

Protecting Iowa’s “Gold Standard” Redistricting Process

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ABSTRACT: The process of states redrawing electoral districts occurs once every decade and significantly impacts control of Congress and state legislatures. This Note examines the electoral process of redistricting congressional and legislative district lines in Iowa. Iowa has long been heralded as the “gold standard” of drawing fair, nonpartisan, and representative maps, in a country rife with partisan gerrymandering. However, Iowa’s current framework is statutory and requires lawmaker approval, meaning it is subject to potential partisan influence and manipulation. This Note proposes solutions to protect redistricting in Iowa, through safeguarding the current statutory framework or by constitutional amendment to implement an independent redistricting commission.

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INTRODUCTION

Iowa, with its small population and status as “flyover country,” is nonetheless a state well accustomed to sitting at the forefront of national politics. Iowa has long hosted the first-in-the-nation caucuses, with the eyes of the nation watching to see how the state will view potential presidential contenders.¹ The state also has an extensive tradition of leading the nation in moving our democracy forward: Iowa desegregated public schools in the 1860s,² gave black passengers the same rights as white passengers in 1873,³ and recognized a constitutional right to same-sex marriage in 2009.⁴ Likewise, Iowa was a leader in the effort to prevent gerrymandering by becoming one of the first states to implement a redistricting commission process⁵ and one of only a few prohibiting the use of partisan data in drawing districts.⁶

Every ten years the U.S. Census Bureau counts each person living in the United States, and this data is used to apportion the 435 members of the U.S. House of Representatives. After this census, each state is tasked with redrawing their congressional and state legislative voting district lines to

1. See Brynn Holland, *How the Iowa Caucus Has Shaped the US Presidential Race*, HISTORY (May 28, 2025), <https://www.history.com/articles/iowa-caucus-presidential-primary> [<https://perma.cc/K7S5-R7MP>] (describing the Iowa caucus and its importance to the presidential race).

2. See Alfredo Parrish, *Racial Disparity in Iowa's Criminal Justice System 150 Years After Clark*, 67 DRAKE L. REV. 251, 252 (2019).

3. See Honorable Mark S. Cady, *A Pioneer's Constitution: How Iowa's Constitutional History Uniquely Shapes Our Pioneering Tradition in Recognizing Civil Rights and Civil Liberties*, 60 DRAKE L. REV. 1133, 1141 (2012).

4. See *id.* at 1147.

5. Iowa, GERRYMANDERING PROJECT, <https://gerrymander.princeton.edu/reforms/IA> [<https://perma.cc/7CL4-SA4P>].

6. *The “Iowa Model” for Redistricting*, NAT’L CONF. OF STATE LEGISLATURES (Mar. 25, 2021), <https://www.ncsl.org/redistricting-and-census/the-iowa-model-for-redistricting> [<https://perma.cc/7HNK-9FZT>].

reflect Census population data. This seemingly straightforward process has been deeply politicized throughout the country's history because it serves as an opportunity for politicians to create electoral districts favorable to themselves.

The practice of utilizing redistricting to achieve a partisan advantage is called gerrymandering. Gerrymandering—allowing elected officials to essentially choose their voters—creates unrepresentative government and increases partisanship, leading to less compromise and less competitive elections. Since the 1980s, Iowa has avoided this widespread phenomenon by delegating the drawing of district maps to a nonpartisan state agency that will later be approved by the legislature and governor. This once-a-decade process has thus far been successful, but as partisanship and polarization increases, the future is uncertain. In 2025, at least six states engaged in rare mid-decade restricting to gerrymander their congressional districts in response to pressure by President Trump.⁷ Gerrymandering and the influence of politics over redistricting often dominated headlines, state legislatures, and local politics—highlighting the continued importance of preserving Iowa's nonpartisan, nonpolitical redistricting process.

This Note argues that because Iowa's redistricting process is vulnerable to partisan influences, which could prevent a fully representative democracy, steps must be taken to protect the process' integrity. Part I discusses the necessity of fair and nonpartisan redistricting for representative democracy. Part II explains Iowa's redistricting scheme's vulnerability to political pressure and details the partisan influences that impacted redistricting in 2021. Finally, Part III proposes the ideal long-term solution to this partisan influence is to amend Iowa's Constitution to create an independent redistricting commission, and in the short-term, the legislature should pass a safeguard provision supplementing the current statutory framework to ensure bipartisan support if lawmakers amend the maps themselves.

I. REDISTRICTING IS FUNDAMENTAL TO DEMOCRACY

Redistricting is a fundamental characteristic of election law and occurs only once a decade.⁸ This Part provides the historical context of redistricting and the threat of gerrymandering, as well as the state and federal requirements that govern the state-led redistricting process. Section A explains the need for states to redraw their congressional and legislative districts after each Census and the historical context and modern prevalence of gerrymandering. Section B explains the redistricting process, the influence

7. See David A. Lieb, *Gerrymandering is Spreading Across US States After Trump Pushed for New Congressional Districts*, ASSOCIATED PRESS (Dec. 11, 2025, 4:12 PM), <https://apnews.com/article/redistricting-congress-trump-gerrymandering79892dfce5c4f91abcba6d6f6bea7bde> [<https://perma.cc/LA2Y-R94U>].

8. *Redistricting and Census*, NAT'L CONF. OF STATE LEGISLATURES, <https://www.ncsl.org/redistricting-and-census> [<https://perma.cc/849K-ZPMP>].

of gerrymandering, and Iowa's redistricting constitutional requirements and statutory framework.

A. WHY STATES REDISTRICT

Electoral districts determine who votes for each candidate and consequently who governs the country both locally and federally.⁹ Redistricting is the state-led process of dividing states into district maps for congressional and state legislative seats after each census.¹⁰ Effective redistricting is fundamental to preserving the American democratic ideals of accountability and representative government.¹¹

Redistricting is a democratic process that aims, as President John Adams described, to create "an 'exact portrait, a miniature' of the people as a whole."¹² However, states have long abused their power to redistrict due to their near complete control over the process. Political gerrymandering is the practice of drawing district lines with the intent of influencing political control.¹³ It allows political parties to create advantages for themselves.¹⁴ When legislatures draw districts, their "partisan concerns" take precedent and politicians create districts in which they are "virtually guaranteed" to maintain their own seats.¹⁵ This creates situations where "[i]nstead of the voters choosing the politicians, the politicians, in effect, choose the voters."¹⁶ As Justice Elena Kagan said, "Election Day . . . is the foundation of democratic governance. And partisan gerrymandering can make it meaningless."¹⁷

9. See Justin Levitt, *Why Should We Care?*, ALL ABOUT REDISTRICTING, <https://redistricting.ils.edu/redistricting-101/why-should-we-care> [<https://perma.cc/26UF-7DCN>].

10. See *Redistricting*, U.S. CENSUS BUREAU, <https://www.census.gov/glossary/?term=Redistricting> [<https://perma.cc/2UUN-Y8U6>].

11. See *Let the Voters Choose: Solving the Problem of Partisan Gerrymandering*, COMM. FOR ECON. DEV. OF THE CONF. BOARD 2 (2018), <https://www.ced.org/pdf/TCB-CED-Solving-the-Problem-of-Partisan-Gerrymandering.pdf> [<https://perma.cc/BCF5-J6Z3>].

12. Michael Li, *Gerrymandering Explained*, BRENNAN CTR. FOR JUST. (Aug. 10, 2021), <https://www.brennancenter.org/our-work/research-reports/gerrymandering-explained> [<https://perma.cc/K5Xg-ZT2A>]; See 6.5 *Primary Source: John Adams, Thoughts on Government* (1776), NAT'L CONST. CTR., <https://constitutioncenter.org/education/classroom-resource-library/classroom/6.5-primary-source-john-adams-thoughts-on-government-1776> [<https://perma.cc/MRQ9-GK69>].

13. See *Gerrymandering*, ENCYC. BRITANNICA, <https://www.britannica.com/topic/gerrymandering> [<https://perma.cc/U2PG-DS7U>].

14. See *id.*

15. Kirschenbaum & Li, *supra* note 12.

16. Marcus Gee, *Divide, then Rule: How the Weird Science of U.S. Gerrymandering Works*, THE GLOBE & MAIL (Oct. 21, 2016), <https://www.theglobeandmail.com/news/world/us-politics/how-does-gerrymandering-work/article32467642> [<https://perma.cc/3C8U-VQHU>]; see G. Alan Tarr & Robert F. Williams, *Eighteenth Annual Issue on State Constitutional Law: Introduction*, 37 RUTGERS L.J. 877, 878 (2005).

17. *Rucho v. Common Cause*, 588 U.S. 684, 727 (Kagan, J., dissenting).

Elected officials have been gerrymandering since eighteenth-century England.¹⁸ The practice made its way to the United States when Patrick Henry, a Federalist Virginian Congressman, attempted to gerrymander anti-Federalist James Madison's district lines for the first Congress in order to prevent Madison from being elected to Congress.¹⁹ The term "gerrymandering" received its name in 1812 from Massachusetts's Governor Elbridge Gerry—the man who would eventually become Madison's Vice President.²⁰ Massachusetts's maps, drawn by the Democratic Republicans,²¹ included one Boston district resembling a salamander.²² That district created a shocking result in the 1812 election: The Democratic-Republican and Federalist parties received roughly equal votes. However, the Democratic-Republicans won twenty-nine seats and the Federalists only eleven.²³ The gerrymandered map gave Democratic-Republicans a significant advantage in the legislature, despite earning less votes than the Federalists.²⁴

Gerrymandering continued and intensified after the Civil War, when states aimed to dilute the impact of Black male voters by concentrating those voters into separate districts, hoping to maintain white majorities.²⁵ South Carolina created a "boa constrictor" district in 1882 that consolidated Black voters, the majority of the population, into one singular district, preserving white majorities in all other districts.²⁶ As populations shifted from rural to

18. English politicians created so-called "rotten boroughs," areas with very few eligible voters, with the intention to influence or buy those votes and therefore gain seats for their party in Parliament. See Becky Little, *How Gerrymandering Began in the US*, HISTORY (Apr. 20, 2021), <https://www.history.com/news/gerrymandering-origins-voting> [<https://perma.cc/ZGY4-PAGZ>].

19. Henry sought to prevent Madison from entering Congress because Madison was attempting to add the Bill of Rights to the Constitution. See Richard Labunski, *How a Gerrymander Nearly Cost Us the Bill of Rights*, POLITICO (Aug. 18, 2019), <https://www.politico.com/magazine/story/2019/08/18/gerrymander-the-bill-of-rights-227626> [<https://perma.cc/8ZFS-5MHS>]; Levitt, *supra* note 9.

20. See Little, *supra* note 18 ("In March 1812, the *Boston Gazette* ran a political cartoon depicting 'a new species of monster': 'The Gerry-mander.'"); Mark Dimunation, *Gerrymandering: The Origin Story*, LIBRARY OF CONGRESS BLOGS (July 18, 2024), <https://blogs.loc.gov/loc/2024/07/gerrymandering-the-origin-story> [<https://perma.cc/9US4-KS6Q>].

