



FINAL REPORT

November 10, 2021

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State of Idaho



Office of the Secretary of State

Order

Establishing Commission for Reapportionment

WHEREAS, Article III, Section Two of the Idaho State Constitution provides for the establishment of a Commission for Reapportionment under certain conditions; and

WHEREAS, the official results of the 2020 federal census have been received by the state of Idaho; and

WHEREAS, the census figures indicate that the current legislative and congressional districts are not within constitutional parameters;

WHEREAS, the appointing authorities specified in Article III, Section Two of the Idaho State Constitution have submitted their designations;

NOW, THEREFORE, I, Lawrence Denney, Secretary of the State of Idaho, by the authority vested in me under Article III, Section Two of the Idaho State Constitution, and Section 72-1501, Idaho Code, do hereby establish the Commission for Reapportionment. The members of the commission are as follows:

Bart Davis	of Garden City, Idaho
Tom Dayley	of Boise, Idaho
Nels Mitchell	of Boise, Idaho
Amber Pence	of Tetonía, Idaho
Eric Redman	of Spirit Lake, Idaho
Dan Schmidt	of Moscow, Idaho



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise, the Capital of Idaho, This Twelfth day of August, in the year of our Lord, Two Thousand and Twenty-one, and of the Independence of the United States of America, the Two Hundred and Forty-sixth.


Secretary of State

Figure 1
Order Establishing Commission for Reapportionment

Introduction

Idaho law¹ requires the Secretary of State to establish a Commission for Reapportionment when the results of a new federal census are available. The State of Idaho received the results of the 2020 census on August 12, 2021.² That same day, Secretary of State Lawrence Denney issued an Order Establishing Commission for Reapportionment,³ which named the following individuals⁴ to the Commission:

Bart Davis, appointed⁵ by Chuck Winder, President Pro Tempore of the Idaho Senate;

Tom Dayley, appointed by Scott Bedke, Speaker of the Idaho House of Representatives;

Nels Mitchell, appointed by Fred Cornforth, Chair of the Idaho Democratic Party;

Amber Pence, appointed by Ilana Rubel, Minority Leader of the Idaho House of Representatives;

Eric Redman, appointed by Tom Luna, Chair of the Idaho Republican Party; and

Dan Schmidt, appointed by Michelle Stennett, Minority Leader of the Idaho Senate.

The Commission convened on September 1, 2021, and elected Commissioners Davis and Schmidt as co-chairs. During business meetings⁶ held in Boise in the first and second weeks of September, the Commission adopted rules⁷ regarding organization, procedure, and other matters, and drafted redistricting plans⁸ for discussion and consideration by the public. Over the next four weeks, the Commission toured the state, holding in-person public hearings at seventeen different locations,⁹ during which public testimony was taken on matters pertinent to redistricting, including the Commission's draft

¹ See Idaho Const. art. III, § 2, and I.C. § 72-1501.

² Ordinarily, the state would have received these results by April 1, but census activities were delayed by the COVID-19 pandemic.

³ See Figure 1.

⁴ Commissioner biographies appear in Appendix I of this report.

⁵ The appointing authorities — individuals who nominate members of the Commission — are designated in I.C. § 72-1502.

⁶ The Commission's meeting and hearing schedule appears in Appendix II of this report, and the meeting and hearing minutes appear in Appendix III of this report.

⁷ The Commission's rules appear in Appendix IV of this report.

⁸ See Figure 2, page 5, for these initial draft plans. Commission draft plans also appear in Appendix V of this report.

⁹ See I.C. § 72-1505(4).

plans and draft plans submitted by the public through the Commission’s website.¹⁰ The Commission held an eighteenth public hearing on October 12, 2021. This was a remote testimony session, during which residents from around the state testified using video conferencing technology, to accommodate individuals who wished to testify but could not or preferred not to do so in person. The Commission also accepted written public comments submitted through its website.

In the last week of October and the first week of November, the Commission held business meetings in Boise to finalize legislative and congressional redistricting plans, having taken into consideration applicable redistricting law and the testimony, written comments, and draft plans submitted by the public. Sixty-five days after convening, on November 5, 2021, the Commission adopted **Plan L03** and **Plan C03** as Idaho’s legislative and congressional redistricting plans, respectively. For reasons described below, on November 10, the Commission reaffirmed its adoption of **Plans L03** and **C03**, adopted this report, and adjourned.

Process

To draft an initial legislative redistricting plan, the Commission divided itself into three subcommittees that focused on specific regions of the state. Each subcommittee was composed of a Democratic appointee and a Republican appointee who were familiar with the regions of the state to which they were assigned. Cochair Schmidt and Commissioner Redman formed the North Idaho Subcommittee; Cochair Davis and Commissioner Pence formed the East Idaho Subcommittee; and Commissioners Dayley and Mitchell formed the Treasure Valley Subcommittee.

The Commission assigned counties that each subcommittee would work with¹¹ and agreed that no district should deviate more than five percent, either over or under, from the ideal district size,

¹⁰ <http://redistricting.idaho.gov>

¹¹ For the North Idaho Subcommittee: Boundary, Bonner, Kootenai, Shoshone, Benewah, Clearwater, Latah, Nez Perce, Lewis, Idaho, and Adams. For the Treasure Valley Subcommittee: Ada, Canyon, and Owyhee, and later Washington, Payette, and Gem. For the East Idaho Subcommittee: all remaining counties.

unless there was a compelling reason for such deviation. The Commission also agreed to “meet in the middle” when drafting a plan for the entire state, with the understanding that the subcommittees could work with counties adjacent to their regions if necessary to get closer to the ideal district size.

Once the regional maps were finished, the Commission merged them to create **Plan L01**, the discussion draft that was presented to the public during the Commission’s tour of the state. The Treasure Valley Subcommittee, focused primarily on Ada, Canyon, and Owyhee Counties, also produced two draft congressional plans, C01 and C02. **Plan C01** depicted congressional districts similar to what Idaho has had in the past, with Ada County divided, while **Plan C02**, with no counties divided, created a southwestern congressional district and united the rest of the state in another district. Both draft congressional plans were presented to the public for discussion as well. At public hearings, the Commission distributed a handout¹² describing the legal criteria for both legislative and congressional redistricting, so that the public would have an understanding of the requirements that must be weighed in creating a valid redistricting plan.

The Commission spent the next four weeks touring the state and wrapped up its public hearing schedule with the remote testimony session on October 12. Following a business meeting on October 13, the commissioners took the next two weeks to consider the testimony and written comments they had received, as well as the proposed draft plans submitted by the public. Reconvening in Boise, the Commission published **Plan L02**¹³ on October 28 and invited the public to take the next week to provide feedback. The Commission also announced an intended timeline for the next two weeks:

- By November 4, a new draft congressional plan would be posted for public consideration;
- By November 10, the Commission would make final adjustments to the legislative and

¹² This handout is included in Appendix II of this report.

¹³ Draft Commission plans appear in Appendix XI of this report.

congressional redistricting plans; and

- On November 10, the Commission would vote on the final plans as well as the Final Report.

On November 2, the Treasure Valley Subcommittee met with staff to incorporate changes to **Plan L02**, having received considerable feedback from the public. Over the next two days, the other subcommittees made adjustments to **Plan L02** as well. On November 3, at a noticed business meeting, the full Commission discussed various options for congressional redistricting. Cochair Schmidt and Commissioner Mitchell supported a no-county-split plan such as **Plan C036**,¹⁴ while Cochair Davis proposed a plan that would split Ada County with a 0% population deviation. Cochair Davis's plan would be published the next day as **Plan C03**, and this was ultimately the plan adopted by the majority of the Commission.

Commissioner Dayley was not feeling well on November 3 and participated in the business meeting by video conference. On the morning of November 4, he informed the other commissioners and staff that he had tested positive for COVID-19. Commissioner Mitchell, as well as three staffers, had been with Commissioner Dayley most of the day on November 2 during the Treasure Valley Subcommittee's meeting and had therefore been potentially exposed.

At this point, the Commission had less than a month to conclude its business. Believing it necessary under the circumstances to proceed expeditiously, and having sought counsel from the Office of the Attorney General, the Commission announced on the record at the November 4 business meeting that votes on the final plans would be taken at a 3:30 p.m. special meeting the next day. An agenda for the special meeting was posted on the Commission's website and in the State Capitol at 2:13 p.m. on November 4, more than 24 hours before the special meeting was to take place.

¹⁴ All proposed plans submitted by the public as well as the comments accompanying the plans may be found in Appendix XII.

At the meeting on November 5, after preliminary votes to set aside certain redistricting criteria described in I.C. § 72-1506(7) and (9), the Commission voted to adopt **Plans L03** and **C03**. The vote on the Final Report remained scheduled for November 10. Following the November 5 meeting, it was brought to the attention of the Commission that the agenda posted for the special meeting on November 5 might not have complied with the provisions of the Open Meetings Law. To cure any potential violation, the Commission repeated the votes of November 5 at the November 10 meeting and concluded its business after adopting this report and delivering it to the Secretary of State.

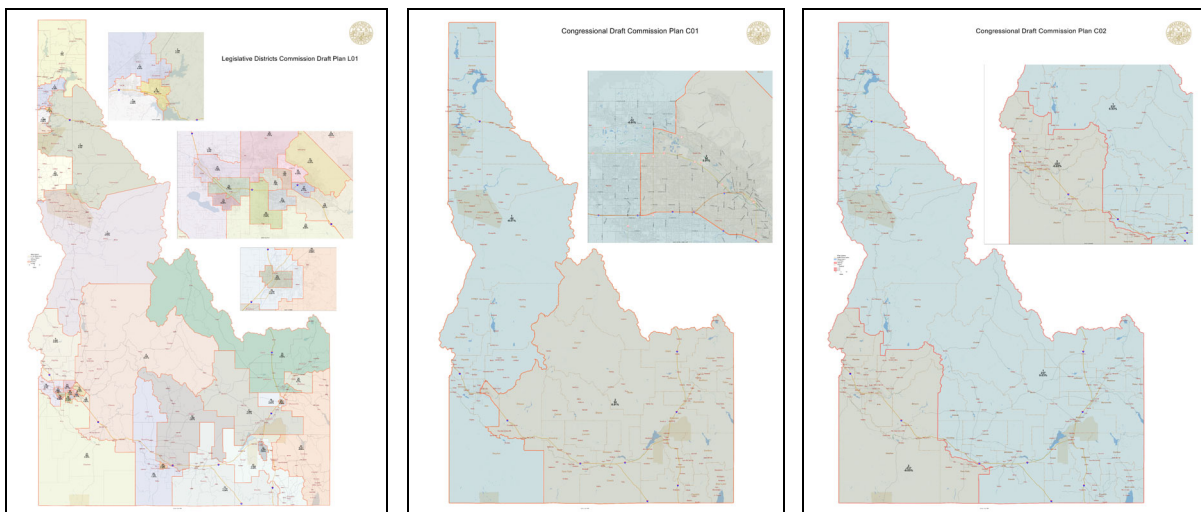


Figure 2
Commission Discussion Drafts

*These were the draft redistricting plans introduced by the Commission for public discussion.
From left to right: Plan L01, Plan C01, Plan C02.*

Legal Criteria for Legislative Redistricting

The Fourteenth Amendment of the United States Constitution prohibits a state from denying “to any person within its jurisdiction the equal protection of the laws.”¹⁵ This clause, the Equal Protection Clause, “guarantees the opportunity for equal participation by all voters in the election of state legislators” and requires that seats in both houses of a state legislature be apportioned on a population

¹⁵ U.S. Const. amend. XIV, § 1.

basis.¹⁶ A person's right to vote for state legislators is unconstitutionally impaired when the weight of that person's vote is "in a substantial fashion diluted" compared to the votes of citizens in other parts of the state.¹⁷ For this reason, the districts from which legislators are elected must be substantially equal in population, "so that the vote of any citizen is approximately equal in weight to that of any other citizen in the [s]tate."¹⁸

This constitutional requirement for substantial equality does not demand an "unrealistic overemphasis on raw population figures" or a "mere nose count in the districts."¹⁹ A state, in creating districts, may "legitimately desire to maintain the integrity of various political subdivisions" and take into account other valid considerations, such as "natural or historical boundary lines."²⁰ In fact, not allowing the state to consider geographical factors "may be little more than an open invitation to partisan gerrymandering."²¹ However, while maintaining county or other political subdivision boundaries "can justify small deviations, it cannot be allowed to negate the fundamental principle of one person, one vote."²² Using political subdivision boundary lines in establishing state legislative districts is "constitutionally valid, so long as the resulting apportionment [is] one based substantially on population and the equal population principle [is] not diluted in any significant way."²³

In general, a redistricting plan with a maximum population deviation under 10% is permissible, while a plan with larger disparities in population is *prima facie* unconstitutional.²⁴ Maximum population deviation:

expresses the difference between the least populous district and most populous district in terms of the percentage those districts deviate from the ideal district size. (The ideal district size is calculated by dividing the total population by the number of districts.) For

¹⁶ *Reynolds v. Sims*, 377 U.S. 533, 566, 568 (1964).

¹⁷ *Reynolds*, 377 U.S. at 568.

¹⁸ *Reynolds*, 377 U.S. at 579.

¹⁹ *Brown v. Thomson*, 462 U.S. 835, 843 (1983).

²⁰ *Reynolds*, 377 U.S. at 578-579.

²¹ *Reynolds*, 377 U.S. at 579.

²² *Hellar v. Cenarrusa*, 106 Idaho 586, 590 (1984).

²³ *Reynolds*, 377 U.S. at 578.

²⁴ *Brown*, 462 U.S. at 842-843, and *Bonneville County v. Ysursa*, 142 Idaho 464, 467 (2005).

example, if among thirty-five districts, the least populous district is four percent below the ideal, and the most populous district is four percent above the ideal, the maximum population deviation would be 4-(-4), or eight percent.²⁵

A maximum population deviation under 10% is no safe harbor, however.²⁶ A redistricting plan with a maximum population deviation under 10% may be found unconstitutional if the deviation “results from some unconstitutional or irrational state purpose.”²⁷ Additionally, a redistricting plan with a maximum population deviation under 10% will be held unconstitutional if the individual right to vote in one part of the state is substantially diluted compared to the individual right to vote in another part of the state.²⁸ In other words, a redistricting plan is unconstitutional under the Equal Protection Clause, regardless of the maximum population deviation, if the weight of a person’s vote depends substantially on where in the state that person lives. The votes of citizens in one part of the state should not be given “two times, or five times, or 10 times the weight of votes of citizens in another part of the [s]tate,” as that would dilute the vote of those living in the “disfavored areas.”²⁹

Essentially, in considering whether a redistricting plan violates the Equal Protection Clause, it is not enough to consider the mere size of the population disparities between districts; the “consistency of application and the neutrality of effect of the nonpopulation criteria” must also be considered, to ensure that the right to vote is not being diluted for some citizens based on the area in which they live.³⁰ Inconsistent application of nonpopulation criteria will not justify population deviation.³¹

The Idaho Constitution provides nonpopulation criteria for the Commission to consider in the redistricting process. A county must remain whole unless it is “reasonably determined” that counties

²⁵ *Bonneville County*, 142 Idaho at 474 n.1.

²⁶ *Larios v. Cox*, 300 F.Supp.2d. 1320, 1340 (N.D. Georgia 2004), *aff’d*, 542 U.S. 947 (2004).

²⁷ *Bonneville County*, 142 Idaho at 468.

²⁸ *Bonneville County*, 142 Idaho at 468.

²⁹ *Reynolds*, 377 U.S. at 562.

³⁰ *Brown*, 462 U.S. at 845-846.

³¹ *Bingham County v. Idaho Commission for Reapportionment*, 137 Idaho 870, 873 (2002).

must be divided to comply with the United States Constitution.³² When a county must be divided to create legislative districts, *internal divisions*, which create districts wholly contained within a county, are favored over *external divisions*, which create districts that combine part of the county with another county.³³ A county may not “be divided and aligned with other counties to achieve ideal district size if that ideal district size may be achieved by internal division of the county.”³⁴ When it is necessary to combine counties to create a district, the counties in the district must be contiguous.³⁵

Idaho statute provides additional nonpopulation redistricting criteria, some of which echo or expand on federal and state constitutional criteria. These statutory criteria are either mandatory or advisory.³⁶ Under the mandatory criteria, a redistricting plan shall:

- Be based on population data reported by the United States Census Bureau. This census data shall be the exclusive permissible data;
- Preserve traditional neighborhoods and local communities of interest to the maximum extent possible;
- Create districts that are substantially equal in population;
- Avoid dividing counties;
- Include districts composed of contiguous counties when counties must be divided;
- Retain local voting precinct boundaries, unless this requirement is waived by Commission vote;
- Not divide counties to protect a political party or an incumbent; and
- Include districts that, when containing more than one county or a portion of a county, are directly connected by an interstate, a U.S. highway, or a state highway, unless this

³² Idaho Const. art. III, § 5, and *Bingham County*, 137 Idaho at 874.

³³ Idaho Const. art. III, § 5, and *Bingham County*, 137 Idaho at 874.

³⁴ *Bingham County*, 137 Idaho at 874.

³⁵ Idaho Const. art. III, § 5.

³⁶ *Twin Falls County v. Idaho Commission on Redistricting*, 152 Idaho 346, 349 (2012).

requirement is waived by Commission vote.³⁷

Under the advisory criteria, a redistricting plan should:

- Avoid oddly shaped districts; and
- Keep divisions per county to a minimum.³⁸

When the various redistricting criteria conflict with each other, there is a hierarchy of applicable law in creating a redistricting plan.³⁹ First, the United States Constitution — its requirement for substantially equal population — must be satisfied; following that, the requirements of the Idaho Constitution must be met; and only then may statutory criteria be considered, with mandatory criteria ranking above advisory criteria.⁴⁰ “A lower ranking source of law in this hierarchy is ineffective to the extent that it conflicts with a superior source of law.”⁴¹

The effect of this hierarchy is to place the prohibition on unnecessary county division above all criteria except equal protection. A redistricting plan must

begin with the premise that the counties will not be split unless it is necessary to meet standards of equal protection. If it is necessary to go outside county boundaries to form a district, considerations in § 72-1506 come into play, such as joining communities of interest and avoiding oddly shaped districts. These are factors to be considered, but they are subordinate to the [c]onstitutional standard of voter equality and the restrictions in the Idaho Constitution upon splitting counties except to achieve that voter equality.⁴²

In other words, the prohibition on unnecessary county division is a threshold standard and the “baseline for consideration within the state system — trumped only by the [c]onstitutional need for equal protection.”⁴³ To the “extent possible, counties should not be split, or the splits should be kept to the minimum possible while meeting equal protection standards.”⁴⁴

³⁷ I.C. § 72-1506.

³⁸ I.C. § 72-1506 (4) and (5).

³⁹ *Twin Falls County*, 152 Idaho at 348.

⁴⁰ *Twin Falls County*, 152 Idaho at 348-350.

⁴¹ *Twin Falls County*, 152 Idaho at 348.

⁴² *Bingham County*, 137 Idaho at 874.

⁴³ *Bingham County*, 137 Idaho at 876.

⁴⁴ *Bingham County*, 137 Idaho at 875.

With this legal hierarchy in place, the Commission, in drafting potential redistricting plans and in evaluating proposed plans submitted by the public, treated as threshold standards both substantially equal population and minimum county divisions. Only after these standards were satisfied did the Commission consider and weigh the criteria provided in statute.

