

Legal Criteria for Redistricting Plans

Congressional Plan

<p>U.S. Constitutional Criteria <i>Must be satisfied above all other criteria</i></p>
<ul style="list-style-type: none"> Districts must have population that is <u>as nearly equal¹ as practicable</u>
<p>Statutory Criteria – Mandatory <i>Must be satisfied above advisory criteria</i> <i>Must be balanced with each other</i></p>
<ul style="list-style-type: none"> Determine district population using U.S. census data exclusively Avoid county division Include contiguous counties in a district containing more than one county Don't divide counties to protect political parties or incumbents Preserve traditional neighborhoods and communities of interest Retain precinct boundaries²
<p>Statutory Criteria – Advisory <i>Satisfy as possible</i></p>
<ul style="list-style-type: none"> Avoid oddly shaped districts Keep divisions per county to a minimum

Legislative Plan

<p>U.S. Constitutional Criteria <i>Must be satisfied above all other criteria</i></p>
<ul style="list-style-type: none"> Districts must have <u>substantially equal³</u> population
<p>Idaho Constitutional Criteria <i>Must be satisfied above all statutory criteria</i></p>
<ul style="list-style-type: none"> Include contiguous counties in districts containing more than one county Don't divide counties, except as necessary to comply with U.S. Constitution A county may be divided into more than one district when the districts are wholly contained within that county
<p>Statutory Criteria – Mandatory <i>Must be satisfied above advisory criteria</i> <i>Must be balanced with each other</i></p>
<ul style="list-style-type: none"> Determine district population using U.S. census data exclusively Avoid county division Include contiguous counties in districts containing more than one county Don't divide counties to protect political parties or incumbents Preserve traditional neighborhoods and communities of interest Retain precinct boundaries⁴ Ensure that districts containing more than one county or a portion of a county are connected by interstate or by U.S. or state highway⁵
<p>Statutory Criteria – Advisory <i>Satisfy as possible</i></p>
<ul style="list-style-type: none"> Avoid oddly shaped districts Keep divisions per county to a minimum

¹ Court precedent has allowed limited population variance between congressional districts, but the deviation must serve a legitimate state purpose, such as the preservation of a political subdivision.

² This criterion may be waived by Commission vote.

³ If the population deviation between the least and most populated legislative district is more than 10%, then the plan is presumptively unconstitutional.

⁴ This criterion may be waived by Commission vote.

⁵ This criterion may be waived by Commission vote.