21. The Democratic Republican party was led by Thomas Jefferson, in opposition to George Washington and John Adam's Federalist party. The Democratic Republican's coalition split after Andrew Jackson's defeat in 1828, with many supporters becoming the Democratic Party. See *About Parties and Leadership* | *Historical Overview*, U.S. SENATE, <https://www.senate.gov/about/parties-leadership/overview.htm> [<https://perma.cc/R8VQ-UF6V>].

22. See Little, *supra* note 18.

23. See Ismar Volic, *Gerrymandering Isn't New—But Now We Have a Solution*, TIME (Apr. 1, 2024, 12:00 PM), <https://time.com/6851995/gerrymandering-history-solution> [<https://perma.cc/E7Mq-PDAW>].

24. See *id.*

25. See Little, *supra* note 18; Volic, *supra* note 23.

26. Little, *supra* note 18; Volic, *supra* note 23 ("In 1882, . . . white Democrats, who had regained control of the South Carolina legislature, created a meandering 'boa constrictor' district that consolidated Black voters. This map enabled all of the other districts to comfortably elect white representatives, despite a majority of the state population being Black.").

urban areas during the twentieth century, states were slow to reflect these population changes in districts, leading to the disenfranchisement of large swaths of voters of color.²⁷ This issue remains especially relevant today, as most of the population growth indicated in the most recent census is in communities of color.²⁸

B. THE REDISTRICTING PROCESS

1. The Federal Redistricting Process

The primary purpose of redistricting is to draw electoral districts in accordance with the constitutional requirement of equal weight given to each vote,²⁹ a concept often referred to as "one person, one vote."³⁰ To do this, the Constitution mandates a census gathering every ten years to determine the country's population, with the objective to reapportion the 435 members of the House of Representatives among the states.³¹ After enumerating the persons of each state, the states then redraw district lines to reflect the current population data gathered by the decennial Census.³²

Each state's congressional and legislative redistricting plans must comply with both the constitutional requirements and minimal federal standards. Article 1, section 2 of the Constitution sets the basic framework for apportionment of congressional representatives: Districts must be nearly equal in population.³³ The Fourteenth Amendment's Apportionment Clause and Equal Protection Clause expanded on this framework, in light of slavery,

27. See Margo Anderson, *Baker v. Carr, the Census, and the Political and Statistical Geography of the United States: The Origin and Impact of Public Law 94-171*, 62 CASE W. REV. L. REV. 1153, 1166 (2012) ("Many states had simply stopped redistricting altogether . . ."); Little, *supra* note 18; *Wesberry v. Sanders*, 376 U.S. 1, 12 (1963); *Reynolds v. Sims*, 377 U.S. 533, 586–87 (1964).

28. See Denise Lu, Charlie Smart & Lazaro Gamio, *Where the Racial Makeup of the U.S. Shifted in the Last Decade*, N.Y. TIMES (Aug. 12, 2021), <https://www.nytimes.com/interactive/2021/08/12/us/2020-census-race-ethnicity.html> [<https://perma.cc/9432-TC52>] ("More than a third of the nation now lives in counties where people of color are a majority.").

29. *Baker v. Carr*, 369 U.S. 186, 186 (1962); *Wesberry*, 376 U.S. at 1; *Reynolds*, 377 U.S. at 533.

30. *Gray v. Sanders*, 372 U.S. 368, 381 (1963); see Ari L. Goldman, *One Man, One Vote: Decades of Court Decisions*, N.Y. TIMES (Nov. 21, 1986), <https://www.nytimes.com/1986/11/21/nyregion/one-man-one-vote-decades-of-courtdecisions.html> [<https://perma.cc/L5FH-6QYX>].

31. U.S. CONST. art 1, § 2, cl. 3 ("The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such manner as they shall by Law direct."); *id.* ("Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers[.]"); see *About the Decennial Census of Population and Housing*, U.S. CENSUS BUREAU, <https://www.census.gov/programs-surveys/decennial-census/about.html> [<https://perma.cc/RL64-KV5P>].

32. U.S. CONST. art 1, § 2; *What Is Redistricting and Why Should We Care?*, ACLU (Aug. 23, 2021), <https://www.aclu.org/news/voting-rights/what-is-redistricting-and-why-should-we-care> [<https://perma.cc/8XXR-M2DB>].

33. U.S. CONST. art. 1, § 2.

requiring legislative districts to be substantially equal.³⁴ The Voting Rights Act prohibits states from drawing districts expressly or implicitly discriminating on the basis of race, color, or language minority group.³⁵ The U.S. Supreme Court reinforced the importance of equal representation in 1963 by rejecting redistricting plans not based on population.³⁶

i. The Who of State Redistricting

With federal law setting a basic framework, each individual state determines who is responsible for drawing district lines, governed by their own constitution and statutes.³⁷ Traditionally, most state legislatures draw the maps, while some states have delegated this authority to advisory, political, or independent commissions.³⁸ Typically, states establish district lines through the standard legislative process, passing bills requiring a legislative majority, subject to the governor's veto.³⁹ However, there are five states who determine district lines by joint resolution, not subject to the governor's veto, and two states require supermajorities (two-thirds of the state's House of Representatives and Senate) to pass the legislation.⁴⁰ Four states have advisory commissions, requiring legislators to approve plans created by non-legislators.⁴¹ Seven states have political commissions, which include legislators as members of redistricting commissions.⁴² Eight states have backup

34. *Id.*; U.S. CONST. amend. XIV, § 1 (“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”); see *Congressional Redistricting: Key Legal and Policy Issues*, CONG. RSCH. SERV., <https://sgp.fas.org/crs/misc/IF12250.pdf> [<https://perma.cc/Y3X9-6NGU>].

35. The Voting Rights Act of 1965, 52 U.S.C. § 10301 (1965).

36. *Wesberry v. Sanders*, 376 U.S. 1, 8 (1963) (“We do not believe that the Framers of the Constitution intended to permit the same vote-diluting discrimination to be accomplished through the device of districts containing widely varied numbers of inhabitants.”); *Reynolds v. Sims*, 377 U.S. 533, 586–87 (1964).

37. See *Redistricting Criteria*, NAT’L CONF. OF STATE LEGISLATURES (Sept. 3, 2025), <https://www.ncsl.org/elections-and-campaigns/2020-redistricting-criteria> [<https://perma.cc/A44A-UVKN>] (discussing principles used by various states, which often include “traditional criteria:” compactness, contiguity, preservation of counties and other political subdivisions, preservation of communities of interest, core preservation, and avoiding incumbent pairing; and other criteria including prohibition on favoring or disfavoring an incumbent, candidate or party, prohibition on using partisan data, competitiveness, prohibition on using racial data, and proportionality); see *id.* for the criteria used in each state.

38. See Justin Levitt, *Who Draws the Lines?*, ALL ABOUT REDISTRICTING, <https://redistricting.ils.edu/redistricting-101/who-draws-the-lines> [<https://perma.cc/RHG5-EYMK>] (“34 state legislatures have primary control of their own district lines, and 39 legislatures have primary control over the congressional lines in their state . . .”).

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.*

commissions in place in case the legislature cannot pass a plan.⁴³ Nine states utilize independent commissions that limit political officials participation⁴⁴ which have been found to be the most effective at increasing electoral competition and reducing partisan bias.⁴⁵

ii. *The How of State Redistricting*

The responsibility of who draws district lines varies, as states adopt their own criteria to guide the redistricting process.⁴⁶ Redistricting criteria may be part of a state's constitution or code or be adopted by a legislature, chamber, court, or committee.⁴⁷ The criteria states use most often includes: (1) compactness—minimum amount of distance between all parts of the district; (2) contiguity—all of the district connected with the rest of the district; (3) preservation of counties, political subdivisions, and communities of interest; and (4) avoidance of pairing incumbents against each other.⁴⁸ A few states have recently adopted additional criteria including prohibitions on using partisan data, favoring incumbency, and avoiding "safe" or non-competitive districts.⁴⁹ Some states have recently adopted proportionality criteria, requiring the statewide proportion of districts to match the favored political parties of statewide preferences of voters over the last ten years; while Missouri requires "partisan fairness and competitiveness" and districts in Nebraska must be "easily identifiable and understandable to voters."⁵⁰

iii. *SCOTUS vs. Partisan Redistricting*

In the landmark case *Baker v. Carr*, the Supreme Court held that redistricting is a justiciable question under the Fourteen Amendment, and subsequently, both state and federal courts have played an "active role" in the redistricting process.⁵¹ The Court has struck down racially gerrymandered maps, holding in *Shaw v. Reno* that maps may be challenged under the Equal Protection Clause, and in *Miller v. Johnson* that race may not be the

43. *Id.*

44. *See id.*

45. *See* Matthew Nelson, *Independent Redistricting Commissions Are Associated with More Competitive Elections*, CAMBRIDGE U. PRESS (April 2023), <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/00F260DCEB81B3BAC07D2A4ADBDA9CE0/S104909652200124Xa.pdf/independent-redistricting-commissions-are-associated-with-more-competitive-elections.pdf> [https://perma.cc/SH5D-8CGJ].

46. *See Redistricting Criteria*, *supra* note 37.

47. *Id.*

48. *Id.* *See id.* for each state's criteria for the 2010 and 2020 redistricting cycles.

49. *Id.*

50. *Id.*

51. Bruce E. Cain, *Redistricting Commissions: A Better Political Buffer?*, 121 YALE L.J. 1808, 1810 (2012); *see Baker v. Carr*, 369 U.S. 186, 217 (1962).

“predominant factor” in creating electoral districts.⁵² The Court held partisan gerrymandering also justiciable but struggled to determine a manageable standard for evaluating such claims.⁵³

However, in 2019, the Court in *Rucho v. Common Cause* held that “partisan gerrymandering claims present political questions beyond the reach of the federal courts,” effectively removing courts from involvement in adjudicating partisan gerrymandering disputes.⁵⁴ The Court admitted partisan gerrymandering “is ‘incompatible with democratic principles’” and emphasized that the Court “does not condone” the practice. The Court however concluded that the judiciary will not interfere with state redistricting, instead believing the Constitution Framers intended the issue to be resolved by the legislative branch.⁵⁵

2. The Impacts of Unrepresentative Redistricting on States

Today, gerrymandering remains prevalent, often with disastrous consequences. For example, North Carolina is a politically closely-divided state, yet gerrymandering has resulted in legislative maps with Republican supermajorities.⁵⁶ The state approved new “heavily gerrymandered” congressional maps in 2023 based on the 2020 census.⁵⁷ A North Carolina state senate candidate’s 2024 campaign slogan was “Katie Barr Can’t Win,” as she was a Democrat running in a heavily Republican gerrymandered district

52. *Shaw v. Reno*, 509 U.S. 630, 658 (1993) (“Racial classifications with respect to voting carry particular dangers . . . it threatens to carry us further from the goal of a political system in which race no longer matters—a goal that the Fourteenth and Fifteenth Amendments embody, and to which the Nation continues to aspire. . . . [R]ace-based districting by our state legislatures demands close judicial scrutiny.”); *Miller v. Johnson*, 515 U.S. 900, 915–17 (1995) (“When the State assigns voters on the basis of race, it engages in the offensive and demeaning assumption that voters of a particular race, because of their race, ‘think alike, share the same political interests, and will prefer the same candidates at the polls.’”).