Equal Protection and County Division

While numeric equality between districts is not the only redistricting criterion the Commission is obliged to consider, it is the first and most important one. In creating legislative districts, the Commission must “make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as practicable.”⁴⁵ This principle, known as the “one person, one vote” principle, allows small deviations from a strict population standard only if the deviations are based on “legitimate considerations incident to the effectuation of a rational state policy.”⁴⁶

Idaho’s total state population, as determined by the 2020 census, is 1,839,106. The ideal district size — the quotient of the total state population divided by the total number of districts, 35 — is 52,546. That number — 52,546 — must serve as the Commission’s polestar, and each deviation in each district from that number must result from service to a rational state policy, legitimately applied.

As discussed above, plans with a maximum population deviation less than 10% are generally constitutional but are unconstitutional if the deviation results from an irrational purpose or if the individual right to vote in some parts of the state is diluted as compared to others. Even a deviation meant to serve a rational state policy is impermissible if the application of the policy is inconsistent, arbitrary, or discriminatory. Nonpopulation criteria may justify deviation from the ideal district size only if they are applied consistently and neutrally.

The Commission determined that a good faith effort to achieve voter equality — the standard

⁴⁵ *Reynolds*, 377 U.S. at 577.

⁴⁶ *Reynolds*, 377 U.S. at 579.

mandated by the United States Supreme Court in *Reynolds* — requires staying as close as possible to the ideal district size while still effectuating state policy. The Commissioners agreed that in no instance would they craft a district that deviated more than 5% over or under the ideal district size, unless the district was an outlier and there was an extraordinarily compelling reason for the larger deviation.

The Commission's rationale here was threefold. First, any district deviation that was over or under 5% from the ideal district size would put pressure, perhaps significant, on other districts to have a minimal deviation. Otherwise, the plan might violate the 10% guideline for constitutionality. If, for example, one district was very underpopulated, with a deviation of -7.5%, then every other district in the state would require a deviation less than +2.5%. The Commission did not believe, absent an extraordinary reason, that the people in one district deserved such preferential treatment at the expense of the people in the rest of the state.

Second, the Commission believed that a lopsided deviation might well represent an arbitrary and inconsistent application of state policy, especially if an exception were made for multiple districts, instead of one outlier district with unique geographical challenges.

Finally, the Commission suspected that a lopsided deviation, which would represent significant overpopulation or underpopulation of a district — a difference of thousands of people — could result in dilution of the individual right to vote and the diminishment of effective representation. Constituents in a heavily overpopulated district, for example, could not be said to enjoy approximately the same access to their legislators as constituents in more underpopulated districts.

The Commission's approach ultimately yielded **Plan L03**, which has a 5.84% maximum population deviation and divides eight counties. The Commission's detailed rationale for dividing eight counties is explained in the General Legislative Plan Findings below. However, five proposed plans⁴⁷

⁴⁷ Proposed plans submitted by the public and the comments accompanying those plans appear in Appendix XII of this report.

submitted by the public divided only seven counties. After closely analyzing the plans, the Commission finds that each would likely violate the Equal Protection Clause and that they are also inconsistent with other principles applicable to the redistricting process.

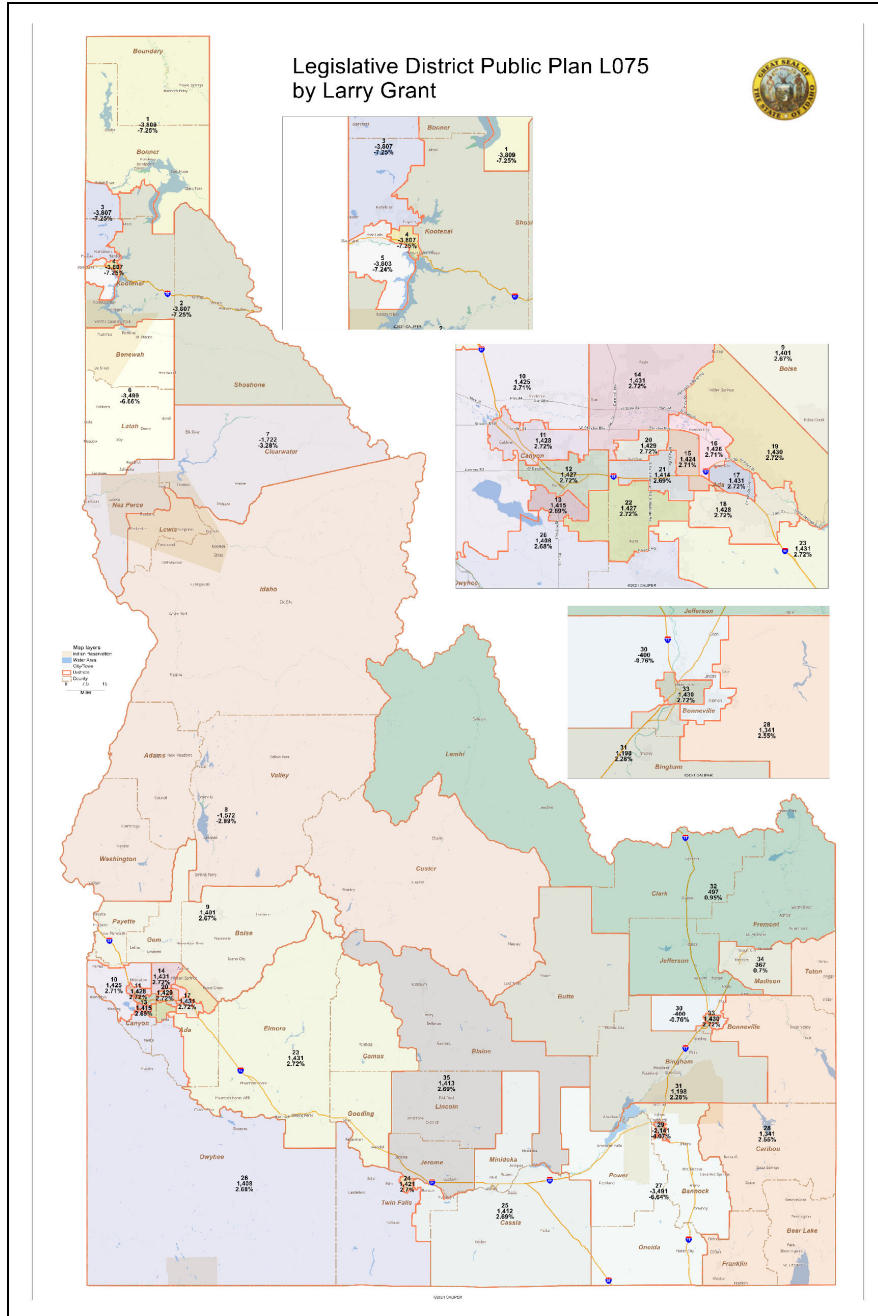


Figure 3
Plan L075

Two of the plans, **L071** and **L077**, both have maximum population deviations of 12.72%, which means they are *prima facie* unconstitutional. Two more, **L075** and **L076**, have a maximum population deviation of 9.97%, and the last one, **L079**, has a maximum population deviation of 10%. These last three plans have significant defects and stand on dubious equal protection grounds.

L075 and **L076** are presumptively constitutional, if barely. But that is not the end of the analysis. As mentioned above, the 10% guideline is not a safe harbor; a plan with a presumptively constitutional deviation may still be found unconstitutional if the deviation results from an unconstitutional, irrational, inconsistent, or discriminatory state purpose.

The plain purpose of **L075** is to achieve a seven-county-split plan. This is not a plan one would draw if equal protection were the primary purpose being served. The five northernmost districts in the state are all underpopulated to an extreme degree, with deviations of either -7.25% (Districts 1, 2, 3, and 4) or -7.24% (District 5). District 6 is also significantly underpopulated, with a -6.6% deviation. Outside of North Idaho, Districts 10 through 26, along with 28, 31, and 33, are all overpopulated, with ten districts — 11, 12, 14, 17, 18, 19, 20, 22, 23, and 33 — at the top end of the deviation range, +2.72%. Three more districts, 10, 15, and 16, have a deviation of +2.71%; one district, 24, has a deviation of +2.7%; two districts, 13 and 21, have a deviation of +2.69%; and one district, 26, has a deviation of +2.68%. There is a difference of over 5,200 people between the least and most populated districts in **L075**. In legislative districts, that is a significant disparity.

If the Commission adopted **L075** as its redistricting plan, the Commission could not sincerely claim that it attempted, in good faith, to achieve voter equality. This becomes obvious when the district boundary lines in some of the overpopulated districts are examined. Consider the boundary line between Districts 11 and 12 in Figure 4 on the next page. The yellow line is the district boundary, while the straight horizontal line running above it is Ustick Road — a major thoroughfare and therefore an attractive prospect for a district boundary. One common theme that emerged in the public testimony

and comments submitted to the Commission is that roads, especially major roads, make for good district boundaries.⁴⁸ But the district boundary in Figure 4 does not follow the obvious straight line. Rather, the boundary meanders about on no set course, carving out census blocks here and there, following no logic or reason except this: to ensure that the people in the white, unshaded census blocks stay in District 11, so that District 12's population does not increase. If the boundary were cleaned up even slightly, so that the 38 people in the census blocks marked by red arrows were moved to District 12 instead of District 11, then that would raise the deviation of District 12 to +2.79%, making the maximum population deviation of **L075** 10.04% and the plan *prima facie* unconstitutional.

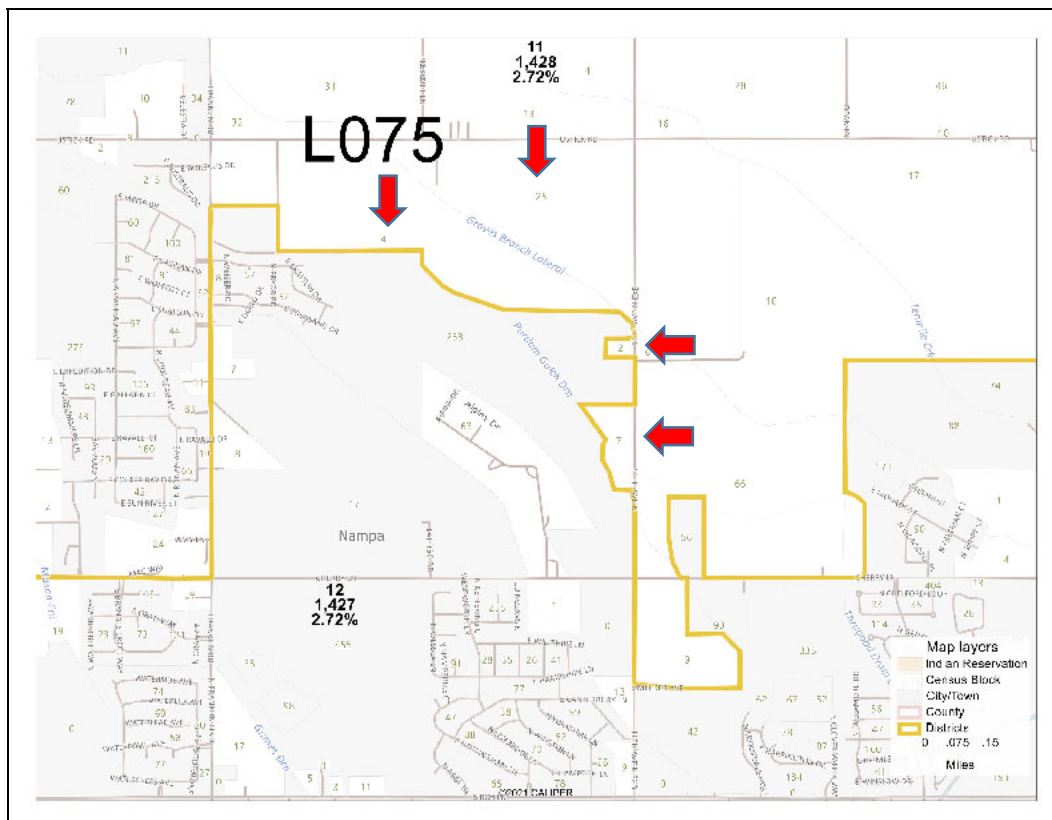


Figure 4
Boundary Line between Districts 11 and 12
Plan L075

⁴⁸ See e.g. the testimony of Phil McGrane, Ada County Clerk, in the Meridian Public Hearing Minutes, September 16, which may be found in Appendix III.

In the opinion of the Commission, a sincere commitment to equal protection — a *good faith* commitment to equal protection — requires more than drawing an irregular line so that 38 people fall on one side of the line instead of the other. If a plan requires irrational boundary manipulation to fall just under the 10% guideline, then the plan is, at the very least, constitutionally suspect.

In making this analysis, the Commission does not mean to imply that anyone who submitted a seven-county-split plan did so for improper purposes. The Commission sincerely appreciates the efforts and participation of all the Idahoans who submitted maps and provided guidance to the Commission.

But if equal protection is to mean anything, it must mean more than drawing irregular lines to capture 38 people for one district instead of another. Commitment to equal protection requires aiming for 0% deviation, not 10%. Commitment to equal protection requires being able to justify deviations with a rational state policy, consistently and neutrally applied.

It is undoubtedly a rational state policy to preserve county integrity as much as possible. But that interest must be served consistently and in a way that complies with both the federal and state constitutions, and the Commission finds that **L075** does neither. In addition to the equal protection problems discussed above, the plan fails to preserve county integrity. Though it does indeed divide only seven counties, it accomplishes this by dividing Bonner County — population 47,110 — into three separate legislative districts. In District 1, part of Bonner is combined with Boundary County; in District 2, part of Bonner is combined with Shoshone County and part of Kootenai County; and in District 3, part of Bonner is combined with part of Kootenai.

The reason this is problematic is that Article III, Section 5 of the Idaho Constitution provides that a county may be divided for only one reason: to comply with the United States Constitution. As the Idaho Supreme Court stated in *Twin Falls County v. Idaho Commission on Redistricting*, the word “only”

means “solely.”⁴⁹ “A county can be divided *solely* for one reason” — to comply with equal protection.⁵⁰ Thus, a county cannot be divided, once or more than once, just to spare another county from being divided. The protection of counties is a provision of the Idaho Constitution, not the United States Constitution.

If a redistricting plan divides a county, such as Bonner, for a reason other than equal protection, then the plan is invalid under the Idaho Constitution. And there is no equal protection standard that justifies dividing Bonner County more than once. Mathematically, Bonner County is smaller than the ideal district size and should not be divided at all. As explained in General Legislative Plan Finding 4.A., the Commission found it necessary, due to the population distribution in North Idaho, to split Bonner once, but finds no equal protection justification for splitting Bonner twice. Indeed, the division of Bonner into three districts might not even be necessary to produce a map that divides only seven counties. **Plan L079**, another seven-county-split plan, divides Bonner into two districts, not three.

Based on the analysis above — because **Plan L075** significantly underpopulates one region of the state at the expense of other regions, thus making the weight of a citizen’s vote dependent on where in the state the citizen lives, and because Bonner County is divided for reasons unrelated to equal protection — the Commission finds that **Plan L075** is constitutionally unviable and should not be adopted as Idaho’s legislative redistricting plan.

Plan L076 shares many of the same problems that **L075** has. Six of the North Idaho districts are, again, significantly underpopulated. Bonner County is, again, unnecessarily divided into three districts. The systematic underpopulation of North Idaho puts so much pressure on the rest of the plan that 26 districts — almost 75% of them — are overpopulated. Seven of them — 11, 12, 14, 17, 18, 19, 20, and 33 — are at the top end of the maximum population deviation. Many district boundaries are similar to

⁴⁹ *Twin Falls County*, 152 Idaho at 349.

⁵⁰ *Twin Falls County*, 152 Idaho at 349 (emphasis in original).

those in **L075**, and similarly arbitrary; again, these boundaries seem to have been manipulated specifically to keep the maximum population deviation just under 10%. The Commission therefore finds that **Plan L076** is constitutionally unviable, for the same reasons that L075 was.

Plan L079 is in some ways a more attractive plan than either **L075** or **L076**. The district boundary lines seem cleaner and less arbitrary. Bonner County is divided into two districts, not three. But **L079** has a maximum population deviation of exactly 10%.

Courts have been somewhat imprecise in describing how a maximum population deviation of exactly 10% should be viewed. The United States Supreme Court observed in *Brown v. Thomson*, 462 U.S. 835, 843 (1983), that plans with a maximum population deviation under 10% generally fall within the category of permissible minor deviations, while “a plan with larger disparities in population...creates a *prima facie* case of discrimination and therefore must be justified by the state.”⁵¹ This would imply that a deviation of exactly 10% is *prima facie* unconstitutional. However, at other times, the United States Supreme Court has described plans with a maximum population deviation *above* 10% as being *prima facie* unconstitutional.⁵²

Assuming *arguendo* that no presumption applies to a plan with a maximum population deviation of exactly 10%, or that a plan with a maximum population deviation of exactly 10% is presumptively constitutional, the Commission nevertheless finds that **Plan L079** does not satisfy equal protection standards for much the same reason that **L075** and **L076** did not: the significant underpopulation of the North Idaho districts at the expense of much of the rest of the state does not serve the cause of voter equality.

What all five seven-county-split plans demonstrated to the Commission is this: in order for the Commission to adopt such a plan, it would have to significantly underpopulate several North Idaho

⁵¹ *Brown*, 462 U.S. at 842-843.

⁵² See e.g. *Evenwel v. Abbott*, 578 U.S. 54 (2016).

districts, and furthermore, it would have to draw irregular district boundary lines to achieve a presumptively acceptable maximum population deviation. Drawing more regular boundary lines to avoid voter confusion would likely put the state in the position of having to justify a plan with a maximum population deviation of more than 10%. In light of existing precedent from both the United States Supreme Court and the Idaho Supreme Court, the Commission did not believe it could justify a seven-county-split plan.

To the Commission's knowledge, the Idaho Supreme Court has never upheld a legislative redistricting plan with a maximum population deviation of 10% or more. In three cases — *Bingham County v. Idaho Commission for Reapportionment*,⁵³ *Smith v. Idaho Commission on Redistricting*,⁵⁴ and *Hellar v. Cenarrusa*⁵⁵ — the Idaho Supreme Court invalidated plans with deviations of, respectively, 11.79%, 10.69%, and 32.94%.

However rational Idaho's policy of maintaining county integrity might be, the Idaho Constitution itself makes clear that the policy is subordinate to the requirements of equal protection, and the Commission is skeptical of its ability to justify any plan that appears to systematically underpopulate, to a significant degree, six districts in one region of the state. In coming to this conclusion, we have found the case *Larios v. Cox*⁵⁶ instructive. In that case, a federal court found Georgia's legislative redistricting plan unconstitutional. The plan had a maximum population deviation of 9.98% but "intentionally and systematically" underpopulated districts in certain parts of the state while overpopulating districts in other parts of the state. The federal court took a dim view of how the plan drafters, rather than making an effort to equalize districts throughout the state, only shifted "as much population...as they thought necessary to stay within a total population deviation of 10%."⁵⁷ The decision was affirmed without

⁵³ 137 Idaho 870, 873 (2002).

⁵⁴ 136 Idaho 542 (2001).

⁵⁵ 106 Idaho 586, 590 (1984).

⁵⁶ 300 F.Supp.2d 1320 (N.D. Ga. 2004), aff'd 542 U.S. 947 (2004).

