## Legal Criteria for Redistricting Plans

### Congressional Plan

#### U.S. Constitutional Criteria

*Must be satisfied above all other criteria*

- Districts must have population that is *nearly equal* as practicable

#### Statutory Criteria – Mandatory

*Must be satisfied above advisory criteria*

- 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 boundaries

#### Statutory Criteria – Advisory

*Satisfy as possible*

- Avoid oddly shaped districts
- Keep divisions per county to a minimum

### Legislative Plan

#### U.S. Constitutional Criteria

*Must be satisfied above all other criteria*

- Districts must have *substantially equal* population

#### Idaho Constitutional Criteria

*Must be satisfied above all statutory criteria*

- 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

#### Statutory Criteria – Mandatory

*Must be satisfied above advisory criteria*

- 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 boundaries
- Ensure that districts containing more than one county or a portion of a county are connected by interstate or by U.S. or state highway

#### Statutory Criteria – Advisory

*Satisfy as possible*

- Avoid oddly shaped districts
- Keep divisions per county to a minimum

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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%, the plan is presumptively unconstitutional.

4 This criterion may be waived by Commission vote.

5 This criterion may be waived by Commission vote.