53. *Amdt 14.51.8.6.3 Partisan Gerrymandering*, CONST. ANN., https://constitution.congress.gov/browse/essay/amdt14-S1-8-6-3/ALDE_00013394 [<https://perma.cc/R2SN-NJ75>]; see *Davis v. Bandemer*, 478 U.S. 109, 143 (1986); *Vieth v. Jubelirer*, 541 U.S. 267, 281 (2004); *League of United Latin American Citizens v. Perry*, 548 U.S. 399, 414 (2006).

54. *Rucho v. Common Cause*, 588 U.S. 684, 718 (2019).

55. *Id.* at 718–20 (quoting *Ariz. State Legis. v. Ariz. Indep. Redistricting Comm’n*, 576 U.S. 787). See generally Michael Gentithes, *Gobbledygook: Political Questions, Manageability, & Partisan Gerrymandering*, 105 IOWA L. REV. 1081 (2020) (describing the Court’s reasoning for holding partisan gerrymandering as political questions beyond the scope of the courts because the Court could not identify judicially manageable standards).

56. See Maggie Astor, *North Carolina Republicans Approve House Map that Flips at Least Three Seats*, N.Y. TIMES (Oct. 26, 2023), <https://www.nytimes.com/2023/10/26/us/politics/north-carolina-republicans-gerrymander.html> (on file with the *Iowa Law Review*).

57. *Id.* (“Republicans openly acknowledged the advantage they were drawing for themselves The new map and the events that led to it illustrate both the power of gerrymandering to render voters’ preferences electorally irrelevant, and the extent to which control of the House is being determined by courts’ interpretation of what lines are permissible.”).

to "shine a light on the impacts of gerrymandering."⁵⁸ The issue is not new in North Carolina: In 2012, Democrats won only four of thirteen congressional seats, despite winning 50.6% of the statewide congressional votes.⁵⁹ In 2024, North Carolina was represented by seven Republicans and seven Democrats in Congress, but newly passed maps created ten Republican, three Democratic, and one competitive district.⁶⁰

In Maryland, the Democratic party's supermajorities drew district lines designed "to take the Sixth Congressional District [away] from Republicans."⁶¹ The Democratic legislature has repeatedly rejected attempted nonpartisan redistricting reforms.⁶² In Illinois, congressional maps drawn by the legislature result in a significant Democratic advantage.⁶³ One congressional district in Illinois is commonly referred to as "the Latin Earmuffs," in which one road connects two geographically separate Latino areas into one district.⁶⁴

Partisan and racial gerrymandering has led to few competitive congressional and legislative districts in Texas.⁶⁵ In Austin, President Biden won Travis County by forty-five points, yet Republicans hold five of six Congressional seats.⁶⁶ Wisconsin had heavily gerrymandered legislative districts until new maps passed in 2024.⁶⁷ The Supreme Court of Ohio held

58. See *Looking for Katie Barr Can't Win?*, KATIE BARR CANT WIN <https://www.katiebarrcantwin.com> [<https://perma.cc/8DMS-Q5ZG>].

59. Nick Corasaniti et al., *How Maps Reshape American Politics*, N.Y. TIMES (Nov. 7, 2021), <https://www.nytimes.com/interactive/2021/11/07/us/politics/redistricting-maps-explained.html> [<https://perma.cc/RLQ2-ZYNG>].

60. Astor, *supra* note 56.

61. *Maryland*, PRINCETON GERRYMANDERING PROJECT, <https://gerrymander.princeton.edu/reforms/MD> [<https://perma.cc/EA8T-TLWE>].

62. Bryan P. Sears, *Report: Maryland Receives C Grade for Legislative, Congressional Redistricting*, MD. MATTERS (Oct. 12, 2023, 7:37 AM), <https://marylandmatters.org/2023/10/12/report-maryland-receives-c-grade-for-legislative-congressional-redistricting> [<https://perma.cc/N5U9-DZSM>].

63. *Redistricting Report Card: Illinois 2021 Final Congressional Map*, PRINCETON GERRYMANDERING PROJECT, <https://gerrymander.princeton.edu/redistricting-report-card/?planId=receAu6OJuYEKxKjG> [<https://perma.cc/RT7M-WEXD>].

64. Brian Klaas, *Gerrymandering is the Biggest Obstacle to Genuine Democracy in the United States. So Why is No One Protesting?*, WASH. POST (Feb. 10, 2017), <https://www.washingtonpost.com/news/democracy-post/wp/2017/02/10/gerrymandering-is-the-biggest-obstacle-to-genuine-democracy-in-the-united-states-so-why-is-no-one-protesting> [<https://perma.cc/88VB-LVB5>].

65. Ross Ramsey, *Analysis: Gerrymandering has Left Texas Voters with Few Options*, TEX. TRIB. (Apr. 20, 2022, 5:00 AM), <https://www.texastribune.org/2022/04/20/texas-redistricting-elections> [<https://perma.cc/H2ER-ZR8P>].

66. Corasaniti et al., *supra* note 59 (visualizing the difference between Austin's vote share and congressional map district lines).

67. Sam Levine & Andrew Witherspoon, *Wisconsin's Extreme Gerrymandering Era Ends as New Maps Come into Force*, GUARDIAN (Feb. 25, 2024, 8:00AM), <https://www.theguardian.com/us-news/2024/feb/25/wisconsin-new-voting-maps-gerrymandering-republicans-democrats> [<https://perma.cc/8DMJ-LXBZ>] ("Since 2012, no matter how voters throughout one of

the state's legislative maps to be unconstitutional, yet gerrymandered maps continue to be in place, creating only six competitive elections out of a total of 116.⁶⁸

New technology allows for highly efficient gerrymandering: Computer software uses demographic data and voting history to create algorithms that generate gerrymandered maps with “surgical precision.”⁶⁹ Instead of following geographical or political boundaries, computers create maps that either put groups of voters together—known as packing—or split them across multiple districts—referred to as cracking.⁷⁰ Gerrymandering is often obvious visually, but the appearance of district lines alone is not always a reliable indication of how representative or fair the districts actually are.⁷¹ In fact, the infamous “salamander” district in Massachusetts was a district comprised of the towns bordering Essex County: It was not until a newspaper columnist drew wings and a head on the map that it became clear the district was gerrymandered.⁷² The controversy was not about how the district looked on the map but rather about drawing districts with the purpose of influencing partisan politics.⁷³

Gerrymandering has become so widespread it is now considered “commonplace.”⁷⁴ One analysis found partisan gerrymandered districts have

America's most competitive states cast their ballots, Republicans have been guaranteed to hold control of the state legislature . . . because . . . Republicans drew districts lines that are so distorted in their favor, they cemented their control.”). Despite the Democratic governor winning re-election in 2022 with just over 51% of the vote, Republicans held 65% of seats in the state assembly. See 8 O'Clock Buzz, *Wisconsin Gerrymandering is Still the Worst in the Nation*, WORT FM (Dec. 19, 2022), <https://www.wortfm.org/wisconsin-gerrymandering-is-still-the-worst-in-the-nation> [<https://perma.cc/7XS3-T7Q4>].

68. David Dewitt, *Ohio Gerrymandering, A Brief and Awful History of the Very Recent Past*, OHIO CAP. J. (Oct. 11, 2024, 4:30 AM), <https://ohiocapitaljournal.com/2024/10/11/ohio-gerrymandering-a-brief-and-awful-history-of-the-very-recent-past> [<https://perma.cc/V7BC-UgVG>]; Simone Leeper, *Ohio Voters Could End Gerrymandering this November*, CAMPAIGN LEGAL CTR. (June 28, 2024), <https://campaignlegal.org/update/ohio-voters-could-end-gerrymandering-november> [<https://perma.cc/N27D-YW55>].

69. Volic, *supra* note 23; see Harry A. Levin, *The Rise of the Hal-Mander: Is Gerrymandering by Algorithm the Next Frontier of Partisan Gerrymandering?*, 111 GEO. L.J. 891, 903–07 (2023); Benjamin Plener Cover, *Two-Party Structural Countermandering*, 107 IOWA L. REV. 63, 64–65 (2021).

70. *Redistricting Definitions*, UCLA LATINO POL'Y & POL. INST., <https://latino.ucla.edu/redistricting-definitions> [<https://perma.cc/ZX7S-J87T>] (defining packing as “[a] term used when one group is consolidated as a super-majority in a smaller number of districts, thus reducing its electoral influence” and cracking as “[s]preading like-minded voters apart across multiple districts to dilute their voting power in each. This denies the group representation in multiple districts.”). See Gee, *supra* note 16; Kirschenbaum & Li, *supra* note 12.

71. Levitt, *supra* note 9.

72. See *The Gerrymander*, BOS. GAZETTE (Mar. 26, 1812), <https://www.loc.gov/exhibits/treasures/tr22a.html#obj20> [<https://perma.cc/K25B-WCgM>]; Levitt, *supra* note 9.

73. Levitt, *supra* note 9 (“How a district looks is rarely a guide to whether it's good or bad: there are “pretty” districts that give awful representation, and “ugly” districts that give wonderful representation.”).

74. Klaas, *supra* note 64.

such an impact of changing the majority of votes in twenty-two states.⁷⁵ Redistricting alone significantly impacts a decade of who controls Congress, and gerrymandering contributes to major partisan bias in electoral maps.⁷⁶ For example, in the 2012 election, Republicans retained control of the House of Representatives, despite Democrats receiving 1.4 million more votes for the House.⁷⁷ Elections have become less competitive.⁷⁸ Not only are gerrymandered districts not representative of the population, but they do not reflect the partisan choices of the voters.⁷⁹ Gerrymandering also increases polarization: When districts are drawn to heavily favor either political party, the candidates in the party's primary take more extreme positions, eventually creating an environment where elected officials have little incentive to compromise—and in fact may be voted out if they try.⁸⁰ Partisan gerrymandering therefore creates unrepresentative government, which in turn reduces electoral engagement and turnout.⁸¹ Gerrymandering, as a "deliberate and a democratically debilitating phenomenon," creates "distorted representation" with a lack of competitive districts and accountability.⁸²

As pervasive as gerrymandering has been through American history, opposition has been equally persistent, with scholars arguing it is

75. Alex Tausanovitch, *The Impact of Partisan Gerrymandering*, CTR. FOR AM. PROGRESS (Oct. 1, 2019), <https://www.americanprogress.org/article/impact-partisan-gerrymandering> [<https://perma.cc/W445-HRBZ>] ("The inescapable conclusion is that gerrymandering is effectively disenfranchising millions of Americans.").