⁵⁷ *Larios*, 300 F.Supp.2d at 1331.

comment by the United States Supreme Court, but in a concurring opinion, Justice Stevens remarked that “regionalism is an impermissible basis for population deviations.”⁵⁸

Whether the underlying purpose of a seven-county-split map is a sincere effort to effectuate Idaho’s policy against county division or a discriminatory effort to give people in one region more voting power than people in the rest of the state, the effect is the same: North Idaho voters are favored and voters in other parts of the state are disfavored. Either way, the Commission does not believe these maps reflect the application of equal protection as the primary principle in redistricting.

Based on the analysis above, and for the reasons explicated in the General Legislative Plan Findings below, the Commission finds that the minimum number of counties that must be divided to comply with equal protection standards is eight.

General Legislative Plan Findings

Having reviewed Idaho’s 2020 population data provided by the United States Census Bureau pursuant to Public Law 94-171, having considered the law, testimony, and public comments pertinent to legislative redistricting in Idaho, and having considered the proposed legislative redistricting plans⁵⁹ submitted by members of the public, the Commission unanimously makes the following findings:

1. **Number of Districts.** Article III, Section 4 of the Idaho Constitution provides that the “members of the legislature following the decennial census of 2020 and each legislature thereafter shall be apportioned to thirty-five legislative districts of the state.” As this is a constitutional mandate, the Commission has adopted a plan with 35 districts.

2. **Population and Ideal District Size.** The total state population, as determined by the 2020 decennial census, is 1,839,106. The ideal district size — the quotient of the total state population divided by the total number of districts — is 52,546.

⁵⁸ *Cox v. Larios*, 542 U.S. 947, 949 (2004, J. Stevens concurring).

⁵⁹ Proposed plans submitted by the public, and any comments accompanying such plans, may be reviewed in Appendix XII.

3. **County Divisions — Population.** Seven counties — Ada, Bannock, Bonneville, Canyon, Kootenai, Madison, and Twin Falls — have a population exceeding the ideal district size. Six of these counties must be divided to satisfy equal protection standards.

A. **Ada County.** Ada is the state’s most populous county, with 494,967 people.

Mathematically, this predicts nine internal districts, with a remainder of 22,053. Evenly dividing 22,053 people among nine districts would result in districts with a population of 54,996. This would be 2,450 above the ideal district size, for a +4.7% deviation.⁶⁰ If Ada were divided into ten internal districts, each with a population of 49,497, then the population of each district would be 3,049 below the ideal district size, for a deviation of -5.8%. It is mathematically possible to draw only internal districts in Ada County, but either nine or ten internal districts would deviate a great deal from the ideal district size.

Because lower deviations are possible with external divisions of Ada County, and because the Commission is obligated, under the Equal Protection Clause and the *Reynolds* line of cases, to make a good faith effort to achieve ideal district size, the Commission finds that Ada County should be externally split.

B. **Bannock County.** Bannock’s population is 87,018. Mathematically, this predicts one internal district, with a remainder of 34,472. If Bannock were made into one self-contained district, the population of the district would be 34,472 above the ideal district size, for a +65.6% deviation. If Bannock were divided into two internal districts, each with a population of 43,509, then the population of each district would be 9,037 below the ideal district size, for a -17.2% deviation. It is mathematically impossible to create a

⁶⁰ To find the percentage of deviation: (1) subtract the ideal district size from the actual district size; (2) divide the difference by the ideal district size; and (3) multiply the quotient by 100. For example, if the actual district size is 55,000 and the ideal district size is 50,000, then the deviation would be 10%: $55,000 - 50,000 = 5,000$; $5,000/50,000 = 0.1$; $0.1 \times 100 = 10$.

redistricting plan that presumptively satisfies equal protection standards without externally splitting Bannock County. Therefore, Bannock County must be externally split.

C. **Bonneville County**. Bonneville's population is 123,964. Mathematically, this predicts two internal districts, with a remainder of 18,872. Evenly dividing 18,872 people between two districts would result in districts with a population of 61,982. This would be 9,436 above the ideal district size, for a +18% deviation. If Bonneville were divided into three internal districts, each with a population of 41,321, then the population of each district would be 11,225 below the ideal district size, for a deviation of -21.4%. It is mathematically impossible to create a redistricting plan that presumptively satisfies equal protection standards without externally splitting Bonneville County. Therefore, Bonneville County must be externally split.

D. **Canyon County**. Canyon is the second most populous county in the state, with 231,105 people. Mathematically, this predicts four internal districts, with a remainder of 20,921. Evenly dividing 20,921 people among four internal districts would result in districts with a population of 57,776. This would be 5,230 above the ideal district size, for a +10% deviation. If Canyon were divided into five internal districts, each with a population of 46,221, then the population of each district would be 6,325 below the ideal district size, for a deviation of -12%. It is mathematically impossible to create a redistricting plan that presumptively satisfies equal protection standards without externally splitting Canyon County. Therefore, Canyon County must be externally split.

E. **Kootenai County**. Kootenai's population is 171,362. Mathematically, this predicts three internal districts, with a remainder of 13,724. Evenly dividing 13,724 people among three internal districts would result in districts with a population of 57,121. This would be 4,575 above the ideal district size, for a +8.7% deviation. If Kootenai were

divided into four internal districts, each with a population of 42,841, then the population of each district would be 9,705 below the ideal district size, for a -18.5% deviation. It is mathematically impossible for a redistricting plan to presumptively satisfy equal protection standards if it includes four internal districts in Kootenai County. While it might be mathematically possible, if unlikely, for a redistricting plan to satisfy equal protection standards if it includes three internal districts in Kootenai County, the Commission finds that a +8.7% deviation is unacceptably high. Because lower deviations are possible with external divisions of Kootenai County, and because the Commission is obligated, under the Equal Protection Clause and the *Reynolds* line of cases, to make a good faith effort to achieve ideal district size, the Commission finds that Kootenai County should be externally split.

F. **Madison County**. Madison's population is 52,913. This is only 367 above the ideal district size, for a deviation of +0.7%. This deviation is constitutionally insignificant. Madison County should be a self-contained district.

G. **Twin Falls County**. The population of Twin Falls is 90,046. Mathematically, this predicts one internal district, with a remainder of 37,500. If Twin Falls were made into one self-contained district, the population would be 37,500 above the ideal district size, for a deviation of +71.4%. If Twin Falls were divided into two internal districts, each with a population of 45,023, then the population of each district would be 7,523 below the ideal district size, for a deviation of -14.3%. It is mathematically impossible to create a redistricting plan that presumptively satisfies equal protection standards without externally splitting Twin Falls County. Therefore, Twin Falls County must be externally split.

4. **County Divisions — Other**. Two counties, Bonner and Nez Perce, must be divided to satisfy

equal protection standards, even though they do not, by themselves, have a large enough population to justify division.

A. **Bonner County**. For the following reasons, Bonner County must be divided so that part of it forms a district with Boundary County and part of it joins with a district to the south. Boundary is the state's northernmost county, with a population of 12,056. This is too low for Boundary to be a self-contained district. To satisfy equal protection standards, Boundary must be joined with another county, and to satisfy Article III, Section 5 of the Idaho Constitution, Boundary must be joined with a contiguous county. To the north, west, and east, Boundary borders other jurisdictions — British Columbia, Washington, and Montana. The only county in Idaho that borders Boundary is Bonner, with a population of 47,110. One legislative district containing the whole of both counties would have a population of 59,166 — 6,620 above the ideal district size, for a deviation of +12.6%. It is mathematically impossible for a redistricting plan with such a district to presumptively satisfy equal protection standards. Therefore, Bonner County must be divided, part of it combining in a district with Boundary, and part of it combining with counties to the south. Like Boundary, Bonner has a limited number of potential partners in a district, as its western and eastern neighbors, Washington and Montana, are other jurisdictions.

B. **Nez Perce County**. Six contiguous northern counties — Boundary, Bonner, Kootenai, Shoshone, Benewah, and Clearwater — together have a population of 261,961. Dividing that number by the ideal district size predicts five districts for these six combined counties, and **Plan L03**, adopted by the Commission, in fact allots five districts to these six counties.

The next three counties — Latah, Nez Perce, and Lewis — have a combined

population of 85,140, which mathematically predicts 1.62 districts. A district containing all three counties would exceed the ideal district size by 32,594, for an unconstitutional deviation of +62%. Each county is too small to be a self-contained district. Nez Perce, the most populous, has a population of 42,090, which deviates -19.9% from the ideal district size; Latah has a population of 39,517, which deviates -25% from the ideal district size; and Lewis has a population of 3,533, which deviates -93.3% from the ideal district size. No district combining two counties of the three would comply with constitutional requirements: Latah and Nez Perce are contiguous, but their combined population is 81,607, which deviates +55.3% from the ideal district size; Latah and Lewis are not by themselves contiguous, and even if they were, their combined population would deviate -18.1% from the ideal district size; and Nez Perce and Lewis, while contiguous, would together deviate -13.2% from the ideal district size. Combining these two counties together would also leave Latah stranded, with no contiguous county to combine it with.

What the Commission finds in this part of the state is a Gordian knot that must be untangled or cut through. Equal protection and the command in the Idaho Constitution to keep counties whole are in tension, but the Idaho Constitution resolves the dilemma by providing that its requirements must yield to those of the United States Constitution.

To create districts of acceptable population including these counties, Latah, Nez Perce, and Lewis Counties must be combined with counties farther south. Idaho County is contiguous with both Nez Perce and Lewis, and Adams County is contiguous with Idaho County. The five counties together have a population of 106,060; dividing that by the ideal district size would predict 2.02 districts. However, the only one of these

counties adjacent to Latah is Nez Perce. Therefore, Latah can form a district with one or more of the counties farther south only if part of Nez Perce County acts as a bridge between them. Based on this analysis, the Commission finds that Nez Perce County must be split.

5. **County Joinder.** Thirty-seven counties have populations lower than the ideal district size and must be joined with contiguous counties to form districts.

6. **Traditional Neighborhoods and Local Communities of Interest.** I.C. § 72-1506(2) does not define “traditional neighborhood” or “local community of interest.” Case law also does not provide any clarity on what constitutes a “traditional neighborhood;” therefore, the Commission has applied the common understanding of the term “neighborhood”: that is, an area, typically residential, within a larger community that shares common characteristics.

Case law does offer some guidance on what a community of interest is, including “whether the residents in the district regard themselves as a community, whether the residents in the district live in urban or rural areas, and whether the tentacles, appendages, or parts of the district share common transportation lines and media sources.”⁶¹

Public testimony focused almost exclusively on communities of interest, not neighborhoods. Based on court guidance and public testimony, the Commission finds that communities of interest include, but are not limited to, cities, tribal reservations, and, at times, neighboring cities or counties. More generally, the Commission finds that a community of interest is a group of people who share similar legislative concerns. Where possible, the Commission has attempted to keep communities of interest⁶² together. However, the strict legal hierarchy governing legislative redistricting, which

⁶¹ *Bingham County*, 137 Idaho at 877.

⁶² The Commission sincerely wished to accommodate the request of the Shoshone-Bannock Tribes to combine most of the reservation in a district with Bingham County but found it impracticable for both equal protection and county integrity reasons. The Commission details the problem for possible consideration by Idaho policymakers in the Letter to Appointing Authorities, Appendix XV.

prioritizes equal population and maintaining whole counties, limits the Commission’s capacity to do so.

7. **Oddly Shaped Districts**. I.C. § 72-1506(4) does not define “oddly shaped.” Case law offers some guidance in determining what constitutes an oddly shaped district, including whether the district is distorted or elongated, has shoestring connections, disperses urban populations into rural areas, or splits up established areas, such as political subdivisions.⁶³ Idaho’s unique shape, unusually shaped counties, uneven population distribution, and rugged topographic features limit the Commission’s ability to draw compact square or rectangular districts — i.e., districts that appear to be normally shaped. However, the Commission has avoided the hallmarks of oddly shaped districts where possible.

8. **Precincts**. Under I.C. § 72-1506(7), a redistricting plan is required to retain local precinct boundary lines, unless the Commission finds that it cannot complete its duties by fully complying with this requirement. The Commission makes this finding by a unanimous vote and describes below, in the Specific Legislative Plan Findings, where precincts have been divided and the reasons for doing so.

9. **Political Parties and Incumbents**. I.C. § 72-1506(8) prohibits dividing counties to protect political parties or incumbents. The Commission explained its rationale for dividing counties in General Legislative Plan Findings 3 and 4, and the Commission specifically notes that it has not divided any county to protect a political party or an incumbent. When adopting a plan, the Commission declined to consider public testimony or public submissions regarding partisan interests or the home addresses of incumbents. Additionally, the Commission declined to include political or incumbent data in the Maptitude software program it used for redistricting.

10. **Highway Connection**. Under I.C. § 72-1506(9), if a district contains more than one county or a portion of a county, then the counties or the portion must be directly connected by an interstate or by a federal or state highway. As with the requirement to keep voting precincts intact, this requirement may be waived if the Commission finds that it cannot complete its duties by fully complying with this

⁶³ *Bingham County*, 137 Idaho at 876.

requirement. The Commission makes this finding by a unanimous vote and describes below, in the Specific Legislative Plan Findings, the districts that do not comply with this requirement.

11. **Discretion.** In something as inherently political and controversial as legislative redistricting, it is common for well-informed, well-meaning people to ardently disagree. The Commission, as the decision-making body, has tried in good faith to honor public opinion where possible, but “public opinion” is not always uniform. Even when a request is popular, granting the request might not be feasible.⁶⁴ Apportioning the legislature is a matter of discretion and judgment.⁶⁵ In the “high-wire act that is legislative district drawing,” many people have sincere, strongly held opinions about how districts should be drawn, and many of those sincere, strongly held opinions conflict with each other. In trying to balance conflicting requests, the Commission’s discretion and judgment were most influenced by what would best serve the interests of equal protection.

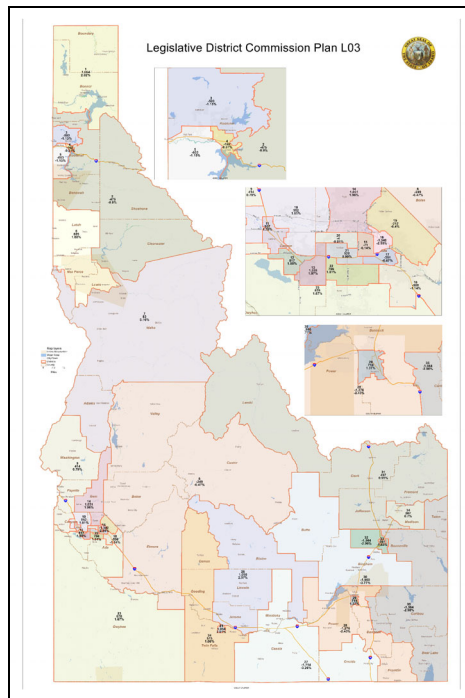


Figure 5
Adopted Plan L03

⁶⁴ See e.g. the Commission’s “Four Counties” analysis in Specific Legislative Plan Finding 44.A.

⁶⁵ *Bonneville County*, 142 Idaho 472.

Specific Legislative Plan Findings

12. **Plan L03.** The Commission hereby adopts, by a unanimous vote, **Plan L03** as Idaho's legislative redistricting plan.

13. **Data.** The population data used in drafting Plan L03 was exclusively⁶⁶ census data. The plan was drafted using the Maptitude software program, purchased by the Commission from the Caliper Corporation.

14. **Maximum Population Deviation.** The maximum population deviation for Plan L03 is 5.84%. The least populated district, 30, has a deviation of -3.77%. The most populated district, 26, has a deviation of +2.07%. Both districts are composed entirely of whole counties: Bingham and Butte in District 30, and Blaine, Lincoln, and Jerome in District 26. These deviations are justified by the requirement, provided in the Idaho Constitution, to keep counties whole as allowed by equal protection. None of these five counties is populous enough to justify division for equal protection purposes, and the district deviations are not great enough to dilute or otherwise negatively impact the individual right to vote in any part of the state. The Commission finds that a 5.84% maximum population deviation is permissible under the Equal Protection Clause.

15. **District Deviations.** Twelve districts in Plan L03 deviate less than 1%, either plus or minus, from the ideal district size. Fourteen districts in Plan L03 deviate between 1% and 1.99%, either plus or minus, from the ideal district size. Seven districts have a deviation between 2% and 3%, either plus or minus, from the ideal district size. Only two districts deviate more than 3% from the ideal district size. Seventy-four percent of the districts in Plan L03 are within 2% of the ideal district size. These deviations arose out of the Commission's effectuation of rational state policies, specifically those provided in

⁶⁶ At the remote testimony hearing on October 12, 2021, Lauren Bramwell, representing the ACLU of Idaho, urged the Commission to apportion incarcerated individuals to their home districts, rather than to the district in which they were confined. The Commission respects this request but finds it legally infeasible. Home addresses of incarcerated individuals are not provided in the census data, and the Commission is statutorily limited to using census data exclusively. We find that granting the ACLU of Idaho's request would require a change in Idaho law.

Article III, Section 5 of the Idaho Constitution and I.C. § 72-1506. The Commission finds that all district deviations from the ideal district size are minor and permissible under the Equal Protection Clause.

16. **County Divisions**. The Commission has determined that the minimum number of counties that need to be divided to satisfy equal protection requirements is eight. As discussed above, evidence in the Commission’s record suggests that seven-county-split plans are discriminatory under the Equal Protection Clause, as they consistently and significantly underpopulate districts in North Idaho at the expense of voters in other parts of the state, such that the weight of a person’s vote depends on the location in the state where that person lives.

17. **District Boundaries**. The following findings for each district include a general description of the district’s boundaries. A detailed report listing the census blocks in each district may be found in Appendix VI.

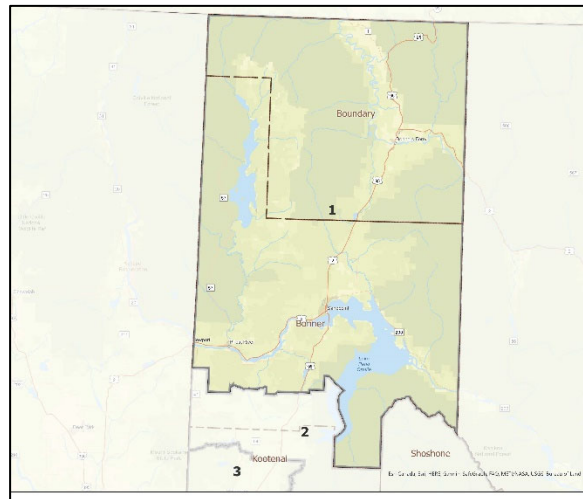


Figure 6
District 1, Plan L03

18. **District 1**. This district consists of Boundary County and most of Bonner County. It has a population of 53,610, deviating +2.02% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest**. Residents of communities around and near Lake Pend Oreille, particularly residents of Sagle, testified

to the Commission about feeling connected to Sandpoint, the area's economic hub. Many of these people felt they had been disconnected from their community of interest during the past ten years, having been included in a district that excluded Sandpoint but included Idaho County, much farther south.⁶⁷ Based on this testimony, the Commission strove to keep these communities in the same district as Sandpoint to the extent possible. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. District Boundaries. The western, northern, and eastern boundaries of District 1 are determined by political geography, being partly coterminous with Idaho's borders with Washington and Montana and wholly coterminous with Idaho's border with British Columbia. Part of the southern boundary is Bonner County's boundary with Kootenai County. The remaining portion of the southern boundary is drawn to exclude 5,556 Bonner County residents from District 1 and apportion them to District 2. This was done to ensure that District 1 had a population that was permissible under equal protection standards.

