

TITLE 72
WORKER'S COMPENSATION AND RELATED LAWS -- INDUSTRIAL COMMISSION

CHAPTER 15
COMMISSION FOR REAPPORTIONMENT

72-1501. COMMISSION FOR REAPPORTIONMENT. (1) A commission for reapportionment shall be organized, upon the order of the secretary of state, in the event that:

(a) A court of competent jurisdiction orders a redistricting of an existing state legislative or congressional plan; or

(b) In a year ending in one (1), a new federal census is available, in which case an order shall be issued no earlier than June 1.

(2) A commission formed pursuant to paragraph (1) (b) of this section shall be reconvened if, prior to the next general election, a court of competent jurisdiction orders the plan adopted by that commission to be revised.

[72-1501, added 1996, ch. 175, sec. 1, p. 562.]

72-1502. MEMBERS. The president pro tempore of the senate, the speaker of the house of representatives, and the minority leaders of the senate and the house of representatives shall each designate one (1) member of the commission and the state chairmen of the two (2) largest political parties, determined by the vote cast for governor in the last gubernatorial election, shall each designate one (1) member of the commission. Appointing authorities should give consideration to achieving geographic representation in appointments to the commission. If an appointing authority does not select the members within fifteen (15) calendar days following the secretary of state's order to form the commission, such members shall be appointed by the supreme court.

Should a vacancy on the commission occur during the tenure of a commission, the secretary of state shall issue an order officially recognizing such vacancy. The vacancy shall be filled by the original appointing authority within fifteen (15) days of the order. Should the original appointing authority fail to make the appointment within fifteen (15) days, the vacancy shall be filled by the supreme court.

No person may serve on the commission who:

(1) Is not a registered voter of the state at the time of selection; or

(2) Is or has been within one (1) year a registered lobbyist; or

(3) Is or has been within two (2) years prior to selection an elected official or elected legislative district, county or state party officer. The provisions of this subsection do not apply to the office of precinct committeeperson.

A person who has served on a commission for reapportionment shall be precluded from serving in either house of the legislature for five (5) years following such service on the commission and shall be precluded from serving on a future commission for reapportionment unless the commission is reconstituted because a court of competent jurisdiction has invalidated a plan of the commission and the commission is required to meet to complete a reapportionment or redistricting plan. This limitation on serving on a future commission for reapportionment shall apply on and after January 1, 2001.

[72-1502, added 1996, ch. 175, sec. 1, p. 562; am. 2009, ch. 252, sec. 1, p. 770.]

72-1503. POLITICAL ACTIVITIES PROHIBITED. No person may serve on the commission who is a candidate for political office as the term "candidate" is defined in section 67-6602, Idaho Code. In the event a person serving on the commission becomes a candidate, a vacancy on the commission shall be declared by the secretary of state, and filled as provided by law.

[72-1503, added 1996, ch. 175, sec. 1, p. 562.]

72-1504. COMPENSATION. Members of the commission shall receive an honorarium of seventy-five dollars (\$75.00) per day for each day spent in the performance of their official duties and shall be reimbursed for travel expenses and food and lodging, subject to the limits provided by the board of examiners in section 67-2008, Idaho Code. Payment of an honorarium as provided in this section shall not be considered salary as defined in section 59-1302(31), Idaho Code.

[72-1504, added 1996, ch. 175, sec. 1, p. 562; am. 2010, ch. 224, sec. 1, p. 500.]

72-1505. ORGANIZATION AND PROCEDURE. The commissioners shall elect, by majority vote, a member or members to serve as chairman or cochairmen and other officers as they may determine.

All proceedings of the commission shall be governed by the following procedure:

(1) All meetings of the commission shall be subject to the provisions of the open meeting law.

(2) The commission shall provide notice of all meetings to any citizen or organization requesting the same.

(3) Copies of the validated census database, and all other databases available to the commission, will be provided in a form, as determined by the commission, to any person at cost.

(4) The commission shall hold meetings in different locations in the state in order to maximize the opportunity for public participation.

(5) A quorum of the commission shall consist of four (4) members. In the event there is a previously scheduled meeting, less than a quorum may take testimony and information, but no votes other than to set a future agenda, to prepare for future meetings, and to adjourn or recess, may be taken. Any final action of the commission shall be by a vote of two-thirds (2/3) of the full membership of the commission.

(6) A member must be present to vote.

(7) A redistricting plan may be presented to the commission by an individual citizen or organization. All such plans shall be public information. Any citizen or organization shall provide a current mailing address and telephone number to accompany any plan submitted.

[72-1505, added 1996, ch. 175, sec. 1, p. 563.]

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.

[72-1506, added 1996, ch. 175, sec. 1, p. 563; am. 2009, ch. 252, sec. 2, p. 771.]

72-1507. EXPENSES OF COMMISSION. The council shall prepare and submit a budget for the expenses of the commission, including staff, equipment, meetings, salary and expense reimbursement of members, for consideration by the legislature not later than the session held in a year ending in nine (9) preceding the convening of a commission.

[72-1507, added 1996, ch. 175, sec. 1, p. 564; am. 2009, ch. 52, sec. 12, p. 145.]

72-1508. FINAL REPORT. The final report of the commission shall be filed with the office of the secretary of state not more than ninety (90) days after the commission has been organized. At the next regular or special session of the legislature, the secretary of state shall transmit a copy of the report to the president of the senate and the speaker of the house, which shall be spread upon the journals.

[72-1508, added 1996, ch. 175, sec. 1, p. 564.]

72-1509. CHALLENGES -- SUPREME COURT RULES. (1) Within the time and in the manner prescribed by rule of the supreme court, any registered voter, incorporated city or county in this state may appeal to the supreme court a congressional or legislative redistricting plan adopted by the commission.

(2) The commission shall prepare, process and transmit to the supreme court such documents of the proceedings of the commission as may be provided by rule of the supreme court.

[72-1509, added 2015, ch. 250, sec. 1, p. 1046.]

72-1510. CHALLENGES TO PLANS. Prior to October 1 of a year ending in one (1), in which a new federal census is available, any registered voter, incorporated city or county in this state may challenge an existing legislative apportionment based upon the new federal census by filing a petition in the supreme court invoking its original jurisdiction in such manner as prescribed by rule of the supreme court.

[72-1510, added 2015, ch. 250, sec. 2, p. 1047.]