76. See Volic, *supra* note 23 ("It has helped render over 90% of congressional and state districts uncompetitive, leaving tens of millions of voters rightfully feeling like their vote does not matter in elections that have been preordained by the district shapes."); Cover, *supra* note 69 ("In 2012 . . . Democrats won 1.4 million more votes, but Republicans won the House by a seat margin of 234 to 201—the first time since 1996 . . . that a party won a majority of seats in the House with a minority of votes.").

77. Corasaniti et al., *supra* note 59 ("The mapmakers' party can seize such an advantage that November elections become foregone conclusions. . . . This played out across the country a decade ago, after Republicans took over control of dozens of statehouses in the 2010 midterm elections and, in that year's redistricting cycle, were able to draw many more maps than Democrats.").

78. Klaas, *supra* note 64 ("In the 2016 elections for the House of Representatives, the average electoral margin of victory was 37.1 percent. . . . there were no truly competitive Congressional races in 42 of the 50 states.").

79. Tarr & Williams, *supra* note 16, at 878.

80. See Klaas, *supra* note 64 ("Congress is deeply and stubbornly unpopular. . . . yet, in the 2016 election, only eight incumbents—eight out of a body of 435 representatives—were defeated at the polls.").

81. See Daniel Jones, Neil Silveus & Carly Urban, *Partisan Gerrymandering and Turnout*, 66 J. L. & ECON. 557, 577 (2023); Christy DeSmith, *Biggest Problem with Gerrymandering*, HARV. GAZETTE (July 5, 2023), <https://news.harvard.edu/gazette/story/2023/07/biggest-problem-with-gerrymandering> [<https://perma.cc/LB3K-HVEP>] (describing gerrymandering as not always changing the overall balance of power in Congress because both parties gerrymander, but it does disempower Americans, reduce competition, and make government less responsive).

82. Nicholas O. Stephanopoulos, *The Causes and Consequences of Gerrymandering*, 59 WM. & MARY L. REV. 2115, 2148–49 (2018).

“inconsistent with the democratic ideals enshrined in the Constitution.”⁸³ The Framers of the Constitution were wary of partisan electoral interference, and James Madison warned against the practice at the Constitutional Convention.⁸⁴ Congress endeavored to limit gerrymandering in the 1800s.⁸⁵ In the modern era, Presidents Ronald Reagan and Barack Obama condemned gerrymandering while in office,⁸⁶ and a 2019 bipartisan poll showed the majority of likely 2020 voters support having “districts with no partisan bias, even if it means fewer seats for their own party.”⁸⁷ Redistricting determines a decade of congressional control and prolific gerrymandering leads to significant partisan bias in congressional and state legislative maps.⁸⁸

3. Redistricting in Iowa

This Section describes Iowa’s redistricting standards. Iowa’s current statutory redistricting process was adopted for the 1980 redistricting cycle and is distinctive from the majority of states, whose legislatures have sole authority over redistricting.⁸⁹

i. History of Redistricting in Iowa

Up until the 1960s, Iowa, like most states, largely ignored the constitutional redistricting requirements in favor of an entirely political

83. Michael Waldman & Cliff Sloan, *History Frowns on Partisan Gerrymandering*, BRENNAN CTR. FOR JUST. (Oct. 2, 2017), <https://www.brennancenter.org/our-work/analysis-opinion/history-frowns-partisan-gerrymandering> [<https://perma.cc/U7DQ-V4UD>].

84. See *Rucho v. Common Cause*, 588 U.S. 684, 684–85 (2019); Sloan & Waldman, *supra* note 83.

85. *Vieth v. Jubelirer*, 541 U.S. 267, 274–77 (2004) (“The requirements of contiguity, compactness, and equality of population were repeated in the 1911 apportionment legislation, but were not thereafter continued.”).

86. Ronald Reagan, *Remarks to State and Local Republican Officials on Federalism and Aid to the Nicaraguan Democratic Resistance*, AM. PRESIDENCY PROJECT (Mar. 22, 1988), <https://www.presidency.ucsb.edu/documents/remarks-state-and-local-republican-officials-federalism-and-aid-the-nicaraguan-democratic> [<https://perma.cc/8TPV-PC9Z>] (“[t]hat’s all we’re asking for: an end to the antidemocratic and un-American practice of gerrymandering congressional districts.”); *Remarks of President Barack Obama – State of the Union Address As Delivered*, WHITE HOUSE (Jan. 13, 2016), <https://obamawhitehouse.archives.gov/the-press-office/2016/01/12/remarks-president-barack-obama-%E2%80%93-prepared-delivery-state-union-address> [<https://perma.cc/J6C9-G3QS>] (“I think we’ve got to end the practice of drawing our congressional districts so that politicians can pick their voters, and not the other way around.”).

87. *Bipartisan Poll Shows Strong Support for Redistricting Reform*, CAMPAIGN LEGAL CTR. (Jan. 28, 2019), <https://campaignlegal.org/update/bipartisan-poll-shows-strong-support-redistricting-reform> [<https://perma.cc/PVX5-NTNN>].

88. See Nick Corasaniti & Reid J. Epstein, *How a Cure for Gerrymandering Left U.S. Politics Ailing in New Ways*, N.Y. TIMES (Nov. 17, 2021), <https://www.nytimes.com/2021/11/17/us/politics/gerrymandering-redistricting.html> [<https://perma.cc/5Z49-6QEG>] (“Each side recognizes the enormous stakes: Redistricting alone could determine which party controls Congress for the next decade.”); Corasaniti et al., *supra* note 59.

89. Levitt, *supra* note 38.

process.⁹⁰ However, in 1962, the Supreme Court's decision in *Baker v. Carr*, which allowed electoral maps to be challenged in court, prompted states to begin complying with constitutional and statutory requirements.⁹¹ To comply with subsequent Supreme Court decisions,⁹² the Iowa Constitution was amended in 1968 to require districts to be drawn based on population and to be compact and contiguous.⁹³ Then, after the 1970 Census, the legislatively drawn maps were challenged and ultimately struck down by the Iowa Supreme Court due to too much population variance.⁹⁴ As a result, the Court implemented its own maps.⁹⁵

Prompted by multiple court challenges, the Iowa Legislature adopted the statutory redistricting procedure that remains in place today.⁹⁶ Iowa is an increasingly partisan state, and redistricting remains "inherently a political exercise,"⁹⁷ because the legislature retains control over the process.⁹⁸ One political party currently has a trifecta in state government, controlling the Governor, House, and Senate.⁹⁹ Iowa's "nonpartisan" redistricting process is

90. The "political process" was dominated by partisan politics, rather than making decisions and legislation through nonpartisan efforts. See EDWIN COOK, LEGISLATIVE GUIDE: REDISTRICTING IN IOWA 1 (2022), <https://www.legis.iowa.gov/docs/publications/LG/1294208.pdf> [<https://perma.cc/6CD3-CH6T>].

91. *Baker v. Carr*, 369 U.S. 186, 237 (1962) ("[A]llegations of a denial of equal protection present a justiciable constitutional cause of action upon which appellants are entitled to a trial and a decision. The right asserted is within the reach of judicial protection under the Fourteenth Amendment."); see generally COOK, *supra* note 90.

92. See *Wesberry v. Sanders*, 376 U.S. 1, 12 (1964); *Reynolds v. Sims*, 377 U.S. 533, 586–87 (1964).

93. IOWA CONST. art. III, §§ 34–36.

94. *In re Legislative Districting of General Assembly*, 175 N.W.2d 20, 29 (Iowa 1970). See COOK, *supra* note 90, at 2.

95. *In re Legislative Districting of General Assembly*, 175 N.W.2d 20, 29 (Iowa 1970). See COOK, *supra* note 90, at 2.

96. H.F. 707, 68th Gen. Ass. (Iowa 1980) (codified at IOWA CODE § 42). See generally COOK, *supra* note 90 (describing Iowa's redistricting process and the role of the Legislative Services Agency).

97. *Gov. Kim Reynolds Signs Iowa's New Redistricting Maps into Law*, DES MOINES REG. (Nov. 5, 2021, 12:59 PM), <https://www.desmoinesregister.com/story/news/politics/2021/11/04/iowas-new-congressional-districts-redistricting-maps-2021-signed-into-law-gov-kim-reynolds/6193658001> [<https://perma.cc/46VF-PU2M>].

98. See Brenna Findley, *Symposium Article: Practical Observations on Politics and the Constitution*, 61 DRAKE L. REV. 1085, 1098 (2013) ("The legislature maintains its authority over the entire process. It is accountable for the process." (internal citations omitted)).

99. *Party Control of Iowa State Government*, BALLOTPEDIA, https://ballotpedia.org/Party_control_of_Iowa_state_government [<https://perma.cc/ZL6Q-5WGL>].

praised nationally,¹⁰⁰ and Iowa voters and legislators are proud of it.¹⁰¹ However, because redistricting plans must be approved by the legislature and the governor, and the legislature appoints members to the redistricting commission, the process is still highly political.¹⁰² One party control of state government gives that party the ability to appoint favorable members to the commission and pass maps favoring their own party.¹⁰³ Because it is political and is statutory, rather than constitutional, Iowa's redistricting process is vulnerable, creating the problem discussed later in Part II.¹⁰⁴

ii. *Iowa's Redistricting Requirements*

The Iowa Constitution requires districts to be compact, contiguous, and based on population, and it gives the legislature the ability to establish additional factors for redistricting.¹⁰⁵ In 1980, the Iowa Legislature established standards for redistricting, including a statutory process to draw

100. See Paul A. Diller, *Toward Fairer Representation in State Legislatures*, 33 STAN. L. & POL'Y REV. 135, 162 (2022) ("Due to its reliance on nonpartisan agency staff and the legislature's demonstrated respect (thus far) for agency recommendations, the Iowa system has long been touted as the gold standard for politically neutral redistricting."); *The "Iowa Model" for Redistricting*, *supra* note 6.

101. See Brianne Pfannenstiel & Stephen Gruber-Miller, *Iowans Urge Lawmakers to Uphold Nonpartisan Redistricting Tradition at Public Hearings*, DES MOINES REG. (Sept. 21, 2021, 3:36 PM), <https://www.desmoinesregister.com/story/news/politics/2021/09/20/iowa-lawmakers-urged-uphold-nonpartisan-redistricting-tradition-maps-2021-elections-voting/8419474002> (on file with the *Iowa Law Review*) ("The majority of written comments left on the Iowa Legislature's website urged lawmakers to preserve Iowa's nonpartisan redistricting process and approve the proposed maps."); Kathie Obradovich, *Will Iowa Keep Its Proud Tradition of Fair, Nonpartisan Redistricting?*, IOWA CAP. DISPATCH (Sept. 20, 2021, 8:00 AM), <https://iowacapitaldispatch.com/2021/09/20/will-iowa-keep-its-proud-tradition-of-fair-nonpartisan-redistricting> [<https://perma.cc/ZM8V-TgAU>] ("In the past, there has been a strong, bipartisan desire to uphold the Iowa ideal of a fair and nonpartisan process."); Brianne Pfannenstiel, *Can Iowa's Nonpartisan Redistricting Model Withstand Today's Hyperpartisan Political Climate?*, DES MOINES REG. (Sept. 11, 2021, 8:00 PM), <https://www.desmoinesregister.com/story/news/politics/2021/09/12/can-iowas-nonpartisan-congressional-redistricting-withstand-partisan-climate-legislature/8210848002/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epi=z111650e111650voo3346d-37-b-37-&gca-ft=204&gcads=sophi> [<https://perma.cc/UP6T-65JZ>] ("It's Iowans who are calling for fair maps,' [House Democratic Leader Jennifer Konfrst] said. 'That's who wants this. That's who deserves this. And that's what Iowans expect, so that's what we expect. We are hopeful and cautiously optimistic that we will stick to a fair redistricting process.'").