C. County Division, Joinder, and Contiguity. This district contains all of Boundary County and most of Bonner County. As explained in General Legislative Plan Finding 4.A. above, the division of Bonner County was found necessary for equal protection purposes. Boundary County is too small to constitute its own district and must be combined with part of Bonner to form a district of acceptable size. Boundary County and the portion of Bonner County combined with it in District 1 are contiguous.

D. Precinct Boundary Retention. One Bonner County precinct, Edgemere, was divided in

⁶⁷ See e.g. Sandpoint Public Hearing Minutes, September 22, 2021, Appendix III; and Written Testimony of Susan Drumholler (September 20, 2021), Judy Meyers (September 20, 2021), and Barbara Schriber (September 20, 2021), Appendix XIII.

the creation of this district. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7). Edgemere Precinct has a population of 2,934. In apportioning more than 5,000 Bonner County residents to District 2 to comply with equal protection requirements, the Commission found it necessary to allocate 1,892 Edgemere residents to District 2.

E. Political Parties and Incumbents. The Commission specifically affirms that it has neither divided Bonner County for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. Highway Connection. Boundary County and the portion of Bonner County included in this district are connected by U.S. Route 95, which is part of the United States highway system.

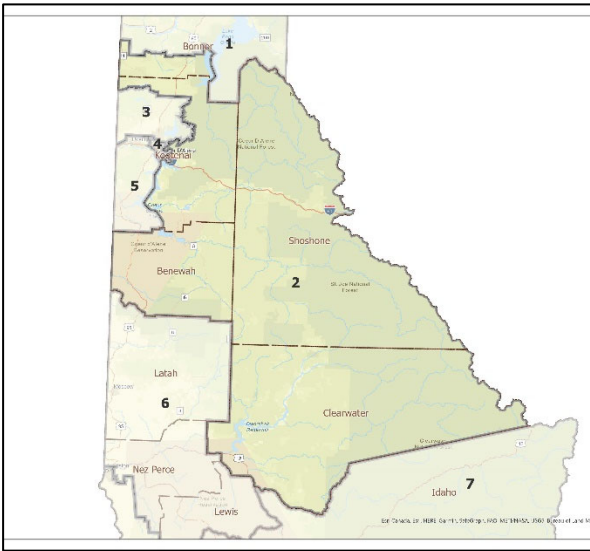


Figure 7
District 2, Plan L03

19. **District 2.** This district consists of a portion of Bonner County, a portion of Kootenai County, and all of Beneawah, Shoshone, and Clearwater Counties. The district has a population of 52,071,

deviating -0.9% from the ideal district size. In addition to the total populations of Benewah, Shoshone, and Clearwater Counties, 5,556 Bonner County residents and 15,082 Kootenai County residents are included in this district.

A. **Traditional Neighborhoods and Local Communities of Interest.** As a geographically large, multicounty district, District 2 does not in itself constitute a neighborhood or a true community of interest. The Commission finds that equal protection standards and the Idaho Constitution's requirement to keep counties whole where possible will at times necessitate the creation of geographically large districts that combine multiple communities of interest, as in the case of District 2. However, the Commission finds that the areas included in District 2 — primarily rural or small communities — share similar legislative concerns. The Commission further finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries.** The boundaries of District 2 are determined largely by political geography. The western boundaries are coterminous with part of Idaho's border with Washington, with precincts in Kootenai County, and with Shoshone and Clearwater's boundaries with Latah County. The eastern boundary of the district is coterminous with part of Idaho's border with Montana. The southern boundaries of the district are coterminous with Benewah's boundary with Latah County and with Clearwater's boundaries with Idaho and Lewis Counties.

C. **County Division, Joinder, and Contiguity.** This district contains a portion of Bonner County, a portion of Kootenai County, and all of Benewah, Shoshone, and Clearwater Counties. The latter three counties are all too small to form self-contained districts and must be combined with other counties to form districts of acceptable size. The rationale for dividing Bonner and Kootenai was described in General Legislative Plan Findings 3.E.

and 4.A. The portion of Bonner County in District 2 is contiguous with the portion of Kootenai County, which in turn is contiguous with Benewah and Shoshone Counties. Shoshone County is contiguous with Clearwater County. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. One Bonner County precinct, Edgemere, was divided in the creation of this district, for the reason explained in Specific Legislative Plan Finding 18.D. Two Kootenai County precincts were also divided in the creation of this district. Asa Gray, Kootenai County elections manager, advised the Commission that Kootenai County intends to redraw precinct boundary lines after redistricting concludes.⁶⁸ These precinct divisions were warranted in creating a district of acceptable size, and the Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has neither divided Bonner County or Kootenai County for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection**. This district is not directly connected by roads and highways that are part of the interstate system, the U.S. highway system, or the state highway system. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(9).

⁶⁸ See Testimony of Asa Gray, Coeur d'Alene Public Hearing Minutes, September 22, 2021, Appendix III.



Figure 8
District 3, Plan L03

20. **District 3.** This district is an internal district in Kootenai County. It has a population of 51,953, which deviates -1.13% from the ideal district size.

A. Traditional Neighborhoods and Local Communities of Interest. District 3 includes the communities of Rathdrum, Hayden, Hayden Lake, and Dalton Gardens, which, as cities, are communities of interest. They are also neighboring cities, and the Commission finds that they share a community of interest and legislative interests with each other. The Commission further finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. District Boundaries. The district boundaries include political boundaries, roads, and a railroad. The western boundary is coterminous with part of Idaho’s border with Washington. The northern boundaries and eastern boundaries follow precinct boundary lines, and the southern boundaries are the railroad and several roads.

C. County Division, Joinder, and Contiguity. The internal division of Kootenai County is necessary for equal protection purposes, as explained in General Legislative Plan Finding

3.E. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. Several Kootenai County precincts were divided to create this district. These divisions were warranted in creating a district of acceptable population, and Asa Gray, Kootenai County elections manager, advised the Commission that Kootenai County intends to redraw precinct boundary lines after redistricting concludes. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has neither divided Kootenai County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection**. This district is connected by U.S. Route 95, part of the United States highway system.

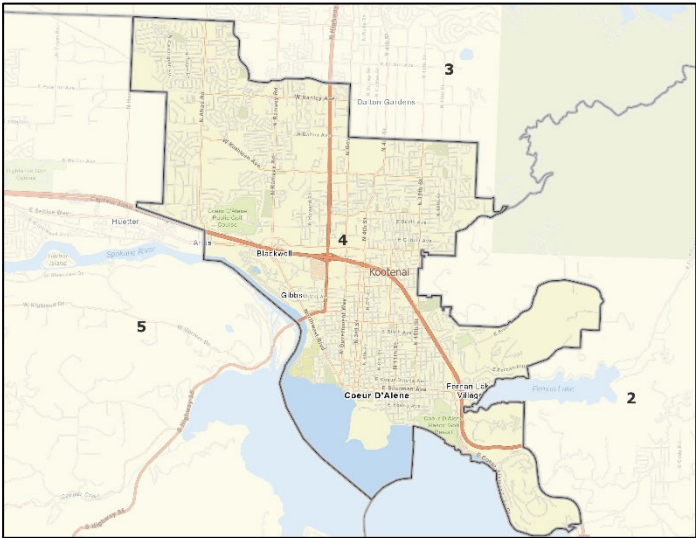


Figure 9
District 4, Plan L03

20. **District 4**. This district is an internal district in Kootenai County. It has a population of

52,384, which deviates -0.31% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest**. District 4 includes most of Coeur d’Alene as well as Fernan Lake Village. Coeur d’Alene, as a city, is a community of interest, and public testimony reflected a strong conviction that Fernan Lake Village shares a community of interest with Coeur d’Alene.⁶⁹ The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries**. The boundaries of this district are influenced by but do not entirely adhere to the city limits of Coeur d’Alene, which has a population of 54,628⁷⁰ and is therefore larger than the ideal district size. The district boundary lines consist of several roads.

C. **County Division, Joinder, and Contiguity**. The internal division of Kootenai County is necessary for equal protection purposes, as explained in General Legislative Plan Finding 3.E. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. Several Kootenai County precincts were divided to create this district. These divisions were warranted in creating a district of acceptable population, and Asa Gray, Kootenai County elections manager, advised the Commission that Kootenai County intends to redraw precinct boundary lines after redistricting concludes. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has

⁶⁹ See *e.g.* Testimony of Ray Watkins, Coeur d’Alene Public Hearing Minutes, September 22, 2021, Appendix III; and Written Testimony of Heidi Acuff, Mayor of Fernan Lake Village, September 22, 2021, Appendix XIII.

⁷⁰ See Appendix V for key census data, including the population of Idaho cities.

neither divided Kootenai County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection.** This district is connected by Interstate 90, part of the interstate highway system, and U.S. Route 95, part of the United States highway system.

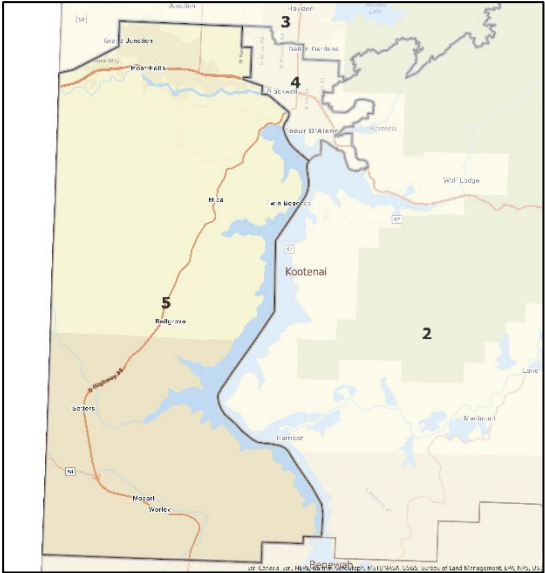


Figure 10
District 5, Plan L03

22. **District 5.** This district is an internal district in Kootenai County. It has a population of 51,943, which deviates -1.15% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest.** District 5 includes most of Post Falls, which, as a city, is a community of interest. The district also includes five rural precincts with a total population of 8,303, which must be combined with a nearby urban population to attain an acceptable district size. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries.** The district’s boundaries are determined largely by political and

natural geography, with the western boundary being coterminous with part of Idaho's border with Washington, the southern boundary being Kootenai County's border with Benewah County, and the eastern boundary being Coeur d'Alene Lake.

C. **County Division, Joinder, and Contiguity**. The internal division of Kootenai County is necessary for equal protection purposes, as explained in General Legislative Plan Finding 3.E. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. Several Kootenai County precincts were divided to create this district. These divisions were warranted in creating a district of acceptable population, and Asa Gray, Kootenai County elections manager, advised the Commission that Kootenai County intends to redraw precinct boundary lines after redistricting concludes. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has neither divided Kootenai County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection**. This district is connected by Interstate 90, part of the interstate highway system, and U.S. Route 95, part of the United States highway system.

23. **District 6**. This district (see Figure 11, next page) includes two whole counties, Latah and Lewis, and a portion of Nez Perce County, including Lapwai, Culatesac, Peck, and a small part of Lewiston. The district has a population of 53,431, which deviates +1.68% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest**. As a geographically large, multicounty district, District 6 does not, in itself, constitute a neighborhood or a

true community of interest, though it includes several communities that are communities of interest. The Commission finds that equal protection standards and the Idaho Constitution’s requirement to keep counties whole where possible will at times necessitate the creation of geographically large districts that combine multiple communities of interest, as is the case with District 6. However, the Commission finds that areas included in District 6, many of them rural or small communities, share similar legislative concerns. Public testimony is consistent with this.⁷¹ Latah, Nez Perce, and Lewis Counties all share a health district, and the economies of the counties are intertwined. Additionally, this is a well-balanced district in which neither urban nor rural interests would dominate. Moscow, the largest city in the district, has a population of 25,435; the remaining district residents live predominantly in small towns or rural communities. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

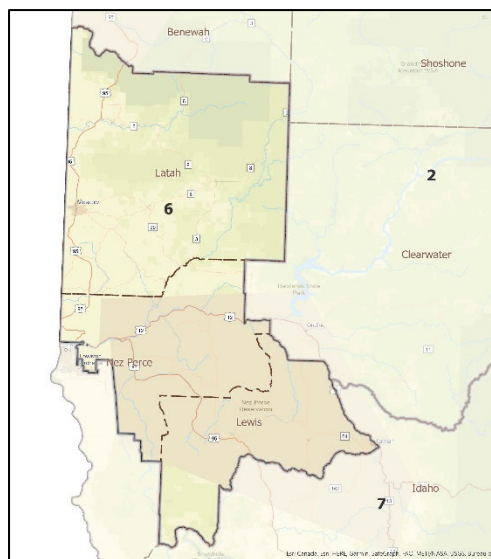


Figure 11
District 6, Plan L03

⁷¹ See e.g. Moscow Public Hearing Minutes, September 23, 2021, Appendix III; and Written Testimony of Gretchen Wissner, October 12, 2021, Appendix XIII.

B. **District Boundaries**. The district boundaries are determined mostly by political geography: the boundaries of Latah and Lewis Counties, along with several precincts in Nez Perce County.

C. **County Division, Joinder, and Contiguity**. The rationale for dividing Nez Perce County was provided in General Legislative Plan Finding 4.B. Latah and Lewis Counties are by themselves too small to form a district of acceptable size and must therefore be combined with other counties. Latah County is contiguous with the portion of Nez Perce County contained in this district, and that portion of Nez Perce County is contiguous with Lewis County. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. No precincts were divided in the creation of this district.⁷²

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has neither divided Nez Perce County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection**. While the component parts of this district are connected by U.S. Route 95, which is part of the United States highway system, the connection is not direct, as it is necessary to briefly leave the district while traveling through Lewiston.

The Commission determines, by a vote of 6-0, that it cannot complete its duties for this

⁷² This is consistent with the request of Patty Weeks, Nez Perce County Clerk, who testified to the Commission at the Lewiston hearing on September 24 and submitted written testimony through the Commission's website on October 29, 2021. Clerk Weeks also provided shape files to Commission staff detailing the preferred precincts surrounding the City of Lewiston. See Appendix III, Minutes of Lewiston Public Hearing, September 24, 2021, and Appendix XIII.

district by fully complying with the requirements of I.C. § 7-1506(9).



Figure 12
District 7, Plan L03

24. **District 7.** This district includes two counties, Idaho and Adams, and the remaining portion of Nez Perce County, including most of Lewiston. The district has a population of 52,629, which deviates +0.16% from the ideal district size.

A. Traditional Neighborhoods and Local Communities of Interest. As a geographically large, multicounty district, District 7 does not, in itself, constitute a neighborhood or a true community of interest, though it includes several communities that are communities of interest. The Commission finds that equal protection standards and the Idaho Constitution’s requirement to keep counties whole where possible will at times necessitate the creation of geographically large districts that combine multiple communities of interest, as is the case with District 7. However, the Commission finds that this district is fairly well-balanced between urban and rural interests. While Lewiston contributes 31,709 people to this district, Idaho County and Adams County, in which there are primarily small towns and rural communities, contribute 20,920. The Commission finds that this district preserves traditional neighborhoods and local

communities of interest to the maximum extent possible.

B. **District Boundaries**. The district boundaries are determined mostly by political geography: precinct boundary lines in Nez Perce County, along with the boundaries of Idaho and Adams Counties, which in parts are coterminous with portions of Idaho's borders with Washington, Oregon, and Montana.

C. **County Division, Joinder, and Contiguity**. The rationale for dividing Nez Perce County was provided in General Legislative Plan Finding 4.B. Idaho and Adams Counties are by themselves too small to form a district of acceptable size and must therefore be combined with other counties. The portion of Nez Perce County contained in this district is contiguous with Idaho County, and Idaho County is contiguous with Adams County. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. No precincts were divided in the creation of this district.

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has neither divided Nez Perce County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection**. While the component parts of this district are connected by U.S. Route 95, which is part of the United States highway system, the connection is not direct, as it is necessary to leave the district while traveling through the part of Nez Perce County that is not included in this district. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(9).

26. **District 8.** This district (see Figure 13, next page) consists of four counties: Valley, Boise, Elmore, and Custer. The district has a population of 52,297, which deviates -0.47% from the ideal district size.

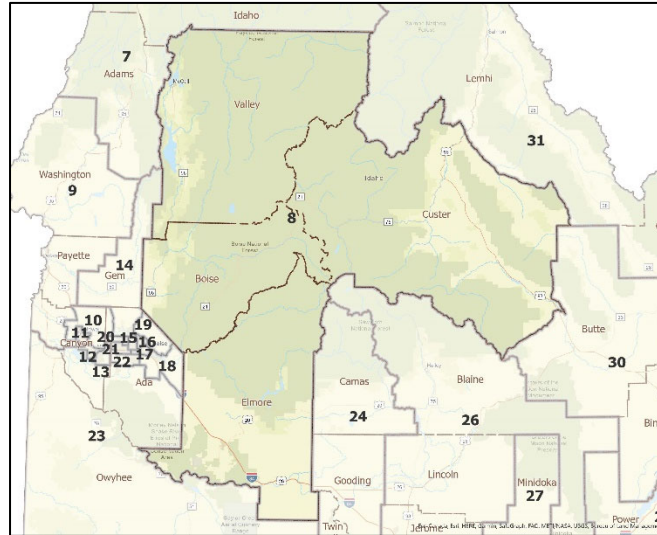


Figure 13
District 8, Plan L03

A. Traditional Neighborhoods and Local Communities of Interest. As a geographically large, multicity district, District 8 does not, in itself, constitute a neighborhood or a true community of interest, though it includes several communities that are communities of interest. The Commission finds that equal protection standards and the Idaho Constitution’s requirement to keep counties whole where possible will at times necessitate the creation of geographically large districts that combine multiple communities of interest, as is the case with District 8. However, the Commission finds that the areas included in District 8, many of them rural or small communities, share similar legislative concerns. The most populous city in the district is Mountain Home, at 15,979, or 31% — nearly a third — of the district’s residents. That is enough for a legislator to be attendant to the interests of Mountain Home, but not so great that the rest of the district will be ignored. The Commission finds that this district preserves

traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries**. The district boundaries are determined by political geography: the northern boundaries are the boundaries of Valley and Custer Counties, the western boundaries are the western boundaries of Valley, Boise, and Elmore Counties, the southern boundaries are the boundaries of Elmore and Custer Counties, and the eastern boundaries are the eastern boundaries of Valley, Custer, and Elmore Counties.

C. **County Division, Joinder, and Contiguity**. The component counties of this district are all too small to constitute self-contained districts and therefore must be combined with other counties. Valley County is contiguous with Boise and Custer Counties, Boise County is contiguous with all three of the other counties, Elmore is contiguous with Boise and Custer Counties, and Custer County is contiguous with all three other counties.

D. **Precinct Boundary Retention**. No precincts were divided in the creation of this district.

E. **Political Parties and Incumbents**. This district contains no divided counties. The Commission nevertheless affirms that it did not attempt to protect a political party or an incumbent in the creation of this district.

F. **Highway Connection**. This district is not directly connected by roads and highways that are part of the interstate system, the U.S. highway system, or the state highway system. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 7-1506(9).

26. **District 9**. This district (see Figure 14, next page) consists of two counties, Washington and Payette, and a portion of Canyon County, including Parma, Notus, Wilder, and Greenleaf. The district has

a population of 52,960, which deviates +0.79% from the ideal district size.

