

## Idaho

State website:	<a href="http://www.legislature.idaho.gov/redistricting/redistricting.htm">www.legislature.idaho.gov/redistricting/redistricting.htm</a>
2010-cycle districts:	<a href="#">Congress, State Legislature</a> 
2000-cycle districts:	<a href="#">Congress, State Legislature</a>
Primary governing law:	<a href="#">Idaho Const. art. III, §§ 2, 4, 5; Idaho Code §§ 72-1501 - 1508</a>

### The Latest

The state's first independent commission, convened in the spring of 2011, conducted [public hearings](#) through early September. The commission [reached agreement](#) on September 23, but not by its September 6 deadline; the late agreement became guidance for a new commission, created by [order](#) of the Secretary of State on September 13.

**Congress:** On October 17, the new commission issued a [congressional plan](#).

**State leg.:** On October 14, the new commission issued a [state legislative plan](#); on January 18, the plan was [struck down](#) by the state Supreme Court. The Sept. 13 commission was reconvened to redraw lines; though partisan officials brought [litigation](#) to force the removal of two commissioners, on January 25, the state Supreme Court [affirmed](#) the Secretary of State's [refusal](#) to replace those sitting commissioners. On January 27, the commission unanimously approved a new [state legislative plan](#).

### Institution

Redistricting political control:

	Governor	State Senate	State House
Congressional lines			
State legislative lines			
2000 cong. lines			
2000 state lines			

Idaho's congressional and state legislative lines are drawn by a six-member [independent commission](#), created in 1994.

Each of the four legislative leaders (majority and minority leader in each legislative house) each select one commissioner, and the chairs of the two largest political parties each select one commissioner, with an eye to geographic diversity. The state constitution provides that no commissioner may be an elected or appointed official in Idaho when appointed to the commission. [[Idaho Const. art. III, § 2\(2\)](#)] State law further prohibits those who have been registered lobbyists within the last year -- or elected officials or district, county, or state party officers within the last two years -- from serving as a commissioner. [[Idaho Code § 72-1502](#)] These latter limitations may be altered by the state legislature.

Members of the first commission of 2011 are listed [here](#); members of the second commission are listed [here](#).

The Idaho Supreme Court has original jurisdiction to hear legal challenges in state court to redistricting plans. [[Idaho Const. art. III, § 2\(5\)](#)]

### Timing

Census data were delivered to Idaho on [March 10, 2011](#).

The Idaho state constitution requires that the commission produce draft congressional and state legislative plans within 90 days from the date that the commission is formed; with the commission's first meeting on June 7, draft plans were due by September 6, 2011. There is no similar deadline for final plans, though candidates must file for congressional and state primary elections by March 9, 2012. [[Idaho Const. art. III, § 2\(4\)](#); [Idaho Code § 34-704](#)]

Idaho law ties the drawing of congressional and state legislative lines to the Census, and might therefore be construed to prohibit redrawing lines mid-decade. [[Idaho Const. art. III, § 2\(2\)](#); [Idaho Code § 72-1501](#)]

### Public input

Commission proceedings are open to the public and subject to the state's [Open Meetings Act](#); redistricting data and plans submitted by the public are all available to the public at large. The commission must hold meetings in different portions of the state. [[Idaho Const. art. III, § 2\(4\)](#); [Idaho Code § 72-1505](#)]

The schedule of hearings -- along with links for streaming video of live hearings -- is [here](#). Archived materials and video from past hearings are also available [here](#).

The commission's website links to an online version of [Maptitude for Redistricting](#), which allows members of the public to draw and submit plans to the Commission.

### Criteria

Like all states, Idaho must comply with constitutional [equal population requirements](#) and [section 2 of the Voting Rights Act](#).

For state legislative districts, the Idaho constitution requires that districts be contiguous, and that counties be preserved intact where possible. [[Idaho Const. art. III, § 5](#)] State law also requires, for both congressional and state legislative districts, the preservation of counties to the extent possible; it also requires that districts preserve traditional neighborhoods, communities of interest, and (if possible) voting precinct boundaries; and that districts not be oddly shaped. If a district contains more than one county or portion of a county, those constituent pieces must also be connected by a state or federal highway. [[Idaho Code § 72-1506](#)]

Population data is the only data that the commission may use to draw district lines. Furthermore, county lines may not be divided in order to protect a political party or incumbent. [[Idaho Code § 72-1506](#)]

### 2010 cycle cases

***Denney v. Ysursa***, No. 39570-2012 (Idaho Sup. Ct.): a challenge in state court to the Secretary of State's refusal to replace commissioners nominated by the Speaker of the Idaho House and the chairman of the Idaho Republicans, at the request of those two officials.