102. Findley, *supra* note 98, at 1098 ("[R]edistricting in Iowa is still a political process."); Poonam Kumar, *Note: Ratification of Reapportionment Plans Drawn by Redistricting Commissions*, 40 U. MICH. J.L. REFORM 653, 668-69 (2007) ("[Iowa's] process is ineffectual in removing partisan influences.").

103. *Iowa*, *supra* note 5.

104. *Id.* ("Although Iowa's redistricting process is typically uncontroversial, single-party control tends to increase the risk of partisan gerrymandering.").

105. IOWA CONST. art. III, § 34, 39.

the state's congressional and statutory districts.¹⁰⁶ The Legislative Services Agency ("LSA")—a nonpartisan state agency that provides the legislature with legal research, bill drafting, and budget analysis—was given the responsibility to draw maps, which in turn must be approved by the legislature and subject to the governor's veto.¹⁰⁷ The standards include: (1) redistricting occurs in years ending in a one, following the federal Census;¹⁰⁸ (2) congressional and legislative districts must be based on population, with no more than one percent deviation between district sizes;¹⁰⁹ (3) districts must be drawn in a contiguous and compact manner, with respect for political subdivisions;¹¹⁰ (4) generally, districts should be square, rectangular, or hexagonal, with equal length and width;¹¹¹ and (5) the LSA should not consider favoring any political party, incumbent, any other person or group, or augmenting or diluting the voting strength of a language or racial minority group.¹¹² Essentially, the only demographic data to be used are population counts.¹¹³ To create continuity in districts, the LSA first draws boundaries for congressional seats, then creates "nesting" legislative districts.¹¹⁴

iii. Iowa's Redistricting Process

Iowa has remarkable recent history of fair electoral maps. The unique¹¹⁵ statutory process established a "quasi-independent" commission model.¹¹⁶ The nonpartisan LSA¹¹⁷ is in charge of redistricting and proposing plans for the legislature and governor to approve. This compromise is designed to reduce partisan bias.¹¹⁸

106. H.F. 707, 68th Gen. Ass. (Iowa 1980) (codified at IOWA CODE § 42). LSA at the time was named the Legislative Services Bureau and has since been combined with additional nonpartisan agencies. See COOK, *supra* note 90, at 2.

107. See COOK, *supra* note 90, at 2.

108. IOWA CODE § 42.2 (2025).

109. *Id.* § 42.4.

110. *Id.* § 42.4(1)–(4) ("[D]istrict boundaries shall coincide with the boundaries of political subdivisions of the state. The number of counties and cities divided among more than one district shall be as small as possible.").

111. *Id.* § 42.4(4).

112. *Id.* § 42.4(5)–(6).

113. *Id.* § 42.4(5)(d).

114. *The "Iowa Model" for Redistricting*, *supra* note 6 ("[E]ach Senate district has exactly two House districts within its boundaries. To the extent possible, these districts are nested within the U.S. House districts, although this is not required by law").

115. *What is Redistricting and Why Should We Care?*, *supra* note 32 ("Iowa is different from all others in that district plans are developed by nonpartisan legislative staff with limited criteria for developing plans.").

116. Cain, *supra* note 51, at 1811.

117. *Legislative Services Agency (LSA)*, IOWA LEGISLATURE, <https://www.legis.iowa.gov/agencies/nonpartisan/lsa> [<https://perma.cc/8XVY-YZZT>] ("Nonpartisanship is the core value that guides how the LSA serves the General Assembly").

118. Pfannenstiel, *supra* note 101 ("Iowa adopted a system that minimizes partisan influence over the process.").

A Temporary Redistricting Advisory Commission is created each redistricting year to hold public hearings and provide guidance to the LSA.¹¹⁹ The five member commission is comprised of four members elected by the leaders of the Iowa Legislature, and a fifth member is selected by the four previously selected members.¹²⁰ No member may be a partisan office holder or be related to or an employee of Iowa office holders.¹²¹ All members must be an eligible Iowa voter.¹²² The commission provides guidance to the LSA on “decision[s] for which no clearly applicable guideline is provided by [Iowa Code],”¹²³ but ultimately, the plans are up to the LSA’s discretion.¹²⁴

The LSA prepares plans for electoral districts, which must receive a constitutional majority from the Iowa Legislature and are subject to the governor’s veto.¹²⁵ During each redistricting year, the LSA must deliver legislative and congressional districting maps to the House and the Senate by April 1st.¹²⁶ This deadline is extended in circumstances where the population data is not available to the LSA by February 15th.¹²⁷ The LSA makes the plan available to the public with illustrative maps and descriptions of the redistricting standards and population used.¹²⁸ Then, the commission must hold three public hearings across the state and, within fourteen days, submit a report on its findings to the legislature.¹²⁹ After the report is received, the legislature is required to bring the bill to a vote expeditiously.¹³⁰ If the first set of maps fails to receive a constitutional majority in an up-or-down vote by the legislature, the legislature may instruct the LSA as to why the plan was not approved.¹³¹ In the event the first plan is denied, the LSA submits a second plan within thirty-five days, drawn in accordance with the reasons cited, if any, by the legislature or the governor, in the event of a veto.¹³² Only corrective amendments to the redistricting plan are allowed for the first two proposed sets of maps.¹³³

119. IOWA CODE §§ 42.5–42.6 (2025).

120. *Id.* § 42.5.

121. *Id.*

122. *Id.*

123. *Id.* § 42.6(1).

124. See Justin Levitt, *Iowa, ALL ABOUT REDISTRICTING*, <https://redistricting.ils.edu/state/iowa> [<https://perma.cc/YGA7-9WWF>].

125. IOWA CODE § 42.3.

126. *Id.* § 42.3 (1).

127. *Id.* § 42.3 (1) (b); see COOK, *supra* note 90, at 15 (“[T]he April 1 deadline is extended by the same number of days by which the receipt of the necessary census information is delayed beyond February.”).

128. IOWA CODE § 42.2 (4).

129. *Id.* § 42.6 (3).

130. *Id.* § 42.3 (1).

131. *Id.*

132. *Id.* § 42.3 (2).

133. *Id.* § 42.3 (1)–(2).

The legislature should vote no less than seven days after the plan is received.¹³⁴ In the event the second plan is denied, the LSA will submit a third and final plan within thirty-five days.¹³⁵ The third plan is subject to amendment by the legislature in the same manner as any other bill, giving the legislature the ability to substitute the LSA's plan with one of their own.¹³⁶ If no redistricting plan is enacted or a challenged plan is held to be invalid, the Iowa Supreme Court will likely assume responsibility for redistricting.¹³⁷

The legislature has thus far deferred to the LSA's proposed plans. They approved the proposed maps in 1980, 1991, 2001, 2011, and 2021.¹³⁸

II. IOWA'S REDISTRICTING PROCESS REMAINS VULNERABLE TO PARTISAN INFLUENCES

Redistricting and gerrymandering are a matter of public concern. Nationally, sixty-seven percent of Americans in a 2021 poll thought gerrymandered maps were a "major problem," more than those concerned about other elections issues, voter fraud, or disenfranchisement.¹³⁹ Public trust in the system is low: Just sixteen percent of Americans thought their state would draw fair maps, and forty-four percent believed their maps would be unfairly drawn.¹⁴⁰ This Part explains the problem with Iowa's current redistricting process. Section A describes the most recent redistricting process in 2021, to illustrate the potential for partisan maps and concerns over the future potential of gerrymandering. Section B describes why this is possible under Iowa's current redistricting framework.

A. 2021 REDISTRICTING

Iowa's redistricting process following the 2020 Census showed the potential for partisan influence under Iowa's current statutory redistricting framework. The Census Bureau was delayed in releasing population data, due to the COVID-19 pandemic.¹⁴¹ The legislature typically votes on redistricting during their normal legislative session in the spring.¹⁴² The process was

134. *Id.* § 42.3 (2).

135. *Id.* § 42.3 (3).

136. *Id.*; Levitt, *supra* note 124.

137. IOWA CONST. art. III §§ 35, 36; see COOK, *supra* note 90, at 16–17.

138. *The "Iowa Model" for Redistricting*, *supra* note 6.

139. Mackenzie Wilkes, *Americans Don't Trust Their Congressional Maps to be Drawn Fairly. Can Anything Change That?*, FIVETHIRTYEIGHT (Oct. 26, 2021, 6:05 AM), <https://fivethirtyeight.com/features/americans-dont-trust-their-congressional-maps-to-be-drawn-fairly-can-anything-change-that> [https://perma.cc/2XVY-4KSR].

140. *Id.*

141. Daniel C. Vock, *State Redistricting Stumbles Amidst Familiar Partisan Infighting*, IOWA CAP. DISPATCH (Oct. 21, 2021), <https://iowacapitaldispatch.com/2021/10/21/state-redistricting-stumbles-amidst-familiar-partisan-infighting> [https://perma.cc/MKY7-YFRL].

142. Brianne Pfannenstiel, Stephen Gruber-Miller & Ian Richardson, *Iowa Senate Republicans Reject First Proposed Redistricting Maps; Wait Goes on for Political Boundaries*, DES MOINES REG. (Oct.

pushed until the fall, as Census counts were received by the states on August 12th.¹⁴³ Iowa's Constitution stipulates if the legislature fails to pass reapportioned legislative districts by September 15 in the year following a Census, the Iowa Supreme Court shall designate the legislative districts.¹⁴⁴ Instead, the Iowa Supreme Court gave the legislature a December 1st deadline to pass district maps, since Census population data was delayed.¹⁴⁵

The redistricting process was closely watched in 2021 due to the increased partisanship following the 2020 election and the amplified political tensions following the attempted insurrection on the U.S. Capitol.¹⁴⁶ The country was politically divided, with the U.S. Senate evenly split at fifty votes each and Democrats holding only a ten-seat majority in the House. Both parties believed the upcoming 2022 elections to be of crucial importance and, as the first elections after redistricting, extra emphasis was placed on the 2021 redistricting process country wide. Redistricting that year was described as “the most challenging in recent history,” due to the closely-divided country, intense political fights, and the complications posed by the pandemic.¹⁴⁷ The country's heightened political polarization created an environment in which “people feel like everything is on the line” and “[t]here's a sense that people are willing to do things that they weren't willing to do in the past this cycle.”¹⁴⁸ In the past, Iowa's process was successful because of the “institutional acceptance”¹⁴⁹ and “trust in the system.”¹⁵⁰ Iowans could rely on the

6, 2022, 10:44 AM) [hereinafter *Wait Goes On*], <https://www.desmoinesregister.com/story/news/politics/2021/10/05/legislature-rejects-proposed-state-political-map-redistricting-iowa-congressional-districts/5818668001> [https://perma.cc/3LSQ-SUWD]. Iowa's yearly legislative session is typically 110 days, beginning in January and ending in May. See 2025 *Iowa Legislative Session Timetable*, LEGIS. SERV. AGENCY (July 12, 2024), <https://www.legis.iowa.gov/docs/publications/SESTT/current.pdf> [https://perma.cc/4R4-RCYW] (providing the expected timeline for the 91st Iowa General Assembly in 2025).