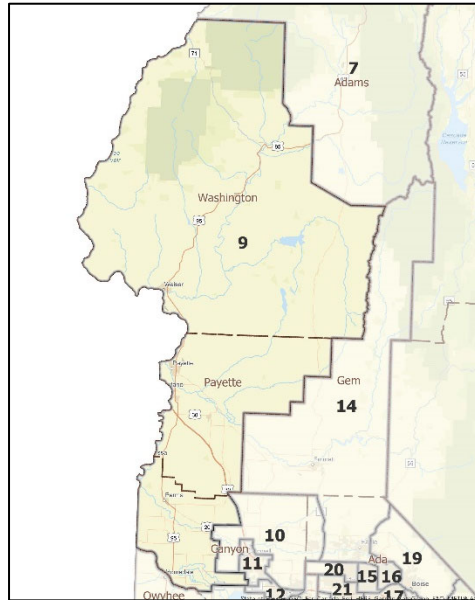


Figure 14
District 9, Plan L03

A. Traditional Neighborhoods and Local Communities of Interest. As a geographically large, multicounty district, District 9 does not, in itself, constitute a neighborhood or a true community of interest, though it includes several communities that are communities of interest. The Commission finds that equal protection standards and the Idaho Constitution’s requirement to keep counties whole where possible will at times necessitate the creation of geographically large districts that combine multiple communities of interest, as is the case with District 9. However, the Commission finds that the areas included in District 9, many of them rural or small communities, share similar legislative concerns. For example, the populations of Parma, Notus, Wilder, and Greenleaf are, respectively, 2096, 609, 1597, and 812. These are similar in size to companion communities elsewhere in the district, such as New Plymouth, population 1,494. Additionally, the district is well-balanced, with Canyon County contributing 17,074 residents, Payette County, 25,386, and Washington County, 10,500. Each

component county in the district is sizeable enough that its interests should be taken into consideration. Finally, on a historical note, these counties have all been combined together in the last two redistricting cycles, with a portion of Canyon County joining Payette, Washington, and Adams.⁷³ The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. District Boundaries. The district boundaries are determined mostly by political geography: the western boundary is coterminous with part of Idaho's border with Oregon, the northern boundary is Washington County's border with Adams County, and the eastern boundary is mostly the eastern boundaries of Washington and Payette Counties. In Canyon County, the district boundaries are roads and part of Canyon County's southern border with Owyhee County.

C. County Division, Joinder, and Contiguity. This district combines two counties, Washington and Payette, with 17,074 Canyon County residents. The rationale for splitting Canyon County externally was provided in General Legislative Plan Finding 3.D. Washington and Payette are, by themselves, not populous enough to constitute self-contained districts and must therefore be combined with another county or counties. Washington County is contiguous with Payette County, and Payette County is contiguous with the portion of Canyon County included in the district. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. Precinct Boundary Retention. Several Canyon County precincts were divided to create this district. These divisions were warranted in creating a district of acceptable

⁷³ See Appendix XIV, Past Redistricting Plans.

population. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. Political Parties and Incumbents. The Commission specifically affirms that it has neither divided Canyon County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. Highway Connection. This district is directly connected by U.S. Route 95, which is part of the United States highway system, and by Interstate 84, part of the interstate highway system.

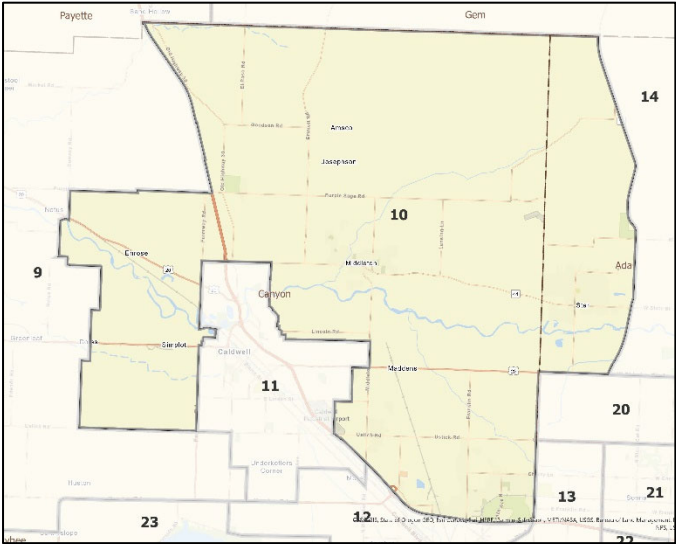


Figure 15
District 10, Plan L03

27. **District 10.** This district consists of a portion of Canyon County and a portion of Ada County. It has a population of 53,498, which deviates +1.81% from the ideal district size.

A. Traditional Neighborhoods and Local Communities of Interest. District 10 includes 40,635 Canyon County residents, including the city of Middleton, and 12,863 Ada County residents, including the city of Star, which crosses the Ada-Canyon county line.

The district includes part of the city of Nampa and other parts of Canyon County as well. The Commission finds that Middleton and Star are both communities of interest and that crossing the county line is necessary to keep the city of Star together. Additionally, the Commission finds that Middleton and Star, together, are a community of interest.⁷⁴ Two notable proposed plans submitted to the Commission, **L023** and **L072**,⁷⁵ combined Middleton and Star in a legislative district. **Plan L023** received a great deal of public support in testimony, and **Plan L072**⁷⁶ was endorsed by the Ada and Canyon county commissioners. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. District Boundaries. District 10 is bounded on the north by Payette and Gem Counties and to the east by State Highway 16, Can Ada Road, and Idaho Center Boulevard. Southern boundaries of the district include Chinden Boulevard, Interstate 84, State Highway 44, and Ustick Road. On the west, the district is bounded by Interstate 84 and other roads.

C. County Division, Joinder, and Contiguity. This district combines a portion of Ada County with a contiguous portion of Canyon County. The Ada County portion has 12,863 residents, and the Canyon County portion has 40,635 residents. In General Legislative Plan Findings 3.A. and 3.D. above, the Commission explained its rationale for dividing Ada and Canyon Counties externally. With regard to this specific district, the Commission finds that the external division is further justified based on the close ties and connection between Middleton and Star, as well as Star's status as a cross-county

⁷⁴ See *e.g.* testimony in Boise Public Hearing Minutes, September 16, 2021, Appendix III.

⁷⁵ Plan L023 and Plan L072 may be reviewed in Appendix XII.

⁷⁶ See the letters dated November 2 from the Ada County Commissioners and the Canyon County Commissioners in Appendix XIII.

city. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. Several precincts in both counties were divided to create this district. These divisions were warranted in creating a district of acceptable population and to keep communities of interest together. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has neither divided Ada or Canyon County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection**. This district is directly connected by State Highway 44, which is part of the state highway system.

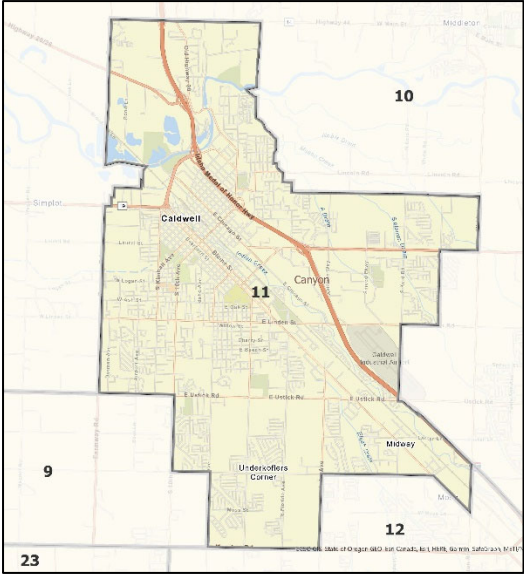


Figure 16
District 11, Plan L03

28. **District 11**. This district is an internal district in Canyon County. It has a population of 53,483,

which deviates +1.78% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest**. District 11 includes 83.7% of the city of Caldwell's population, which is a community of interest. Not all of Caldwell could be included in the district, because the city's population of 59,996 exceeds the ideal district size; however, this district includes the urban core of the city. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

B. **District Boundaries**. District 11's boundaries are influenced by, but do not precisely conform to, Caldwell's city limits. The district is bounded by major roads including State Highway 44, Farmway Road, Ustick Road, Tenth Avenue, Homedale Road, Montana Avenue, State Highway 55, Lake Avenue, Caldwell Boulevard, Middleton Road, Interstate 84, Linden Road, and U.S. Route 20/26.

C. **County Division, Joinder, and Contiguity**. This internal division of Canyon County is necessary for equal protection purposes, as explained in General Legislative Plan Finding 3.D.

D. **Precinct Boundary Retention**. Several precincts in Canyon County were divided to create this district. These divisions were warranted in creating a district of acceptable population and to keep a community of interest together. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has neither divided Canyon County in the creation of this district for the purpose of

protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection.** This district is directly connected by Interstate 84, which is part of the interstate highway system.

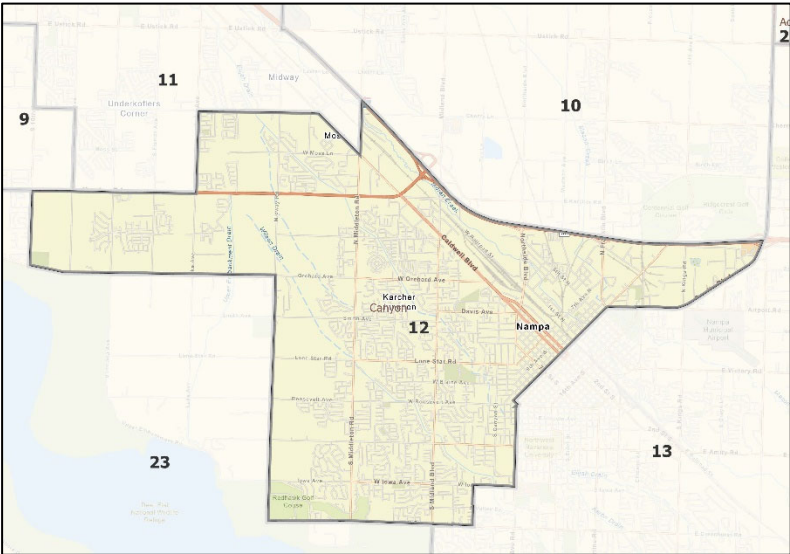


Figure 17
District 12, Plan L03

29. **District 12.** This district is an internal district in Canyon County. It has a population of 53,363, which deviates +1.55% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest.** District 12 includes 46,835 residents of the city of Nampa or 46.74% of the population of the city and residents of Caldwell. The Commission finds that Nampa is a community of interest, but with 100,200 people, Nampa is too populous to be included in one district. The Commission also finds that Nampa and Caldwell, being neighboring cities that share many throughways and economic interests, are a community of interest, and that it is appropriate to combine people from the outskirts of Caldwell into a district with Nampa. The Commission finds that this district preserves traditional neighborhoods and local

communities of interest to the maximum extent possible.

B. **District Boundaries**. District 12's boundaries include major roads, such as Interstate 84, Garrity Boulevard, Greenhurst Road, Midway Road, Orchard Avenue, and Karcher Road.

C. **County Division, Joinder, and Contiguity**. The internal division of Canyon County is necessary for equal protection purposes, as explained in General Legislative Plan Finding 3.D. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. Several precincts in Canyon County were divided to create this district. These divisions were warranted in creating a district of acceptable population. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has neither divided Canyon County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection**. This district is directly connected by Interstate 84, which is part of the interstate highway system, and State Highway 55, which is part of the state highway system.

30. **District 13**. This district (see Figure 18, next page) is an internal district in Canyon County. It has a population of 53,581, which deviates +1.97% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest**. District 13 includes 42,144 residents of the city of Nampa which is 42.06% of the city's population. As stated in Specific Legislative Plan Finding 29.A., the Commission finds that Nampa is a

community of interest, but with 100,200 people, Nampa is too populous to be included in one district. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

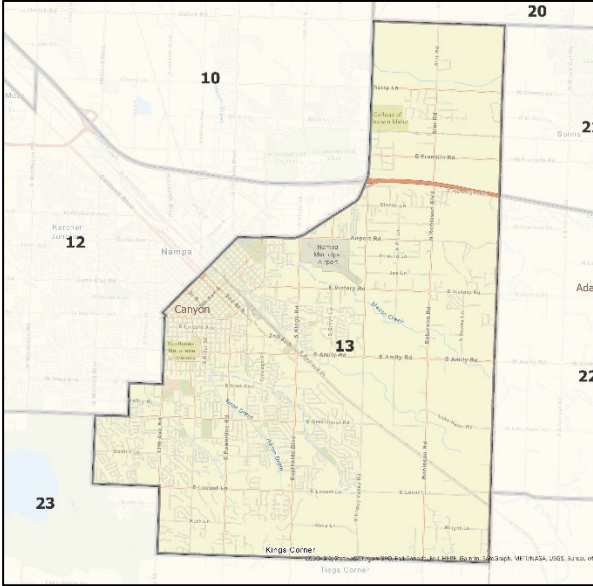


Figure 18
District 13, Plan L03

B. **District Boundaries.** District 13’s boundaries include the border with Ada County in the north and east, and roads such as Garrity Boulevard, Idaho Center Boulevard, and East Lewis Lane in the west and south.

C. **County Division, Joinder, and Contiguity.** The internal division of Canyon County is necessary for equal protection purposes, as explained in General Legislative Plan Finding 3.D. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention.** Several precincts in Canyon County were divided to create this district. These divisions were warranted in creating a district of acceptable population. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents.** The Commission specifically affirms that it has neither divided Canyon County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection.** This district is directly connected by Interstate 84, which is part of the interstate highway system.

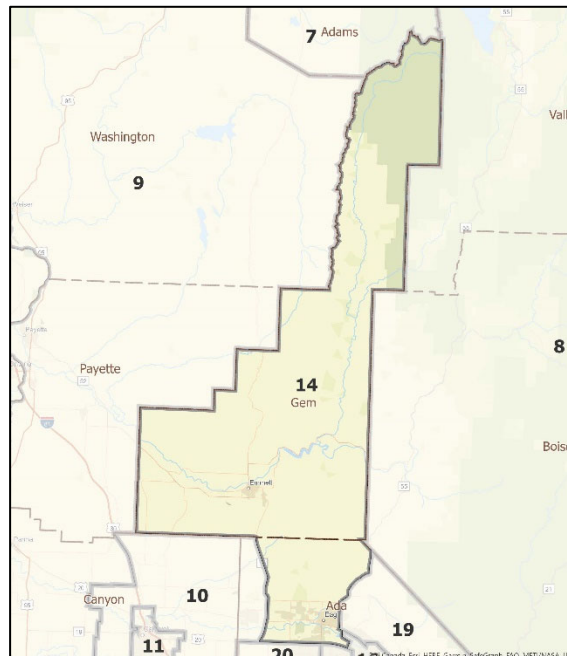


Figure 19
District 14, Plan L03

31. **District 14.** This district combines one county, Gem, with a portion of Ada County. It has a population of 53,577, which deviates +1.96% from the ideal district size.

A. Traditional Neighborhoods and Local Communities of Interest. District 14 combines 96.35% of the residents of the city of Eagle with Gem County, including the city of Emmett. The Commission finds that Eagle and Emmett, as cities, are communities of interest in and of themselves, and that, as both are cities in the Treasure Valley, an area of the state that shares many throughways, media sources, and economic interests,

Eagle and Emmett are part of a larger Treasure Valley community of interest.

The proposed combination of Gem County with part of Ada was met with the objection of the Ada County commissioners, who decried the combination of “urban, growing communities of interest with rural, sparsely populated neighboring counties.”⁷⁷ The Ada County commissioners encouraged instead the adoption of **Plan L072**, which was proposed by them.

The Commission notes at the outset of this discussion that Gem County, which contributes 19,123 people to District 14 — 36% of the district’s residents — is not so “sparsely populated.” The Commission further finds that **Plan L072** would not serve the interests of Idahoans or Ada County residents for the following reasons. First, the plan has a maximum population deviation of 9.58%, considerably higher than **Plan L03**’s maximum population deviation of 5.84%. There is simply not the same commitment to equal protection in **Plan L072** that there is in **Plan L03**.

Second, both **Plan L072** and **Plan L03** divide Ada County into 11 districts. Whatever the Ada County commissioners’ objections to combining parts of Ada County with “rural, sparsely populated neighboring counties,” their own proposed plan combines portions of Ada and Canyon Counties with Owyhee County, just as L03 does.⁷⁸

Third, **L072** divides some Ada County cities unnecessarily, in ways that fail to preserve their urban cores. Garden City is divided into two districts, while Meridian is split among four districts. In response to requests and comments from city officials and other parties, **Plan L03** recognizes communities of interest by minimizing the division of

⁷⁷ See the letter from the Ada County commissioners to the Commission for Reapportionment, dated November 2, 2021, in Appendix XIII.

⁷⁸ See Specific Legislative Plan Finding 40, regarding District 23.

cities and centering legislative districts around the various cities in Ada and Canyon Counties.

It is true that **Plan L072** creates two external splits for Ada County, while **Plan L03** creates three, but those three external splits, like all county divisions in **Plan L03**, were made in the interest of equal protection. To protect voter equality — to create districts close to the ideal size — we have found it necessary, in parts of the state such as this, to combine “rural, sparsely populated” areas with more urban ones. Where we have done so, we have looked to create districts with relatively balanced populations, so that urban and rural voters are coequals in the districts they share. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. District Boundaries. District 14’s boundaries include most of Gem County’s boundaries and, in the Ada County portion of the district, major roads such as State Highway 16, State Highway 55, and Chinden Boulevard. In the southeastern part of the district, the Boise River provides some of the district boundary, as do the city limits of Eagle.

C. County Division, Joinder, and Contiguity. Gem County, with a population of 19,123, must be combined with another county or counties in order to form a district of acceptable size. The joinder with a portion of Ada County succeeds in creating such a district. Gem County is contiguous with the portion of Ada County to which it is being joined. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. Precinct Boundary Retention. Some precincts in Ada County were divided to create this district. These divisions were warranted in creating a district of acceptable

population, and Phil McGrane, Ada County Clerk, advised the Commission to ignore precinct boundary lines, as Ada County intends to redraw precinct boundary lines after redistricting concludes.⁷⁹ The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. Political Parties and Incumbents. The Commission specifically affirms that it has neither divided Ada County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. Highway Connection. This district is directly connected by State Highway 16, which is part of the state highway system.

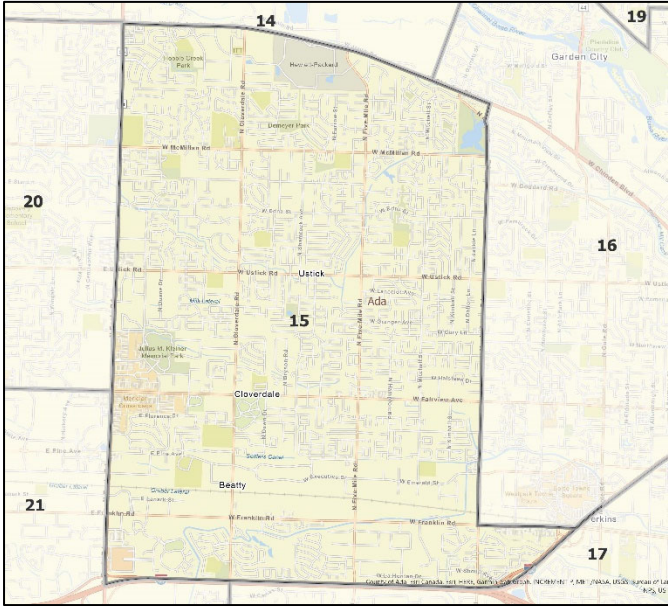


Figure 20
District 15, Plan L03

31. **District 15.** This district is an internal district within Ada County. It has a population of

⁷⁹ See Testimony of Phil McGrane, Meridian Public Hearing Minutes, September 16, 2021, Appendix III.