- Attorney General's interpretation of authority to remove commissioners (Jan. 20, 2012).
- Petition for writ of mandamus (Jan. 24) and supplement (Jan. 25).
- Order dismissing petition (Jan. 25).

**The latest:** On January 25, the Idaho Supreme Court [dismissed the petition](#), finding that the petitioners had not established a clear right under state law to the relief they were seeking -- an order requiring the Secretary of State to replace the two identified commissioners.

***In re Constitutionality of Idaho Legislative Reapportionment Plan of 2002***, No. 39127-2011 (Idaho Sup. Ct.): a challenge in state court to the constitutionality of the existing districts, given the first independent commission's failure to submit proposed districts before the relevant deadline.

- [Complaint](#) (Sept. 7, 2011).
- Order denying request for writ of mandate to reconvene commission (Sept. 9).

- Brief in support of petition (Sept. 23).
- Order declaring 2002 districts unconstitutional (Oct. 6).

**The latest:** On September 9, the Idaho Supreme Court **determined** that it had no power to require the independent commission to reconvene to draw districts for the current cycle, but noted that the Secretary of State could issue an order convening a new commission. Separately, on October 6, the court **determined** that 2002 districts were unconstitutionally malapportioned based on the most recent Census.

***Frasure v. Idaho Redistricting Commission***, No. 39128-2011 (Idaho Sup. Ct.): a challenge in state court requesting declaratory relief concerning the interpretation of state redistricting law, and requesting that the court adopt congressional and legislative districts.

- Complaint (Sept. 7, 2011).
- Order dismissing the case for lack of jurisdiction.

**The latest:** On September 9, the Idaho Supreme Court determined that it had no original jurisdiction to clarify state law (such a case would have to proceed first in trial court), and **dismissed** the case.

***Twin Falls County v. Idaho Comm'n on Redistricting***, No. 39373-2011 (Idaho Sup. Ct.): a challenge in state court to the state legislative plan, based on allegedly insufficient attention to county boundaries.

- Petition (Nov. 16, 2011), response (Dec. 21).
- Petitioners' brief (Dec. 27).
- Amicus curiae brief (Dec. 21).
- Decision striking down state plan (Jan. 18).

**The latest:** On January 18, over a strong dissent, the state Supreme Court **struck down** the state redistricting plan, finding that it unlawfully split more counties than necessary. The state's independent commission was directed to reconvene in order to draw a substitute plan.

***Benewah County v. Idaho Comm'n on Redistricting***, No. 39432-2011 (Idaho Sup. Ct.): a challenge in state court to the state legislative plan, based on multiple provisions of state law, including unnecessary division of counties.

- Petition (Dec. 7, 2011) and brief in support (Dec. 28).
- State's brief (Jan. 6).

**The latest:** Upon the decision in *Twin Falls County*, above, this case was apparently dismissed as moot.

## 2000 cycle

In the **2000 redistricting cycle**, Idaho's commission adopted congressional and state legislative plans. The first state legislative plan, adopted on August 28, 2001, was struck down by the state Supreme Court on equal population grounds. The commission passed a second state legislative plan on January 8, 2002, which was also struck down by the state Supreme Court on equal population grounds. The commission then passed a third and final map, in March 2002, which was upheld by the state Supreme Court. [**Bonneville County v. Ysursa**, 129 P.3d 1213 (Idaho 2005); **Bingham County v. Idaho Comm'n for Reapportionment**, 55 P.3d 863 (Idaho 2002); **Smith v. Idaho Comm'n on Redistricting**, 38 P.3d 121 (Idaho 2001)]

Congress	State legislature	Maps & Data	States			
Current status	Current status		Alabama	Indiana	Nebraska	South Carolina
Timing	Timing		Alaska	Iowa	Nevada	South Dakota
Authority	Authority	<u>Litigation</u>	Arizona	Kansas	New Hampshire	Tennessee
Institution	Institution		Arkansas	Kentucky	New Jersey	Texas
Party control	Party control		California	Louisiana	New Mexico	Utah
Criteria	Criteria	<u>Reform</u>	Colorado	Maine	New York	Vermont
			Connecticut	Maryland	North Carolina	Virginia

Overview of redistricting	Redistricting criteria	Further resources
Why it matters		My work
Public engagement	Preclearance	Tools

Delaware	Massachusetts	North Dakota	Washington
Florida	Michigan	Ohio	West Virginia
Georgia	Minnesota	Oklahoma	Wisconsin
Hawaii	Mississippi	Oregon	Wyoming
Idaho	Missouri	Pennsylvania	
Illinois	Montana	Rhode Island	