143. Ian Richardson, Brianne Pfannenstiel, & Stephen Gruber-Miller, *Lawmakers' Work to Redraw Iowa Political Districts Will Start in Earnest in October. Here's What You Need to Know*, DES MOINES REG. (Sept. 14, 2021, 5:36 PM) [hereinafter *Lawmaker's Work*], <https://www.desmoinesregister.com/story/news/politics/2021/09/14/iowa-redistricting-gov-kim-reynolds-announces-special-session-date-isa-supreme-court/8154549002> [https://perma.cc/3VX3-LV9E].

144. IOWA CONST. art. III, § 35.

145. *Id.*; IOWA CODE § 42.3 (1); In the Matter of Reapportionment of State Senatorial and Representative Districts, Order No. 21-1281 (2021), <https://www.iowacourts.gov/collections/666/files/1398/embedDocument> [https://perma.cc/VWC4-97L5]. See *Wait Goes On*, *supra* note 142.

146. Pfannenstiel, *supra* note 101.

147. MICHAEL C. LI, THE REDISTRICTING LANDSCAPE, 2021-22 (2021), https://www.brennancenter.org/media/7229/download/2021_2_11_State%20of%20Redistricting.pdf?inline=1 [https://perma.cc/J8FV-3PLM].

148. Pfannenstiel, *supra* note 101.

149. The perception was Iowa would continue its nonpartisan process because lawmakers were “midwestern and very nice.” Pfannenstiel, *supra* note 101.

150. Brian Cannon & Ben Williams, *Slaying the Gerrymander: How Reform Will Happen in the Commonwealth*, 21 RICH. PUB. INT. L. REV. 23, 39 (2017) (“But in Iowa, trust in the system is so

precedent and tradition of nonpartisanship. In 2021, many were not sure if it would continue, as trust in institutions was low.¹⁵¹

The LSA released the first set of Iowa's map proposals on September 16th.¹⁵² The maps were designed to align political boundaries with Iowa's shifting population: from 2010 to 2020 Iowa's population shifted as more people concentrated in the state's urban areas.¹⁵³ The result was "[t]he districts changed dramatically."¹⁵⁴ The current representatives of Iowa's four congressional districts would each stay in their districts.¹⁵⁵ The largest partisan impact on the congressional districts is how the highly competitive, "swinging" First District received a Democratic advantage, by including Johnson, Linn, and Scott counties.¹⁵⁶ The current First District Representative Ashley Hinson would either need to move to a more favorable district—and primary a fellow incumbent Republican—or likely lose her seat.¹⁵⁷ This result was concerning for the Republican party, as Hinson was considered a "rising GOP star."¹⁵⁸ The Second District, which was the closest federal-level election in the country in 2020, would move to favor Republicans.¹⁵⁹ And the evenly matched Third District—including Des Moines—would remain essentially the same.¹⁶⁰

At the state level, sixty-four incumbent legislators—about forty-three percent—would be placed together into the same districts.¹⁶¹ Twenty-four

high that the legislature has never reverted to passing one of its own maps, even though they *would be entirely within their rights to do so.*") (emphasis added).

151. See Pfannenstiel, *supra* note 101; Wilkes, *supra* note 139 ("Just [sixteen] percent of U.S. adults said they thought their states' congressional maps would be drawn fairly, while [forty-four] percent said they thought the maps would be drawn unfairly, per an August [2021] YouGov/Economist poll.").

152. *Wait Goes On*, *supra* note 142.

153. Brianne Pfannenstiel, Stephen Gruber-Miller & Ian Richardson, *Iowa's Proposed Political Boundaries Set Off Debate as Power Hangs in Balance*, DES MOINES REG. (Sept. 17, 2021, 2:55 PM) [hereinafter *Iowa's Proposed Political Boundaries*], <https://www.desmoinesregister.com/story/news/politics/2021/09/16/iowa-redistricting-first-maps-shift-congressional-legislative-boundaries-approval-elections-voting/8263210002>.

154. *Id.*

155. *Id.* ("Iowa's four members of Congress...ability to win in those districts next year could vary wildly.").

156. *Id.* Democratic counties Linn and Johnson have previously been included in the same district. *Id.* Only six of Iowa's ninety-nine counties voted for Joe Biden in 2020, including Johnson, Scott, and Linn. Johnson County includes the University of Iowa and reliably votes Democratic. See 2020 Election Results: Iowa, CNN, <https://www.cnn.com/election/2020/results/state/iowa> [<https://perma.cc/7EHG-SGF7>].

157. Pfannenstiel et al., *Iowa's Proposed Political Boundaries*, *supra* note 153.

158. *Id.* ("The configuration of the 1st is probably a deal breaker' for Republicans").

159. Representative Miller-Meeks won by just six votes in 2020. *Id.*

160. *Id.*

161. Brianne Pfannenstiel, Stephen Gruber-Miller & Ian Richardson, *43 % of Iowa Lawmakers Drawn into Same Legislative Districts Under New Maps and Other Redistricting News*, DES MOINES REG. (Sept. 17, 2021, 9:52 AM) [hereinafter *43 % of Iowa Lawmakers*], <https://www.desmoinesregister.com/story/news/politics/2021/09/16/iowa-redistricting-2021-first>

incumbent state senators and forty current state representatives would be in a district with another incumbent.¹⁶² Speaker of the House Pat Grassley would be in a district with a fellow Republican incumbent.¹⁶³

With control of the House and Senate, Republicans controlled the fate of this round of maps. Iowa Democrats advocated in support of the maps, believing that they complied with Iowa's Constitution and the Iowa Code and that rejecting them would "open the door to partisan gerrymandering by the Republican majorities."¹⁶⁴ Republican leadership admitted the plans met statutory requirements but also believed they could be improved upon.¹⁶⁵ Former Republican State Representative Mary Ann Hanusa had already announced her candidacy for the Third Congressional District, but under the proposed maps, her home in Pottawattamie County would be moved to the Fourth District.¹⁶⁶ She would need to mount a primary challenge to the current Representative Randy Feenstra, who is popular in a reliably conservative district and not believed to be "vulnerable to primary challenges."¹⁶⁷ Perhaps unsurprisingly, Hanusa called on the legislature to reject the maps, citing the "unfair burden on constituents to have access to their member of Congress."¹⁶⁸ An Iowa Republican consultant said the party was looking at the new maps as a way to "hold their majority or expand their majority."¹⁶⁹

Governor Reynolds called for a special legislative session beginning on October 5th, 2021, focused on completing the redistricting process.¹⁷⁰ That day, the first set of maps were put to a vote in the Senate and rejected along party lines.¹⁷¹ After the Senate's rejection, the House adjourned without considering the maps, but Speaker Grassley said "I believe these maps to be fair maps for Iowa . . . However, I don't believe the Senate's concerns with

proposed-maps-submitted-legislature-districts-public-weigh-in-Isa/8263169002 (on file with the *Iowa Law Review*).

162. Similarly, the first proposed maps in 2001 placed seventy of the 150 legislators into districts with one another. In 2011, only forty-one legislators were grouped together. *Id.*

163. *Id.*

164. *Wait Goes On*, *supra* note 142 ("The maps before us satisfy the Iowa law and the Iowa Constitution," said Sen. Pam Jochum . . . 'To those Republicans in this room who may have some concerns: This map is fair. It's independent. It does not give an advantage of one party over the other. It does not. Nor should it.'").

165. David Pitt, *GOP Lawmakers Vote Down Iowa's 1st Redistricting Plan*, ASSOCIATED PRESS (Oct. 5, 2021, 3:16 PM), <https://apnews.com/article/congress-iowa-redistricting-legislature-af042487e9f3104e937b98951a52413d> [<https://perma.cc/Z485-5CTE>].

166. *Iowa's Proposed Political Boundaries*, *supra* note 153.

167. *Id.*

168. *Id.*

169. *Id.* A Democratic party chair said, "With how much Democrats seem to be liking this map today, that does worry me that almost automatically means the Republicans are going to ask for a second map." *Id.*

170. *Lawmaker's Work*, *supra* note 143.

171. The Senate voted 32–18. *Wait Goes On*, *supra* note 142.

compactness and population deviation are unwarranted."¹⁷² The Senate's reasoning for rejecting the maps was "there are clear indications that plan one can be improved by a second iteration addressing compactness and population deviation."¹⁷³ Republican leadership said they were within their rights to reject the first round of proposed maps, because Iowa law allows for up to three rounds.¹⁷⁴

The LSA quickly presented a second round of maps on October 21st, sixteen days after the Senate rejected the map, well within the required thirty-five days.¹⁷⁵ The maps primarily preserved the status quo of the previous district lines.¹⁷⁶ The nonpartisan Cook Political Report described the proposal as a "dream Republican map," thinking "it is probably what Republicans would have drawn if it were totally up to them."¹⁷⁷ The map created four congressional districts that President Trump would have won in 2020.¹⁷⁸ The most significant implication at the federal level was incumbent Representatives Axne and Miller-Meeks in the same congressional district.¹⁷⁹ In eastern Iowa, the Democratic stronghold counties, Linn and Johnson, were split into different districts.¹⁸⁰ The maps somewhat improved on the Senate's stated objections to the first maps—the size and shape of a few individual Statehouse districts.¹⁸¹ While the congressional maps visually and geographically look different from the previous maps, the voter registration totals remain significantly similar to the previous district makeup.¹⁸²

As with the first round of maps, a significant number of state legislators would be in a district with a fellow incumbent—thirty-eight in the House and twenty in the Senate.¹⁸³ Iowa Code requires the LSA to not consider incumbency in determining maps, but it is "an open secret that concerns

172. *Wait Goes On*, *supra* note 142.

173. *Id.*

174. Pitt, *supra* note 165 ("Voting down the first plan does not violate the quote-unquote gold standard," [Sen. Roby Smith] said, noting Iowa law provides a clear direction for multiple plans.").