52,475, which deviates -0.14% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest**. District 15 includes a portion of the city of Boise and a portion of the city of Meridian, which, as cities, are communities of interest. In public testimony, Treasure Valley residents expressed a strong preference for preserving the existing legislative districts to the extent possible, believing that the existing districts include well-defined neighborhoods.⁸⁰ District 15 covers most of the same area as the existing District 15 does and has common boundaries such as Eagle Road, Chinden Boulevard, Maple Grove, and Interstate 84. Adjustments to district boundaries have been made to equalize population, as the existing District 15 deviates -12.73% from the ideal district size.⁸¹ The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries**. District 15 is bounded on the west by Eagle Road, on the north by Chinden Boulevard, on the east by Maple Grove Road, in the southeast by Franklin Road, and in the south by Interstate 184 and Interstate 84.

C. **County Division, Joinder, and Contiguity**. The internal division of Ada County is necessary for equal protection purposes, as explained in General Legislative Plan Finding 3.A. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. Some precincts in Ada County were divided to create this district. These divisions were warranted in creating a district of acceptable population, and Phil McGrane, Ada County Clerk, advised the Commission to ignore

⁸⁰ See *e.g.* Written Testimony of Monica Church (November 2, 2021); Julie Custer (November 2, 2021); Elizabeth McBride (November 2, 2021); and Lanette Guillory (November 4, 2021); Appendix XIII.

⁸¹ Data on the existing legislative district populations may be found in Appendix V.

precinct boundary lines, as Ada County intends to redraw precinct boundary lines after redistricting concludes. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. Political Parties and Incumbents. The Commission specifically affirms that it has neither divided Ada County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. Highway Connection. This district is connected by Interstate 84, which is part of the interstate highway system; State Highway 55, which is part of the state highway system; and U.S. Route 20, which is part of the United States highway system.

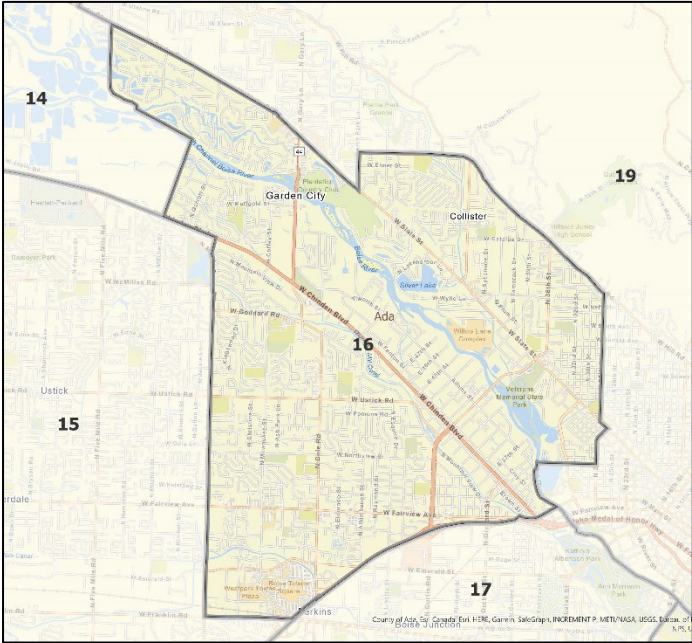


Figure 21
District 16, Plan L03

34. **District 16.** This district is an internal district within Ada County. It has a population of 51,206, which deviates -2.55% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest**. District 16 combines Garden City with a portion of the city of Boise. Garden City and Boise, as cities, are communities of interest, and Garden City, surrounded by Boise and closely tied to it, forms a community of interest with Boise. This district closely conforms to the existing District 16, as Treasure Valley residents expressed a strong preference in public testimony to preserve the current districts as possible. District 16 retains many of the same boundaries and even much the same shape. Adjustments have been made to equalize the population, as current District 16 deviates -8.99% from the ideal district size. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries**. District 16's boundaries include major roads such as State Street, Hill Road, Interstate 184, Maple Grove Road, and Franklin Road.

C. **County Division, Joinder, and Contiguity**. The internal division of Ada County is necessary for equal protection purposes, as explained in General Legislative Plan Finding 3.A. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. Several precincts in Ada County were divided to create this district. These divisions were warranted in creating a district of acceptable population, and Phil McGrane, Ada County Clerk, advised the Commission to ignore precinct boundary lines, as Ada County intends to redraw precinct boundary lines after redistricting concludes. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has

neither divided Ada County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection.** This district is connected by U.S. Route 20, which is part of the United States highway system, and State Highway 44, which is part of the state highway system.

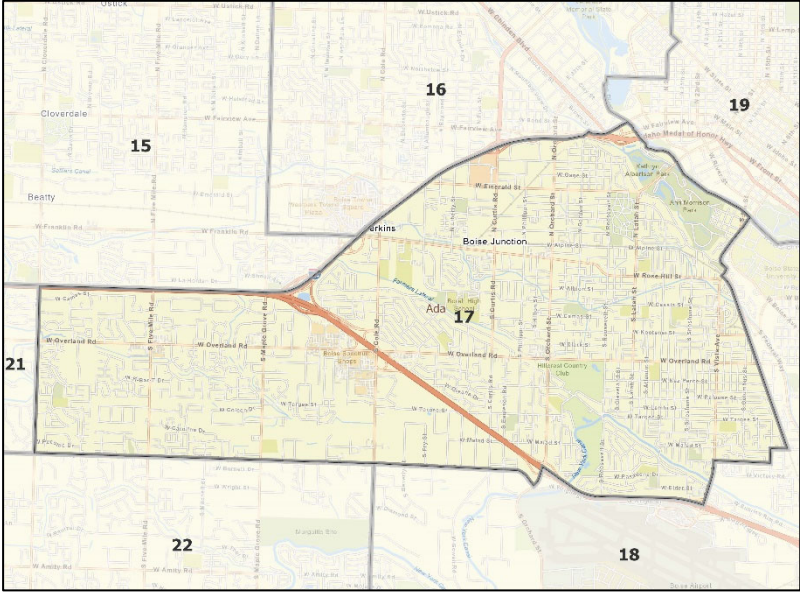


Figure 22
District 17, Plan L03

34. **District 17.** This district is an internal district within Ada County. It has a population of 52,195, which deviates -0.67% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest.** District 17 is completely made from residents of the city of Boise. Boise, as a city, is a community of interest. District 17 corresponds greatly with the existing District 17, because Treasure Valley residents expressed a strong preference in testimony to retain current districts as much as possible. Adjustments have been made to equalize the population, as the existing District 17 deviates -5.95% from the ideal district size. The Commission finds

that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries**. District 17's boundaries include major roads such as Interstate 184, Interstate 84, Cloverdale Road, Victory Road, Main Street, Capitol Boulevard, Federal Way, and Vista Avenue. Railroad tracks form part of the boundary in the east, as does the Boise River in the northeast.

C. **County Division, Joinder, and Contiguity**. The internal division of Ada County is necessary for equal protection purposes, as explained in General Legislative Plan Finding 3.A. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. Some precincts in Ada County were divided to create this district. These divisions were warranted in creating a district of acceptable population, and Phil McGrane, Ada County Clerk, advised the Commission to ignore precinct boundary lines, as Ada County intends to redraw precinct boundary lines after redistricting concludes. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has neither divided Ada County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection**. This district is connected by Interstate 184 and Interstate 84, both of which are part of the interstate highway system.

35. **District 18**. This district (see Figure 23, next page) is an internal district within Ada County. It

has a population of 51,948, which deviates -1.14% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest**. District 18 contains a portion of the city of Boise. Boise, as a city, is a community of interest. This district corresponds closely to the existing District 18, as Treasure Valley residents expressed a strong preference for retaining existing districts to the extent possible. Many of the district boundaries remain the same. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

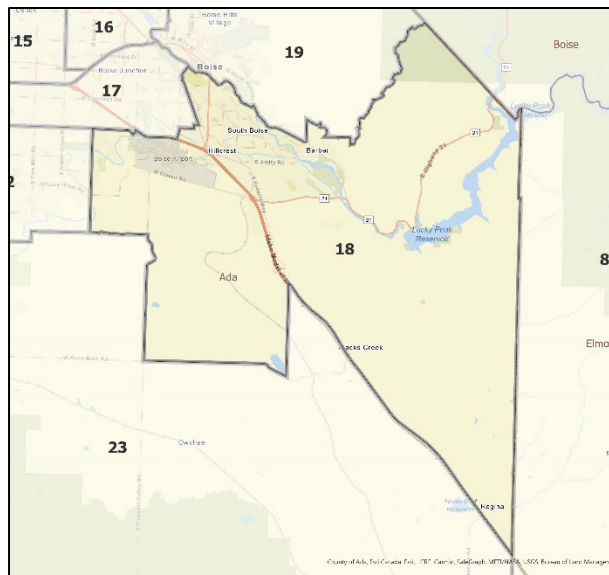


Figure 23
District 18, Plan L03

B. **District Boundaries**. District 18's boundaries include political boundaries, such as portions of Ada County's boundaries with Boise and Elmore Counties, and roads such as Cole Road, Victory Road, Kuna Mora Road, and Interstate 84.

C. **County Division, Joinder, and Contiguity**. The internal division of Ada County is necessary for equal protection purposes, as explained in General Legislative Plan Finding 3.A. The Commission finds that this district complies with the requirements of equal

protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention.** Some precincts in Ada County were divided to create this district. These divisions were warranted in creating a district of acceptable population, and Phil McGrane, Ada County Clerk, advised the Commission to ignore precinct boundary lines, as Ada County intends to redraw precinct boundary lines after redistricting concludes. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents.** The Commission specifically affirms that it has neither divided Ada County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection.** This district is connected by Interstate 84, which is part of the interstate highway system, and State Highway 21, which is part of the state highway system.

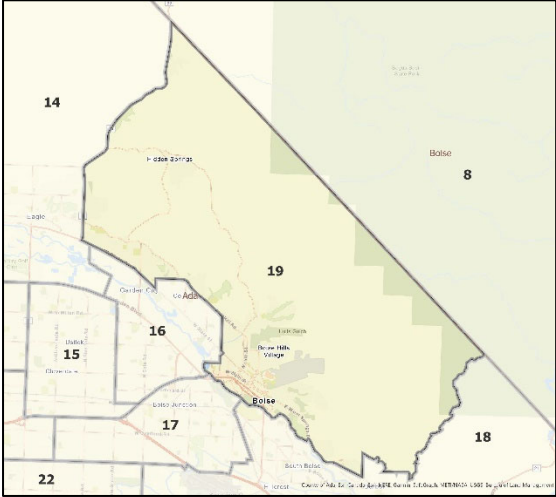


Figure 24
District 19, Plan L03

36. **District 19**. This district is an internal district within Ada County. It has a population of 52,334, which deviates -0.4% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest**. District 19 contains a portion of the city of Boise, the Hidden Springs development, and the Avimor development. Boise, as a city, is a community of interest, and Hidden Springs and Avimor are neighborhoods closely tied to Boise. District 19 closely corresponds to the existing District 19, because Treasure Valley residents expressed a strong preference for retaining current districts to the extent possible. Adjustments have been made to equalize population, as the existing district deviates -3.14% from the ideal district size. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries**. District 19's boundaries include part of Ada County's border with Boise County, and roads such as Parkcenter Boulevard, Warm Springs Road, State Street, and State Highway 55. The Boise River forms part of the boundary as well.

C. **County Division, Joinder, and Contiguity**. The internal division of Ada County is necessary for equal protection purposes, as explained in General Legislative Plan Finding 3.A. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. Some precincts in Ada County were divided to create this district. These divisions were warranted in creating a district of acceptable population, and Phil McGrane, Ada County Clerk, advised the Commission to ignore precinct boundary lines, as Ada County intends to redraw precinct boundary lines after redistricting concludes.⁸² The Commission determines, by a vote of 6-0, that it cannot

⁸² See Mr. McGrane's testimony in the Meridian Public Hearing Minutes, September 16, 2021, in Appendix III.

complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. Political Parties and Incumbents. The Commission specifically affirms that it has neither divided Ada County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. Highway Connection. This district is connected State Highways 44 and 55, both of which are part of the state highway system, and Interstate 184, which is part of the interstate highway system.

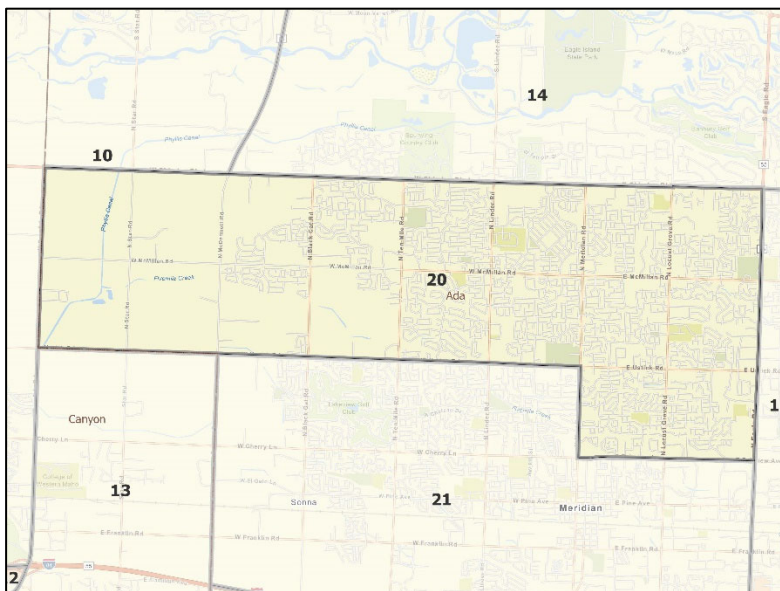


Figure 25
District 20, Plan L03

37. **District 20.** This district is an internal district within Ada County. It has a population of 52,542, which deviates 0.01% from the ideal district size.

A. Traditional Neighborhoods and Local Communities of Interest. District 20 contains 48,447 residents of the city of Meridian or 41.18% of the total population of the city. As a city, Meridian is a community of interest, though with a population of 117,635, it must

be divided among districts. Public testimony supported putting the bulk of Meridian's population into two districts, and this district accommodates that request.⁸³ The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries**. District 20's boundaries include the border between Ada and Canyon Counties in the west and several major roads: Chinden Boulevard, Eagle Road, Fairview Avenue, Meridian Road, and Ustick Road.

C. **County Division, Joinder, and Contiguity**. The internal division of Ada County is necessary for equal protection purposes, as explained in General Legislative Plan Finding 3.A. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. Some precincts in Ada County were divided to create this district. These divisions were warranted in creating a district of acceptable population, and Phil McGrane, Ada County Clerk, advised the Commission to ignore precinct boundary lines, as Ada County intends to redraw precinct boundary lines after redistricting concludes. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has neither divided Ada County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

⁸³ See *e.g.* Testimony of Robert Simison, Mayor of Meridian, Meridian Public Hearing Minutes, September 16, 2021, Appendix III.

F. **Highway Connection.** This district is connected by U.S. Route 20, which is part of the United States highway system, and State Highway 55, which is part of the state highway system.

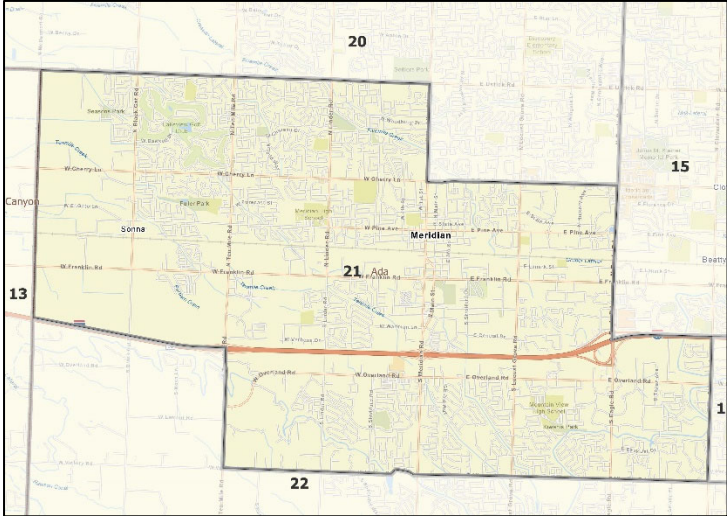


Figure 26
District 21, Plan L03

38. **District 21.** This district is an internal district within Ada County. It has a population of 53,066, which deviates 0.99% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest.** District 21 contains 50,226 residents of the city of Meridian or 42.70% of the total population of the city. As a city, Meridian is a community of interest, though with a population of 117,635, it must be divided among districts. Public testimony supported putting the bulk of Meridian’s population into two districts, and this district accommodates that request. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries.** District 21’s boundaries include the border between Ada and Canyon Counties in the west and several major roads: Ustick Road, Meridian Road, Fairview Avenue, Eagle Road, Interstate 84, Cloverdale Road, Victory Road, and Ten Mile

Road.

C. **County Division, Joinder, and Contiguity**. The internal division of Ada County is necessary for equal protection purposes, as explained in General Legislative Plan Finding 3.A. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. Some precincts in Ada County were divided to create this district. These divisions were warranted in creating a district of acceptable population, and Phil McGrane, Ada County Clerk, advised the Commission to ignore precinct boundary lines, as Ada County intends to redraw precinct boundary lines after redistricting concludes. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has neither divided Ada County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection**. This district is connected by Interstate 84, which is part of the interstate highway system.

39. **District 22**. This district (see Figure 27, next page) is an internal district within Ada County. It has a population of 53,342, which deviates 1.51% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest**. District 22 contains portions of Boise, Meridian, and Kuna. As cities, all three are communities of interest, and this district contains neighborhoods where the three cities intersect. The Commission finds that this district preserves traditional neighborhoods and local

communities of interest to the maximum extent possible.

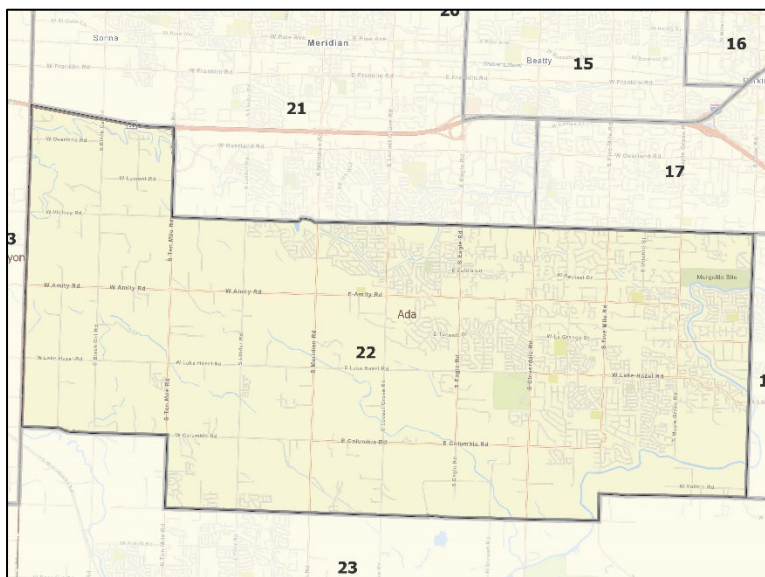


Figure 27
District 22, Plan L03

B. **District Boundaries.** District 22's boundaries include the border between Ada and Canyon Counties in the west and roads such as Interstate 84, Ten Mile Road, Victory Road, Cole Road, Hubbard Road, and Columbia Road.

