

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT RESOLUTION NO. 4

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

1 PROPOSING AN AMENDMENT TO SECTION 2, ARTICLE III, OF THE CONSTITUTION  
2 OF THE STATE OF IDAHO, RELATING TO THE MEMBERSHIP OF THE SENATE AND  
3 HOUSE OF REPRESENTATIVES, TO PROVIDE THAT THE SENATE SHALL CONSIST OF  
4 THIRTY-FIVE MEMBERS; PROPOSING AN AMENDMENT TO SECTION 4, ARTICLE III,  
5 OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE APPORTIONMENT  
6 OF THE LEGISLATURE, TO PROVIDE THAT THE MEMBERS OF THE LEGISLATURE SHALL  
7 BE APPORTIONED TO THIRTY-FIVE LEGISLATIVE DISTRICTS; STATING THE QUES-  
8 TION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUN-  
9 CIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRE-  
10 TARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.  
11

12 Be It Resolved by the Legislature of the State of Idaho:

13 SECTION 1. That Section 2, Article III, of the Constitution of the  
14 State of Idaho be amended to read as follows:

15 Section 2. MEMBERSHIP OF HOUSE AND SENATE. (1) Following the  
16 decennial census of ~~1990~~ 2020 and in each legislature thereafter,  
17 the senate shall consist of ~~not less than thirty nor more than~~  
18 thirty-five members. The legislature may fix the number of members  
19 of the house of representatives at not more than two times as many  
20 representatives as there are senators . The senators and represen-  
21 tatives shall be chosen by the electors of the respective counties  
22 or districts into which the state may, from time to time, be divided  
23 by law.

24 (2) Whenever there is reason to reapportion the legislature or  
25 to provide for new congressional district boundaries in the state,  
26 or both, because of a new federal census or because of a decision  
27 of a court of competent jurisdiction, a commission for reappor-  
28 tionment shall be formed on order of the secretary of state. The  
29 commission shall be composed of six members. The leaders of the two  
30 largest political parties of each house of the legislature shall  
31 each designate one member and the state chairmen of the two largest  
32 political parties, determined by the vote cast for governor in the  
33 last gubernatorial election, shall each designate one member. In  
34 the event any appointing authority does not select the members  
35 within fifteen calendar days following the secretary of state's  
36 order to form the commission, such members shall be appointed by  
37 the Supreme Court. No member of the commission may be an elected or  
38 appointed official in the state of Idaho at the time of designation  
39 or selection.

40 (3) The legislature shall enact laws providing for the im-  
41 plementation of the provisions of this section, including terms  
42 of commission members, the method of filling vacancies on the

1 commission, additional qualifications for commissioners and addi-  
 2 tional standards to govern the commission. The legislature shall  
 3 appropriate funds to enable the commission to carry out its duties.

4 (4) Within ninety days after the commission has been organized  
 5 or the necessary census data are available, whichever is later, the  
 6 commission shall file a proposed plan for apportioning the senate  
 7 and house of representatives of the legislature with the office of  
 8 the secretary of state. At the same time, and with the same effect,  
 9 the commission shall prepare and file a plan for congressional dis-  
 10 tricts. Any final action of the commission on a proposed plan shall  
 11 be approved by a vote of two-thirds of the members of the commis-  
 12 sion. All deliberations of the commission shall be open to the pub-  
 13 lic.

14 (5) The legislative districts created by the commission shall  
 15 be in effect for all elections held after the plan is filed and un-  
 16 til a new plan is required and filed, unless amended by court order.  
 17 The Supreme Court shall have original jurisdiction over actions in-  
 18 volving challenges to legislative apportionment.

19 (6) A member of the commission shall be precluded from serving in  
 20 either house of the legislature for five years following such mem-  
 21 ber's service on the commission.

22 SECTION 2. That Section 4, Article III, of the Constitution of the  
 23 State of Idaho be amended to read as follows:

24 Section 4. APPORTIONMENT OF LEGISLATURE. The members of the  
 25 legislature following the decennial census of ~~1990~~ 2020 and each  
 26 legislature thereafter shall be apportioned to ~~not less than thirty~~  
 27 ~~nor more than~~ thirty-five legislative districts of the state ~~as may~~  
 28 ~~be provided by law.~~

29 SECTION 3. The question to be submitted to the electors of the State of  
 30 Idaho at the next general election shall be as follows:

31 "Shall Section 2, Article III, of the Constitution of the State of Idaho  
 32 be amended to require that the Senate shall consist of thirty-five members;  
 33 and shall Section 4, Article III, of the Constitution of the State of Idaho,  
 34 be amended to require that the Legislature shall be apportioned to thirty-  
 35 five legislative districts?"

36 SECTION 4. The Legislative Council is directed to prepare the state-  
 37 ments required by Section 67-453, Idaho Code, and file the same.

38 SECTION 5. The Secretary of State is hereby directed to publish this  
 39 proposed constitutional amendment and arguments as required by law.