175. Brianne Pfannenstiel, Stephen Gruber-Miller & Ian Richardson, *Iowa's 2nd Redistricting Maps Could Mean a 2022 Election Race Between US Reps. Cindy Axne, Mariannette Miller-Meeks*, DES MOINES REG. (Oct. 21, 2021, 7:53 PM) [hereinafter *Iowa's 2nd Redistricting Maps*], <https://www.desmoinesregister.com/story/news/politics/2021/10/21/nonpartisan-agency-releasing-second-set-iowa-redistricting-maps-october-21/8522097002> (on file with the *Iowa Law Review*).

176. *Id.*

177. *Id.*

178. Corasaniti et al., *supra* note 59.

179. *Iowa's 2nd Redistricting Maps*, *supra* note 175.

180. *Id.*

181. *Id.* ("I think LSA largely delivered on what the Senate wanted," said Derek Muller.).

182. *Id.*

183. *Id.*

about legislative paring play a role behind the scenes.”¹⁸⁴ Onlookers continued to be concerned that the maps would not pass, as there was “no legitimate reason” to vote down the first maps.¹⁸⁵

Governor Reynolds called for a second special legislative session on October 28th.¹⁸⁶ The maps passed with bipartisan support: forty-eight to one in the Senate and ninety-three to two in the House.¹⁸⁷ The bill’s floor sponsor, Senator Roby Smith, said that these maps, while not perfect, improved upon the first maps and dismissed concerns about the threat of gerrymandering.¹⁸⁸ Governor Reynolds signed the maps into law on November 5th.¹⁸⁹ The majority were clearly influenced by partisan politics by rejecting the map that created two Democratic-leaning and two Republican-leaning districts and approving the map that created four Republican-leaning districts.¹⁹⁰

B. SUBJECT TO LAWMAKER’S WHIMS & REPEAL

Ultimately, as long as Iowa’s redistricting procedure is statutory, state lawmakers may decide to alter or abandon altogether the state’s redistricting norms.¹⁹¹ One political party currently has control of the House, Senator, and Governor’s office, and “single-party control tends to increase the risk of partisan gerrymandering.”¹⁹² Furthermore, Iowa’s statutory allowance of legislative amendments to the third set of maps effectively permits the governing political party to gerrymander.

Because of Iowa’s geography, fair redistricting is essential for democratic representation as “[f]ew divisions are more deeply felt in Iowa than the urban-

184. *Id.* (“Survival is the first order of business in politics, because if you’re not here you have no effect.”).

185. *Id.* (“If Republicans vote down the second map, that will be the clearest sign yet they are rushing to gerrymander Iowa’s legislative map and rig election outcomes in their favor.”); see Laura Belin, *How Worried Should Democrats Be About Iowa’s 2021 Redistricting?*, BLEEDING HEARTLAND (July 7, 2019), <https://www.bleedingheartland.com/2019/07/07/how-worried-should-democrats-iowas-2021-redistricting> [<https://perma.cc/YG66-9UNT>] (describing other actions taken by the majority to expand their power, despite making no public statements of their intentions to do so).

186. *Iowa’s 2nd Redistricting Maps*, *supra* note 175.

187. Katie Akin, *Iowa Legislature Approves New Congressional and Legislative Maps*, IOWA CAP. DISPATCH (Oct. 28, 2021, 6:40 PM), <https://iowacapitaldispatch.com/2021/10/28/iowa-legislature-approves-new-congressional-and-legislative-maps> [<https://perma.cc/6U5F-FWU6>].

188. *Id.* (“Instead of undermining the . . . gold standard process by spreading a false narrative of gerrymandering, like some in this chamber have done, Iowa’s Senate Republicans upheld our role and responsibility in this once-in-a-decade requirement to ensure congressional and legislative districts meet both constitutional and statutory standards,” Smith said.”).

189. *Gov. Kim Reynolds Signs Iowa’s New Redistricting Maps into Law*, *supra* note 97.

190. Deven Kirschenbaum, Note, *A Turn to Process: Partisan Gerrymandering Post-Rucho*, 98 N.Y.U. L. REV. 2111, 2131 (2023).

191. See Cannon & Williams, *supra* note 150, at 39 (“Iowa’s system only gives DLS three attempts to draw maps the legislature can approve; if they fail, the legislature will draw its own maps. Additionally [sic], this statutory system could be repealed by the Iowa Legislature at any time”).

192. *Iowa*, *supra* note 5.

rural schism.”¹⁹³ Iowa is primarily a rural state, but the majority of voters are concentrated in a few urban counties. The traditionally conservative rural areas are losing population, while urban areas are growing. Iowa, as a state of little more than three million people,¹⁹⁴ has ninety-nine counties, but forty-six of them have fewer than fifteen thousand residents.¹⁹⁵ Urban voters are more likely to be highly educated, have different religious beliefs, and have significantly higher median incomes.¹⁹⁶ All of these factors influence political beliefs and desired representation in elected government. Iowa's population is rapidly changing, and fair redistricting is essential to protecting Iowan's votes.

The 2021 redistricting process highlights the potential for lawmakers to abuse the system reliant on good faith: The governing party has the discretion to pass or veto maps for insignificant reasons. Even when maps are not blatantly gerrymandered, in 2021, the majority party passed maps favoring themselves and rejected maps favoring the other party. This concern has played out in other states: Ohio, Utah, and New Mexico. All have similar advisory commissions and have rejected the commissions maps in favor of their own gerrymandered maps.¹⁹⁷

The statutory nature of Iowa's redistricting process and lawmakers' ability to amend the third round of maps means the process is only successful based on the “courtesy between legislators and a respect for democratic norms.”¹⁹⁸ Iowa's reliance on good faith and institutional acceptance in implementing nonpartisan, fair redistricting maps has worked thus far, but there is no guarantee of its future.¹⁹⁹

III. IOWA LEGISLATORS SHOULD TAKE ACTION TO PROTECT FAIR REDISTRICTING

There are two primary concerns with Iowa's current redistricting process: (1) redistricting procedure is statutory and may be altered or repealed by the legislature and (2) the third set of proposed maps allows for legislative amendments. This Note proposes two potential solutions to address these issues. Section A explains the constitutional amendment, offering Michigan's newly enacted independent redistricting commission as a model. Section B

193. Reid Wilson, *Eleven Maps that Explain Iowa*, MORNING CONSULT (Jan. 29, 2016, 6:00 AM), <https://web.archive.org/web/20230127081345/https://morningconsult.com/2016/01/29/eleven-maps-that-explain-iowa> [https://perma.cc/8LKL-LURK].

194. Population estimate as of July 1, 2025. *Quickfacts Iowa*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/IA/PST045223> [https://perma.cc/2DL7-TQK6].

195. Wilson, *supra* note 193.

196. *Id.*

197. Volic, *supra* note 23.

198. *Iowa*, *supra* note 5.

199. See Cain, *supra* note 51, at 1814–15 (“[T]here is no definitive way of determining whether Iowa's success is due to its unique quasi-independent process or other factors such as the absence of substantial voting rights issues, a congenial political culture, and minimal regional or geographic variation.”).

describes a potential “safeguard provision” to prevent lawmakers from abusing their ability to alter the LSA’s proposed third round of maps.

A. CONSTITUTIONAL AMENDMENT FOR AN INDEPENDENT REDISTRICTING
COMMISSION

Iowa’s current process, while historically effective and praiseworthy, is statutory, political, and may be abandoned at any time. The ideal long-term solution to protect Iowa’s history of nonpartisan, fair electoral districts is amending the Iowa Constitution to implement an independent redistricting commission.

Independent commissions limit direct participation of elected officials.²⁰⁰ States with reforms similar to Iowa’s, in which advisory commissions draw maps approved by lawmakers, have “struggled to overcome partisanship.”²⁰¹ The Supreme Court in *Arizona State Legislature v. Arizona Independent Redistricting Commission* held that independent redistricting commissions imposed through constitutional amendment were constitutional.²⁰² After Arizona voters passed the constitutional amendment, Arizona’s legislature challenged the action. The Court cites the “fundamental premise that all political power flows from the people,” and by implementing an independent redistricting commission, the voters “restore[d] ‘the core principle of republican government,’ namely, ‘that the voters should choose their representatives, not the other way around.’”²⁰³

The maps drawn by independent commissions in states like California, Arizona, Colorado, and Michigan are the fairest in the country.²⁰⁴ These states typically do not suffer from the challenges seen by states with advisory commissions subject to legislative approval.²⁰⁵ Independent commissions, by preventing legislative influence, allow for maps drawn not to advance partisan

200. Levitt, *supra* note 38.

201. Michael Li, *Anti-Gerrymandering Reforms Had Mixed Results*, BRENNAN CTR. FOR JUST. (Sept. 19, 2022), <https://www.brennancenter.org/our-work/analysis-opinion/anti-gerrymandering-reforms-had-mixed-results> [<https://perma.cc/25BU-WRV4>].

202. *Ariz. State Legis. v. Ariz. Indep. Redistricting Comm’n*, 576 U.S. 787, 824 (2015) (“The people of Arizona turned to the initiative to curb the practice of gerrymandering and, thereby, to ensure that Members of Congress would have ‘a habitual recollection of their dependence on the people.’” (quoting *The Federalist* No. 57)).

203. *Id.* (quoting Mitchell N. Bergman, *Managing Gerrymandering*, 83 TEX. L. REV. 781, 781 (2005)).

204. Li, *supra* note 201. California continues to have an independent redistricting commission, but the California Citizens Redistricting Commission’s maps drawn in 2021 were overridden by the passage of Proposition 50 in 2025 that temporarily allowed the legislature to draw district lines. *See* WE DRAW THE LINES CA, <https://wedrawthelines.ca.gov> [<https://perma.cc/FCL8-PRJY>]; *California, ALL ABOUT REDISTRICTING*, <https://redistricting.ills.edu/state/california/?cycle=2020&level=Congress&startdate=2025-11-04> [<https://perma.cc/2QZM-XMUQ>].

205. *Id.*

concerns or influence election outcomes.²⁰⁶ Involving politicians in the redistricting process is a "fatal flaw" for systems like Iowa's.²⁰⁷ Independent commissions have been criticized for lack of public accountability.²⁰⁸ However, in Iowa, the current statutory requirements of preventing the use of partisan data, incumbency, or other demographic data should continue to be in place to prevent abuse by a commission.²⁰⁹

1. Michigan's Constitutional Amendment

Michigan's newly implemented independent redistricting commission may serve as a model for an alternative approach to the legislature approving maps. In 2018, Michigan voters passed a ballot initiative creating an independent redistricting commission.²¹⁰ It started with a young activist, Katie Fahey's Facebook post, "I'd like to take on gerrymandering in Michigan. If you're interested in doing this as well, please let me know."²¹¹ In 2010, the Republican majority passed blatantly gerrymandered maps.²¹² A Republican consultant admitted they "spent a lot of time providing options to ensure we have a solid 9-5 [congressional] delegation in 2012 and beyond."²¹³ Fahey created the organization Voters Not Politicians and wrote and campaigned for Proposal 18-2, which created the Michigan Independent Citizens Redistricting Commission ("MICRC").²¹⁴ To do so, Fahey led a ballot initiative, collecting over 425,000 signatures across the state to get the initiative on the ballot.²¹⁵

Opponents criticized the proposal and the creation of independent commission, believing the "creation of an 'unelected and unaccountable'

206. Peter Miller, *Why Independent Redistricting Commissions Should Draw Electoral District Maps*, SCHOLAR STRATEGY NETWORKS (May 21, 2018), <https://scholars.org/contribution/why-independent-redistricting-commissions-should-draw-electoral-district-maps> [https://perma.cc/6WT8-SLAJ].