C. **County Division, Joinder, and Contiguity.** The internal division of Ada County is necessary for equal protection purposes, as explained in General Legislative Plan Finding 3.A. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention.** Some precincts in Ada County were divided to create this district. These divisions were warranted in creating a district of acceptable population, and Phil McGrane, Ada County Clerk, advised the Commission to ignore precinct boundary lines, as Ada County intends to redraw precinct boundary lines after redistricting concludes. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-

1506(7).

E. **Political Parties and Incumbents.** The Commission specifically affirms that it has neither divided Ada County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection.** This district is connected by Interstate 84, which is part of the interstate highway system, and State Highway 69, which is part of the state highway system.

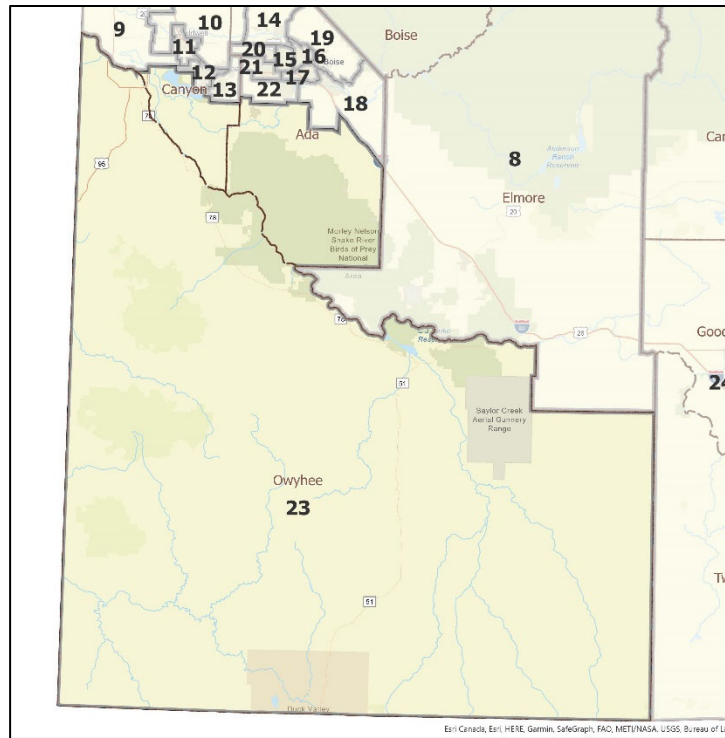


Figure 28
District 23, Plan L03

40. **District 23.** This district (see Figure 28, next page) combines portions of Ada and Canyon Counties with Owyhee County. District 23 has a population of 53,424, which deviates 1.67% from the ideal district size. Ada contributes 28,542 residents to the district, Canyon contributes 12,969, and Owyhee contributes 11,913.

A. **Traditional Neighborhoods and Local Communities of Interest**. In addition to Owyhee County, District 23 contains most of Kuna and Melba. Kuna and Melba were described as a community of interest in public testimony.⁸⁴ The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries**. District 23's boundaries are defined mostly by political geography. The western boundary is coterminous with part of Idaho's border with Oregon, the southern boundary is coterminous with part of Idaho's border with Nevada, the eastern boundary includes Owyhee County's borders with Twin Falls County and Elmore County, and part of the northern boundary is Owyhee County's border with Canyon County. Roads form most of the rest of the northern boundary.

C. **County Division, Joinder, and Contiguity**. Owyhee County requires joinder with another county or counties to form a district with an acceptable population. However, the options for joinder are limited, as Owyhee is contiguous with only four other counties: Canyon, Ada, Elmore, and Twin Falls. This district combines less densely populated areas of Ada and Canyon Counties with Owyhee County, because the areas included in the district, many of them rural or small communities, have similar legislative concerns. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. Some precincts in Ada and Canyon Counties were divided to create this district. These divisions were warranted in creating a district of acceptable population. The Commission determines, by a vote of 6-0, that it cannot

⁸⁴ See the Meridian Public Hearing Minutes, September 16, 2021, Appendix III.

complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. Political Parties and Incumbents. The Commission specifically affirms that it has neither divided Ada or Canyon County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. Highway Connection. This district is not directly connected by roads and highways that are part of the interstate system, the U.S. highway system, or the state highway system. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 7-1506(9).

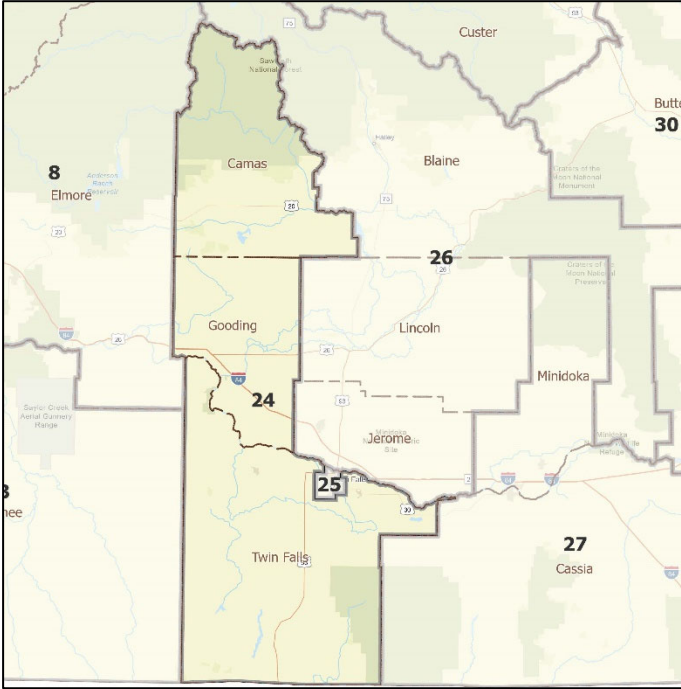


Figure 29
District 24, Plan L03

41. **District 24.** This district (see Figure 29, next page) combines two counties, Camas and Gooding, with a portion of Twin Falls County. District 24 has a population of 53,121, which deviates

1.09% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest**. Public testimony was generally supportive of this district, first proposed in Plan L01. Several people who testified or submitted written comments to the Commission expressed that Camas, Gooding, and Twin Falls Counties have similar interests.⁸⁵ The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries**. District 24's boundaries are defined externally by the political boundaries of the constituent counties.

C. **County Division, Joinder, and Contiguity**. As discussed in General Legislative Plan Finding 3.G. above, Twin Falls County must be externally split. As neither Camas County nor Gooding County has a large enough population to be a self-contained district, the Commission found it reasonable to combine them with part of Twin Falls County in order to satisfy equal protection requirements. Camas County is contiguous with Gooding County, and Gooding County is contiguous with Twin Falls County. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. Two precincts were divided in the creation of this district. These divisions were warranted in creating a district of acceptable population. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has

⁸⁵ See *e.g.* the Twin Falls Public Hearing Minutes, September 30, 2021, in Appendix III; and Written Testimony of Diana Serpa, September 30, 2021, and Susan Bolton, October 5, 2021, Appendix XIII.

neither divided Twin Falls County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection.** This district is directly connected by State Highway 46, which is part of the state highway system.

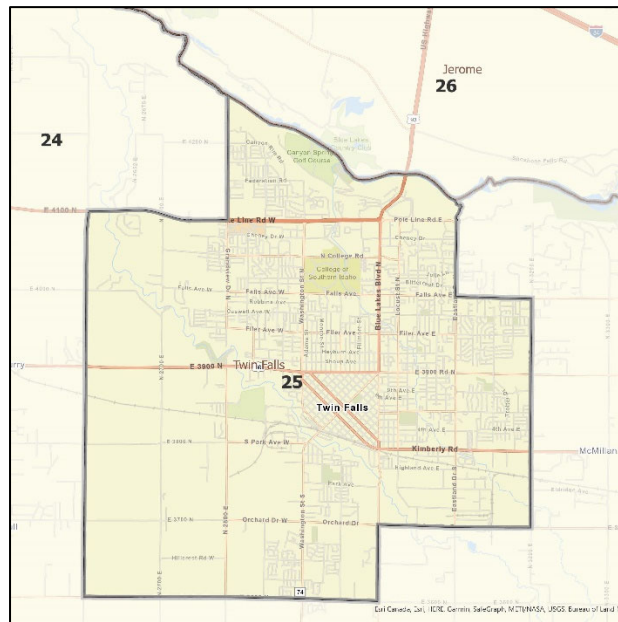


Figure 30
District 25, Plan L03

42. **District 25.** This district is an internal district within Twin Falls County. District 25 has a population of 53,600, which deviates 2.01% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest.** This district contains the city of Twin Falls, which, as a city, is a community of interest. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries.** On the north, District 25 is bounded by the Snake River, while its other boundaries are defined by roads: Eastland Drive, Falls Avenue, N 3200 E, Hankins

Road, Orchard Drive, N 3000 E, E 3600 N, N 2800 E., U.S. Route 93, and Grandview Drive.

C. **County Division, Joinder, and Contiguity.** The internal division of Twin Falls County is necessary for equal protection purposes, as explained in General Legislative Plan Finding 3.G. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention.** Two precincts were divided in the creation of this district. These divisions were warranted in creating a district of acceptable population. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents.** The Commission specifically affirms that it has neither divided Twin Falls County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection.** This district is directly connected by State Highway 46, which is part of the state highway system.

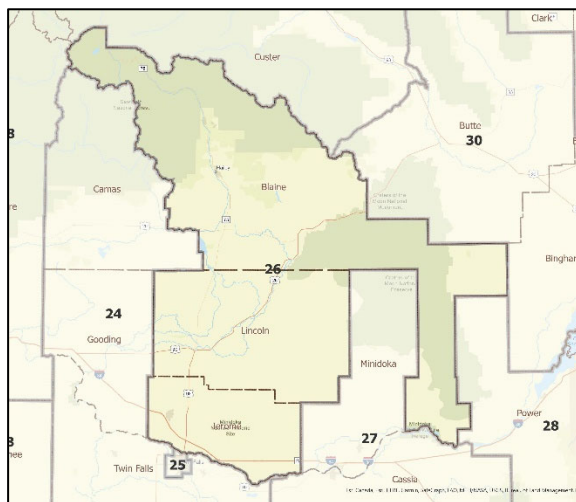


Figure 31
District 26, Plan L03

43. **District 26**. This district is composed of three counties: Blaine, Lincoln, and Jerome. The district's population is 53,636, which deviates +2.07% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest**. Public testimony was generally supportive of this district, first proposed in **Plan L01**. Overall, public testimony agreed with the Commission that Blaine, Lincoln, and Jerome Counties have similar interests.⁸⁶ The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries**. District 26's boundaries are determined by the political boundaries of the constituent counties.

C. **County Division, Joinder, and Contiguity**. These counties must each be joined with other counties, as none is large enough to form a district of acceptable population on its own. Blaine is contiguous with Lincoln County, and Lincoln County is contiguous with Jerome County.

D. **Precinct Boundary Retention**. No precincts were divided in the creation of this district.

E. **Political Parties and Incumbents**. This district contains no divided counties. The Commission nevertheless affirms that it did not attempt to protect a political party or an incumbent in the creation of this district.

F. **Highway Connection**. This district is directly connected by U.S. Routes 26 and 93, which are part of the United States highway system, and State Highway 75, which is part of the state highway system.

44. **District 27**. This district (see Figure 32, next page) is composed of three counties: Minidoka,

⁸⁶ See *e.g.* the Hailey Public Hearing Minutes, September 29, 2021, and the Twin Falls Public Hearing Minutes, September 30, 2021, Appendix III; and Written Testimony of Randy Patterson, Mayor of Carey (September 29, 2021), Luis Lecanda (October 1, 2021); and Cindy Jesinger (October 2, 2021), Appendix XIII.

Cassia, and Oneida. The district’s population is 50,832, which deviates -3.26% from the ideal district size.

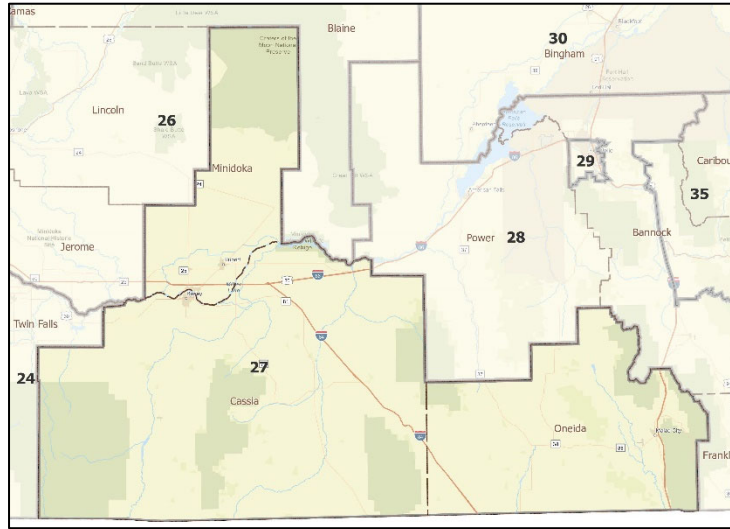


Figure 32
District 27, Plan L03

A. **Traditional Neighborhoods and Local Communities of Interest.** Public testimony was generally not in favor of combining Oneida County with Minidoka and Cassia.⁸⁷ Instead, public testimony overwhelmingly favored combining Oneida with Franklin, Bear Lake, and Caribou Counties.

When revising **Plan L01**, the Commission attempted to accommodate this request. Unfortunately, the Commission could not devise any district combinations that would allow Oneida, Franklin, Bear Lake, and Caribou — the “Four Counties” — to be together in one district. These counties have a combined population of 32,157. To attain the ideal district size, they would need an additional 20,389 people. The adjacent counties that might provide such additional people are Power, Bannock, Bingham, and Bonneville.

Bingham, with 44,992 people, is too populous to be added to the Four Counties,

⁸⁷ See Fort Hall Public Hearing Minutes, October 6, 2021, and Pocatello Public Hearing Minutes, October 6, 2021, Appendix III.

and dividing Bingham would require a ninth county split.

Power's population is 7,878 — too low, on its own, to help the Four Counties reach the ideal district size.

Bannock's population is 87,018, and as discussed in General Legislative Plan Finding 3.B., Bannock must be externally split. However, Bannock's excess population, after providing for one internal district of ideal size, is 34,472 — too many people to be added to the Four Counties, as this would create a district with 66,629 and a deviation of +26.8%. If 20,389 people were taken from Bannock to help the Four Counties attain the ideal district size, then the remaining 14,083 people from Bannock would need to go to another district, either to the north or to the west. The Commission saw no option for where these people could go. Adding them to Bingham was not an option, as the resulting district would be too populous; adding them to Power was not enough to create a district; and adding them to Power, Minidoka, and Cassia would create a district with 68,224 people, much too populous.

Finally, Bonneville County has a population of 123,964, and Bonneville, like Bannock, must be externally split. Assuming that two internal districts of ideal district size could be created in Bonneville, that would leave 18,872 excess residents to add to the Four Counties. Mathematically, this is feasible; adding the excess Bonneville residents to the Four Counties would create a district with 51,029 people, for a -2.89% deviation.

However, using Bonneville's external split to accommodate the Four Counties left a problem of what to do with Teton County, with a population of 11,630. Excluding Bonneville, the only counties adjacent to Teton are Madison and Fremont. Madison has enough people to be a self-contained district and therefore cannot be combined with

any other county. Fremont, with a population 13,388, is not large enough to create an ideal district when combined with Teton.

Adding counties adjacent to Fremont would not solve the problem. Jefferson County is too populous; combining it with Fremont and Teton would create a district with 55,909 people, deviating +6.4% from the ideal district size. Clark County, with only 790 people, is not populous enough, and therefore more population would have to be added from counties farther west – counties that had already been allotted to other districts.

Having failed in its own efforts to accommodate the Four Counties, the Commission found no solution in the draft plans submitted by the public. Of the maps that grouped the Four Counties together, two, **L011** and **L012**, had maximum population deviations exceeding 10%; eleven — **L014, L015, L016, L026, L042, L044, L047, L055, L056, L060, and L074** — split Bingham County; and two, **L070** and **L078**, split Bannock into four different districts.

Based on its own efforts and the maps submitted by the public, the Commission is not persuaded that there is a viable way to keep the Four Counties together and comply with both equal protection and the Idaho Constitution. While the people in Oneida County might feel more connected to their neighbors to the east, the Commission finds, based on equal protection and the Idaho constitutional requirement to keep counties whole as possible, that the most reasonable placement for Oneida County is in a district with Minidoka and Cassia Counties. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. District Boundaries. District 27's boundaries are determined by the political

boundaries of the constituent counties.

C. **County Division, Joinder, and Contiguity.** Cassia, Minidoka, and Oneida Counties must each be joined with other counties, as none is large enough to form a district of acceptable population on its own. Minidoka is contiguous with Cassia, and Cassia is contiguous with Oneida.

D. **Precinct Boundary Retention.** No precincts were divided in the creation of this district.

E. **Political Parties and Incumbents.** This district contains no divided counties. The Commission nevertheless affirms that it did not attempt to protect a political party or an incumbent in the creation of this district.

F. **Highway Connection.** The counties in this district are directly connected by Interstate 84 and Interstate 86, both of which are part of the interstate highway system.

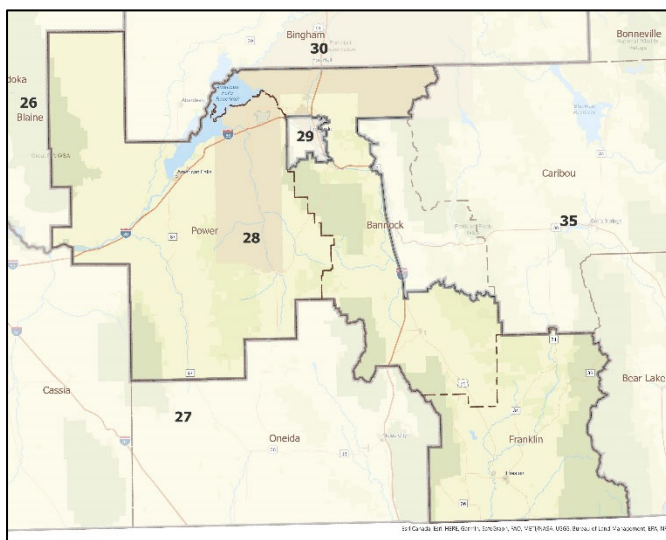


Figure 33
District 28, Plan L03

45. **District 28.** This district is composed of two counties, Power and Franklin, and a portion of Bannock County. The district’s population is 51,270, which deviates -2.43% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest.** As a multicounty

district, District 28 does not in itself constitute a neighborhood or a true community of interest. The Commission finds that equal protection standards and the Idaho Constitution's requirement to keep counties whole where possible will at times necessitate the creation of districts that combine multiple communities of interest. This is especially true in Eastern Idaho, which has thirteen counties and uneven population distribution.

