

b. This configuration represents the Commission’s adherence to the mandatory requirements of Idaho Code § 72-1506, including ¶ (2) that “to the maximum extent possible, districts shall preserve traditional neighborhoods and local communities of interest” over the advisory requirement of Idaho Code § 72-1506(5) that “In the event that a county must be divided, the number of such divisions, per county, should be kept to a minimum.

38. District 26 (Blaine County, Lincoln County, Gooding County, and Camas County). Consistent with the Idaho Constitutional requirement to keep counties whole to the maximum extent possible, District 26 combines the entirety of Blaine, Lincoln, Gooding, and Camas counties. These counties are contiguous, connected by several different roads and highways and share common watersheds creating communities of interest. District 26 has 43,165 people, a deviation of -3.62% from the ideal district.

39. District 27 (Cassia County and Minidoka County). Cassia and Minidoka counties are combined to create a district. This combination reflects a common community of interest as it is commonly referred to as the Mini-Cassia area. This keeps the cities of Rupert, Paul, Heyburn, Burley and Declo together. Geographically, the Snake River and Snake River

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<sup>3</sup> (In the event that a county must be divided, the number of such divisions, per county, should be kept to a minimum. *Twin Falls County*, at \*4, (“They are merely advisory.”) & n.4 (clarifying which provisions are advisory).

Canyon create a natural divide between District 27 and District 25. District 27 includes 43,021 people, a deviation of -3.95% from the ideal population district.

40. District 28 (Bannock County(part) and Power County)). District 28 includes all of Power County and part of Bannock County. This district includes the airport shared by these two counties and is tied together by a major interstate highway. District 28 includes 46,955 people, a deviation of -4.84% from the ideal district.
41. District 29 (Bannock County (part)). District 29 consists of the majority of the city of Pocatello, a community of interest in itself, and is located entirely within Bannock County. District 29 is compact and easily distinguished due to its clearly identifiable boundaries consisting of interstate highways and the Bannock County line. District 29 includes 43,701 people, a deviation of -2.43% from the ideal district.
42. District 30 (Bonneville County (part)). Bonneville County has a large enough population that two complete legislative districts may be contained within the county; however, it is not large enough to form three inclusive legislative districts. Therefore, the Commission finds that Bonneville County must be split in order to comply with the one person one vote requirement. District 30 is contained entirely within Bonneville County and includes local communities of interest that share the area's agricultural emphasis. Further, the district includes the majority of the cities of Lincoln and Ammon, communities of interest in themselves. District 30 contains 46,525 people, a deviation of +3.88% from the ideal district.
43. District 31 (Bingham County). District 31 includes the entirety of Bingham County, which is large enough to constitute an entire legislative district. District 31 has 45,607 people, a deviation of 1.83% from the ideal district.
44. District 32 (Bonneville County (part), Bear Lake County, Caribou County, Franklin County, Oneida and Teton County (part)). District 32 is another example of how the Idaho's unique geography and the sparseness population distribution in certain areas necessitate the creation of large districts. District 32 includes the entirety of Bear Lake, Caribou, Franklin, Oneida, and Teton Counties, which still lack population sufficient to constitute a district within acceptable limits of deviation. Therefore a portion of Bonneville County had to be combined with these counties. Together these counties do not have sufficient population to create an entire legislative district and must be combined with portions of other counties in order to meet the one person one vote requirement. Therefore, these counties are combined with the remainder of Bonneville County which is contiguous.

This district is evidence of the great difficulty in creating legislative districts in a state the size and shape of Idaho with its diverse landscape and comparatively sparse population density. The Commission recognizes that this district is large and not ideal; however, it is necessary to meet the one person one vote requirement and preserve county boundaries

- whenever possible. It is particularly revealing that this district comprised of a massive geographical area is still population light, which clearly reflects the disparity between population and county land size evident throughout Idaho. The requirement of Idaho Code sec. 72-1506 (9) (Roads), was waived by the Commission by a 6-0 vote. District 32 includes 44,502 people, a deviation of -0.64% from the ideal district.
45. District 33 (Bonneville County (part)). The majority of the city of Idaho Falls is included in District 33 which is contained entirely within Bonneville County. Idaho Falls is a community of interest requiring statutory protection and the district is compact with easily identifiable boundaries. District 33 has 45,964 people, a deviation of +2.63% from the ideal district.
  46. District 34 (Madison County, Bonneville County (part)). Madison County is kept whole within District 34 but it does not contain sufficient population to form an entire legislative district. In order to meet the one person one vote requirement, the Commission included the northern portion of Bonneville County. Although Bonneville County had to be split to comply with Article III, § 5, the communities of Uconn and Iona were maintained. This district is directly connected by Highways 20 and 26 creating commercial corridors and commonality of interests. District 34 has 44,970 people, a deviation of +0.44% from the ideal district.
  47. District 35 (Butte County, Clark County, Jefferson County, and Fremont County). District 35 is contiguous, bounded by Idaho's borders with Montana and Wyoming, and made up of all of Butte, Clark, Jefferson and Fremont counties. Individually, the population of these counties is insufficient to meet the one person one vote requirement and therefore they must be combined. This is another large geographic district that must come together to create a population adequate to satisfy the one person one vote requirement. As vast as the area is, it does share a common interest in natural resources, farming, ranching, and recreation. District 35 contains 43,255 people a deviation of -3.42% from the ideal district.