207. Cain, *supra* note 51, at 1815.

208. See Jason Torchinsky & Dennis W. Polio, *How Independent Is Too Independent?: Redistricting Commissions and the Growth of the Unaccountable Administrative State*, 20 GEO. J.L. & PUB. POL'Y 533, 535 (2022) ("The public's inability to approve or disapprove of commission decisions erodes the essential constitutional check on governmental overreach that the Founders envisioned.").

209. IOWA CODE § 42.4(5) (2025).

210. Paul Egan, *Michigan Voters Approve Anti-Gerrymandering Proposal 2*, DETROIT FREE PRESS (Nov. 7, 2018, 5:23 AM), <https://www.freep.com/story/news/politics/elections/2018/11/06/proposal-2-michigan-gerrymandering/1847078002> [https://perma.cc/7FN6-BTRS].

211. Volic, *supra* note 23.

212. The Democratic party also passed gerrymandered maps when they were in power previously. Egan, *supra* note 210.

213. *Id.* ("A Republican congressional aide, Jack Daly, crowed that the GOP-drawn proposed redistricting plan 'in a glorious way...makes it easier to cram ALL of the Dem garbage in Wayne, Washtenaw, Oakland and Macomb counties into only four districts.'").

214. *We Ended Gerrymandering in Michigan*, VOTERS NOT POLITICIANS, <https://votersnotpoliticians.com/redistricting> [https://perma.cc/JBH4-FLXD].

215. *Id.*

commission is bad policy.”²¹⁶ The argument is unpersuasive because politicians with full control of redistricting allows them to create maps with favorable electoral conditions for themselves. Elected lawmakers may be voted out as a form of accountability, but because the maps they implement continue for ten years, they are further entrenched in their power and more unlikely to lose reelection. Independent commissions are far more accountable than political processes. The ballot measure passed with overwhelming support with sixty-one percent of the vote during the November general election in 2018.²¹⁷ Conservative groups challenged the proposition in court and lost.²¹⁸

MICRC has thirteen commissioners, who must be (1) registered Michigan voters; (2) not a candidate or elected official for partisan office, participant in a political party or campaign, legislative employee, lobbyist, or state employee in the past six years; (3) not closely related to anyone disqualified; and (4) not otherwise disqualified.²¹⁹ Commissioners are then ineligible to hold partisan elected office for the next five years.²²⁰ Potential commissioners apply, finalists are randomly selected, and “the Secretary of State randomly selects [four] Democrats, [four] Republicans, and [five] of” no party affiliation.²²¹

Michigan’s Constitution specifies the maps must follow the following criteria, in order of priority: (1) equal population; (2) geographical continuity; (3) “reflect the state’s diverse population and communities of interest”; (4) no political advantage; (5) not favor incumbency; (6) reflect county, city, township boundaries, and (7) be reasonably compact.²²² The commission is required to hold “extensive opportunities for public participation,”²²³ including “at least ten public hearings” to inform voters and receive public input before drawing maps, and at least five after maps are released.²²⁴ The commission must publicly release its methods, reports, and data used in drawing district lines.²²⁵ These efforts towards transparency and political independence are important to build public trust and accountability. The final maps must be approved by a nine-member quorum, with at least

216. Egan, *supra* note 210.

217. *Id.*

218. *Id.*

219. MICH. CONST. art. IV, § 6 (1963).

220. *Id.*

221. *Id.* § 6(2); see Michigan, ALL ABOUT REDISTRICTING, <https://redistricting.ills.edu/state/michigan> [<https://perma.cc/L47P-9CKY>].

222. MICH. CONST. art. IV, § 6(13).

223. Ronald Liscombe & Sean Rucker, *Redistricting in Michigan: Past, Present, and Future*, 99 MICH. BAR J. 18, 21 (2020).

224. MICH. CONST. art. IV, § 6(8)–(9).

225. *Id.* § 6(15).

seven commissioners voting yes, including two Democrats, two Republicans, and two of no party affiliation.²²⁶

The commission has been successful in reducing partisan influence and gerrymandering in Michigan's redistricting process. By contrast to 2010's "aggressively gerrymandered" maps, the commission's maps were "among the country's most politically balanced."²²⁷ The 2010 maps created a scenario in which the majority party "only had to win districts with a built in advantage of more Republicans living there to gain a majority in both state legislative chambers."²²⁸ The new maps required both parties to "compete over districts with minimal partisan lanes."²²⁹ The election results provided a real change: "The maps allowed the statewide vote to match the seat count" in the legislative districts.²³⁰ The maps do have room for improvement, primarily in the treatment of communities of color.²³¹

2. Constitutional Amendment in Iowa

Michigan's successful implementation of an independent commission may serve as inspiration for reforms in Iowa. Significantly, Iowa does not allow citizen-led ballot initiatives or referendums, unlike Michigan.²³² To enact an amendment, Iowa's Constitution requires the amendment proposal to first be introduced in either the House or Senate and pass both chambers.²³³ The proposal must then pass both chambers a second time, before being put to a statewide vote during the general election.²³⁴

An independent advisory commission builds Iowa's legacy of commitment to fair and nonpartisan maps and ensures this legacy endures. Despite the challenges in amending Iowa's Constitution, the advantages are profound. A constitutionally imposed independent commission provides long-term assurance to voters of fair maps. It also has historical precedent: Iowa's Constitution was amended in 1968 to require districts be based on population data and be compact and contiguous.²³⁵ The commission should be required to follow the current criteria outlined in Iowa's current framework, including the prohibition on using political data, incumbency,

226. *Michigan*, *supra* note 221.

227. *Li*, *supra* note 198.

228. *An Assessment of Michigan's Redistricting Process*, U. OF MICH. FORD SCH. (Dec. 5, 2022), <https://fordschool.umich.edu/news/2022/assessment-michigans-redistricting-process> [<https://perma.cc/gLNT-JDS2>].

229. *Id.*

230. *Id.*

231. *Id.*

232. Morgan Thomas, *How Ballot Measures Get on the Ballot*, THE COUNCIL OF STATE GOV'TS (Nov. 9, 2023), <https://www.csg.org/2023/11/09/how-ballot-measures-get-on-the-ballot> [<https://perma.cc/DqJS-WM3B>].

233. IOWA CONST. art X, § 1.

234. *Id.*; IOWA CODE §§ 49.43–49.44; *Id.* §§ 49A.1–49A.11.

235. IOWA CONST. art. III, §§ 34–36.

and diluting minority groups.²³⁶ If Iowans are concerned about the accountability of an independent commission, Iowa may consider including a provision allowing for a supermajority of the legislature to override the commission, as included in New York and Washington.²³⁷ Amending the Iowa Constitution to implement an independent redistricting commission provides the best long-term solution to ensure fair congressional and legislative district maps in Iowa.

B. A SAFEGUARD PROVISION

In Iowa, a constitutional amendment is difficult to achieve and takes at least several years. It also requires lawmakers to cede power away from themselves and towards an independent commission. In the absence of a constitutional amendment, a practical short-term solution is to adopt a “safeguard” provision to the current statutory framework, which would require a three-fourths majority approval for the third round of maps, effectively guaranteeing bipartisan support. Under Iowa’s current statutory framework, legislators may amend or propose their own maps if they reject the LSA’s first two map proposals. While this has yet to occur in the five times Iowa has redistricted since implementing the framework in 1980, single-party control of state government and increased partisanship increases the possibility it may occur in the future.

The concept of a safeguard provision was proposed recently in Wisconsin.²³⁸ After a history of gerrymandering, lawmakers in Wisconsin proposed an “Iowa-style” redistricting model to reform their redistricting process.²³⁹ A version of this proposal included a “key safeguard provision” if the legislature rejects two rounds of maps, the third proposal requires three-quarters approval by the legislature.²⁴⁰ This was designed to “prevent lawmakers from playing ‘games’ with the process.”²⁴¹

Wisconsin did not end up adopting the “Iowa model” of redistricting or the safeguard provision, however the idea serves as inspiration for increased protections for Iowa’s own process. Currently, states such as Connecticut and Maine’s legislatures draw their maps, but both states require supermajorities—two-thirds of the House and Senate—to approve

236. See *supra* Part 1.A.3.

237. Levitt, *supra* note 38.

238. Baylor Spears, *Assembly Republicans Announce Plans to Introduce Iowa-style Redistricting Process*, WIS. EXAM’R (Sept. 12, 2023, 8:26 PM), <https://wisconsinexaminer.com/2023/09/12/assembly-republicans-announce-plans-to-introduce-iowa-style-redistricting-process> [https://perma.cc/6JAZ-5VRY].

239. Andrew Bahl, *Is Iowa-style Redistricting in Wisconsin’s Future?*, CAP. TIMES (Sept 13, 2023), https://captimes.com/news/is-iowa-style-redistricting-in-wisconsin-s-future/article_49c8eo42-526f-11ee-ad2f-2fdd42d8bb17.html [https://perma.cc/K5CX-W94N].

240. Spears, *supra* note 238.

241. *Id.*

redistricting plans.²⁴² This concept is recognized as a way to increase the likelihood of bipartisan support of maps, while maintaining Iowa's recognized and well-liked redistricting process. Redistricting policies take time to implement, and thus implementing this safeguard provision into Iowa's current statutory framework is a practicable solution before the next redistricting round following the 2030 census.²⁴³

CONCLUSION

Iowa voters and elected officials are overwhelmingly supportive and proud of the purportedly nonpartisan redistricting process because it is designed to protect democracy and each individual's representation in government. However, Iowa's process of drawing electoral districts remains vulnerable because it is not insulated from increasingly partisan politics in the state and nationally. One-party trifecta of state government puts statutory processes reliant on adherence to institutional norms like this in danger. The support of Iowa's "gold-standard" redistricting process should be utilized to put in place protections; either in the form of a "safeguard" provision for legislatively amended maps, or a constitutional amendment enshrining a truly nonpartisan, independent process not subject to legislative approval or a governor's veto.

242. Levitt, *supra* note 34.

243. See Adam Kuckuk, *Act Now, Don't Delay on Your Redistricting To-Do List*, NAT'L CONF. OF STATE LEGISLATURES (Sept. 11, 2024), <https://www.ncsl.org/state-legislatures-news/details/act-now-dont-delay-on-your-redistricting-to-do-list> [<https://perma.cc/RX37-5E56>] ("It's never too early to start thinking about redistricting.").