One county, Madison, cannot be combined with any others, as it by itself is very close to the ideal district size. This limits how counties adjacent to Madison, including Jefferson, Clark, Fremont, and Teton, may be combined into districts.

Bonneville County, adjacent to Jefferson, Bingham, Madison, Teton, and Caribou Counties, must be split.

Bingham County, with 47,992 people, is not populous enough to be its own district, but too populous to be combined with anything other than a much smaller neighbor. This limits the number of counties that might be combined with it.

Power, Oneida, Bear Lake, and Caribou Counties all have populations under 10,000 and must be combined with other counties. Franklin is slightly more populous, with 14,194 people, but it, too, must be combined with other counties.

Bannock, with 87,018 people, must be externally split.

Essentially, the population distribution in this part of the state is such that the most populous counties — Bannock, Bingham, Bonneville, Madison, and Jefferson — are clustered together, while the less populous counties surround them. The two most populous counties, Bonneville and Bannock, may be externally split, and therefore must distribute some of their population to form districts with the counties around them. Bannock, the southernmost of the populous counties, is surrounded on three sides by

much less populous counties. Because of the nature of the population distribution in Eastern Idaho, the Commission finds it necessary to divide Bannock into three different districts, with one internal division and two external splits. One external split — for District 28 — requires that Bannock be combined with Power and Franklin Counties. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries**. District 28’s boundaries correspond to the boundaries of Power and Franklin Counties and the northern boundary of Bannock. Interstate 15 forms part of the eastern boundary of the district, as do some precinct boundaries and census blocks. District 28 also surrounds District 29, a “doughnut hole” district that includes most of the city of Pocatello.

C. **County Division, Joinder, and Contiguity**. The rationale for dividing Bannock County in this way is discussed in General Legislative Plan Finding 3.B, as well as in Specific Legislative Plan Finding 45.A. Power and Franklin Counties are both too small to constitute self-contained districts and must be combined with other counties. Power County is adjacent to Bannock County, which is adjacent to Franklin County. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. Several Bannock County precincts were divided in the creation of this district. These divisions were warranted in creating a district of acceptable population. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has

neither divided Bannock County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection.** While the component parts of this district are connected by Interstate 15 and Interstate 86, both of which are part of the interstate highway system, and U.S. Route 91, which is part of the United States highway system, the connection is not direct, as it is necessary to briefly leave the district while traveling through Pocatello. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(9).

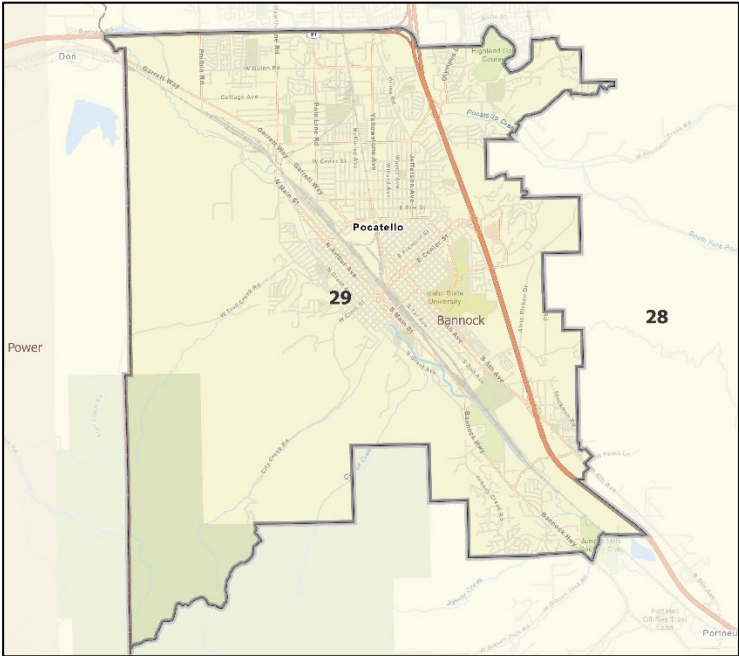


Figure 34
District 29, Plan L03

46. **District 29.** This district is an internal division of Bannock County. The district’s population is 53,264, which deviates +1.37% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest.** This district includes most of Pocatello, which, as a city, is a community of interest. Public testimony favored

keeping Pocatello together in one district.⁸⁸ With a population of 56,320, Pocatello could not be entirely included within one district, but the Commission did the best it could to honor this request. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries**. District 29's boundaries are influenced by but do not entirely conform to the city limits of Pocatello, which exceeds the ideal district size. The district is bounded on the north by Interstate 86 and on the west by Bannock County's border with Power County.

C. **County Division, Joinder, and Contiguity**. The internal division of Bannock County is necessary for equal protection purposes, as explained in General Legislative Plan Finding 3.B. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. Several Bannock County precincts were divided in the creation of this district. These divisions were warranted in creating a district of acceptable population. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has neither divided Bannock County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection**. This district is connected by Interstate 86 and Interstate 15, both of which are part of the interstate highway system.

⁸⁸ See Pocatello Public Hearing Minutes, October 6, 2021, Appendix III.

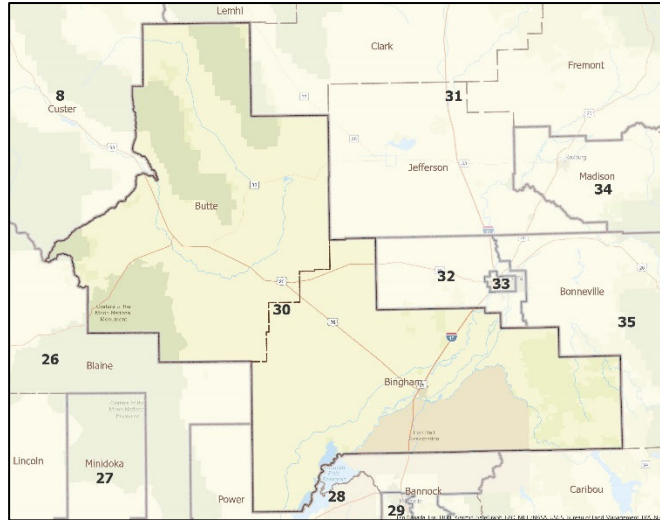


Figure 35
District 30, Plan L03

47. **District 30.** This district is composed of two counties: Bingham and Butte. The district’s population is 50,566, which deviates -3.77% from the ideal district size.

A. Traditional Neighborhoods and Local Communities of Interest. As a multicounty district, District 30 does not in itself constitute a neighborhood or a true community of interest, though it includes several communities that are communities of interest. The Commission finds that equal protection standards and the Idaho Constitution’s requirement to keep counties whole where possible will at times necessitate the creation of multicounty districts that combine multiple communities of interest, as is the case with District 30. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. District Boundaries. District 30’s boundaries are determined by the political boundaries of its constituent counties.

C. County Division, Joinder, and Contiguity. Neither Bingham County nor Butte County is populous enough to be a self-contained district; each must be joined with another county or counties to form a district with an acceptable population. The two counties

are contiguous with each other.

D. **Precinct Boundary Retention.** No precincts were divided in the creation of this district.

E. **Political Parties and Incumbents.** This district contains no divided counties. The Commission nevertheless affirms that it did not attempt to protect a political party or an incumbent in the creation of this district.

F. **Highway Connection.** The counties in this district are directly connected by U.S. Route 20, which is part of the United States highway system.

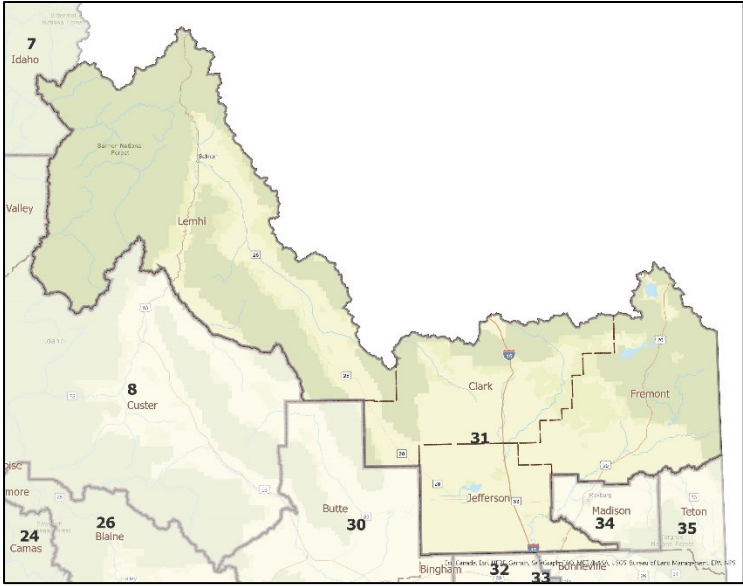


Figure 36
District 31, Plan L03

48. **District 31.** This district is composed of four counties: Lemhi, Clark, Jefferson, and Fremont. The district’s population is 53,043, which deviates 0.95% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest.** As a multicounty district, District 31 does not in itself constitute a neighborhood or a true community of interest, though it includes several communities that are communities of interest, and

some public testimony was supportive of combining these counties.⁸⁹ The Commission finds that equal protection standards and the Idaho Constitution's requirement to keep counties whole where possible will at times necessitate the creation of multicounty districts that combine multiple communities of interest, as is the case with District 30. However, based on the public testimony, the Commission finds that these four counties share similar economies and legislative concerns. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries.** District 31's boundaries are determined by the political boundaries of its constituent counties.

C. **County Division, Joinder, and Contiguity.** None of the counties in this district is populous enough to be a self-contained district; each must be joined with another county or counties to form a district with an acceptable population. Clark, Fremont, and Jefferson Counties are contiguous with each other, and Lemhi is contiguous with Clark.

D. **Precinct Boundary Retention.** No precincts were divided in the creation of this district.

E. **Political Parties and Incumbents.** This district contains no divided counties. The Commission nevertheless affirms that it did not attempt to protect a political party or an incumbent in the creation of this district.

F. **Highway Connection.** This district is not directly connected by roads and highways that are part of the interstate system, the U.S. highway system, or the state highway system. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(9).

⁸⁹ See Rexburg Public Hearing Minutes, October 7, 2021, Appendix III.

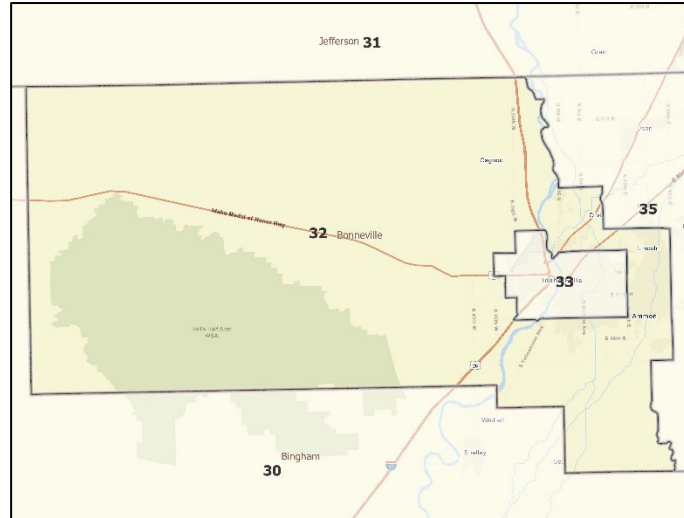


Figure 37
District 32, Plan L03

49. **District 32.** This district is an internal division of Bonneville County. The district’s population is 50,982, which deviates -2.98% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest.** This district contains western Bonneville County, Ammon, Iona, and a portion of Idaho Falls. The latter three, as cities, are all communities of interest, though Idaho Falls is too populous for one district. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries.** District 32 is bounded on the north by Jefferson County and to the west and south by Bingham County. To the east, District 32 is bounded by the Snake River and several roads. District 32 also surrounds District 33, a “doughnut hole” district containing most of Idaho Falls.

C. **County Division, Joinder, and Contiguity.** The internal division of Bonneville County is necessary for equal protection purposes, as explained in General Legislative Plan Finding 3.C. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. Some Bonneville County precincts were divided in the creation of this district. These divisions were warranted in creating a district of acceptable population. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has neither divided Bonneville County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection**. While this district is connected by Interstate 15, which is part of the interstate highway system, and U.S. Routes 20 and 26, which are part of the United States highway system, the connection is not direct, as it is necessary to briefly leave the district while traveling through District 33. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(9).

50. **District 33**. This district (see Figure 38, next page) is an internal division of Bonneville County. The district's population is 51,585, which deviates -1.83% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest**. This district includes most of Idaho Falls, which, as a city, is a community of interest. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries**. District 33 is bounded by the Snake River and several roads: 33rd N, 26th W, 17th N, 35th W, U.S. Route 20, Old Butte Road, 17th S, Bellin Road, Interstate 15, Sunnyside Road, 25th E, Lincoln Road, and Anderson Street.

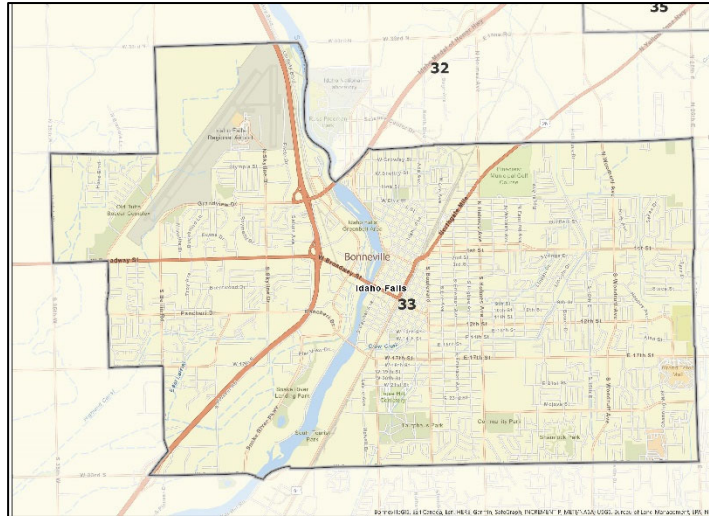


Figure 38
District 33, Plan L03

C. **County Division, Joinder, and Contiguity**. The internal division of Bonneville County is necessary for equal protection purposes, as explained in General Legislative Plan Finding 3.C. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention**. Some Bonneville County precincts were divided in the creation of this district. These divisions were warranted in creating a district of acceptable population. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has neither divided Bonneville County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connections**. This district is connected by Interstate 15, which is part of the interstate highway system, and U.S. Routes 20 and 26, which are part of the United

States highway system.

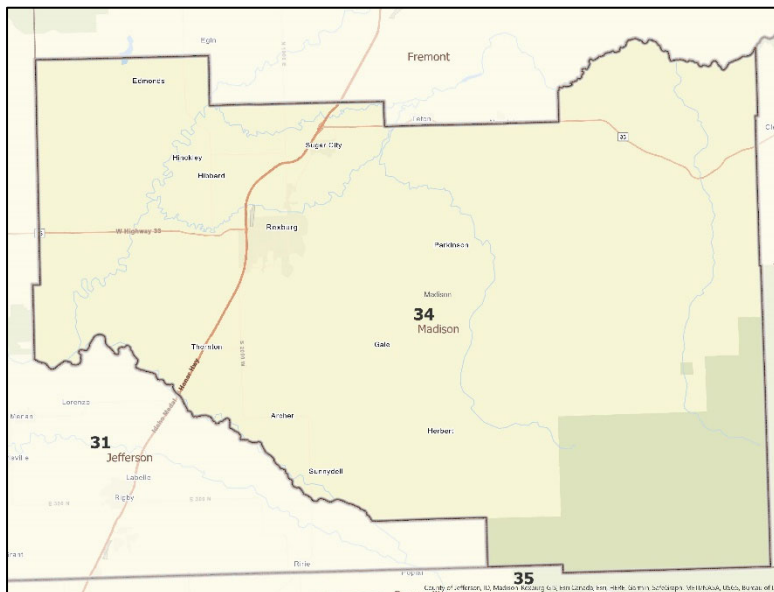


Figure 39
District 34, Plan L03

51. **District 34.** This district is Madison County. The district’s population is 52,913, which deviates +0.7% from the ideal district size.

A. **Traditional Neighborhoods and Local Communities of Interest.** This district includes all of Madison County, which includes communities of interest such as the city of Rexburg. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries.** District 34’s boundaries are coterminous with the boundaries of Madison County.

C. **County Division, Joinder, and Contiguity.** This is a single county district that has not been divided or joined with any other counties.

D. **Precinct Boundary Retention.** No precincts were divided in the creation of this district.

E. **Political Parties and Incumbents.** While no counties have been divided in the creation

of this district, the Commission nevertheless affirms that it has not taken any action to protect a political party or an incumbent in creating this district.

F. **Highway Connections.** This district is connected by U.S. Route 20, which is part of the United States highway system, and State Highway 33, which is part of the state highway system.

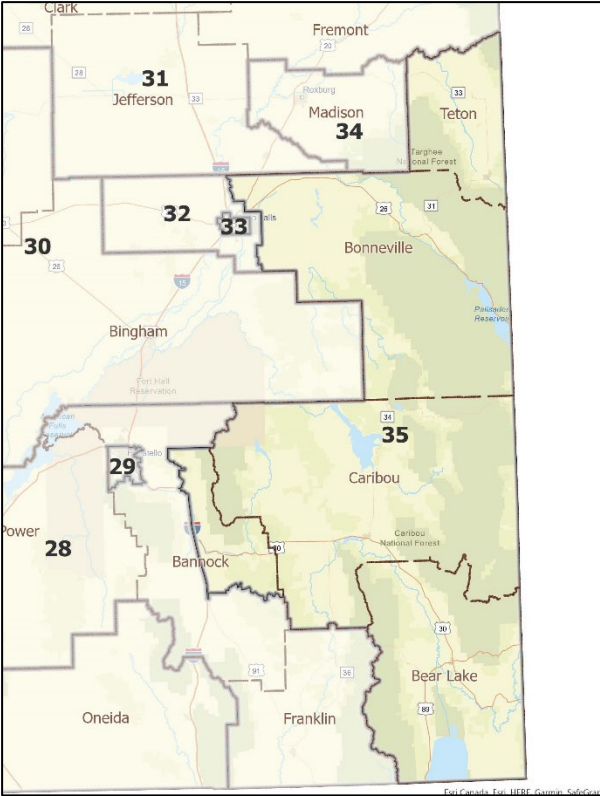


Figure 40
District 35, Plan L03

52. **District 35.** This district consist of three counties — Teton, Caribou, and Bear Lake — and portions of Bonneville and Bannock Counties. The district’s population is 50,982, for a deviation of -2.98%.

A. **Traditional Neighborhoods and Local Communities of Interest.** As a multicounty district, District 35 does not, in itself, constitute a neighborhood or a true community of interest, though it includes several communities that are communities of interest. The

Commission finds that equal protection standards and the Idaho Constitution's requirement to keep counties whole where possible will at times necessitate the creation of multicounty districts that combine multiple communities of interest, as is the case with District 35. However, the Commission finds that the areas included in District 35, primarily small and rural communities, share similar legislative concerns. The Commission finds that this district preserves traditional neighborhoods and local communities of interest to the maximum extent possible.

B. **District Boundaries.** District 35 is bounded on the east by Wyoming, to the south by Utah, and to the north by Fremont County. The district's western boundary, for the most part, follows county boundaries and roads.

C. **County Division, Joinder, and Contiguity.** Bannock and Bonneville are divided externally for reasons described in General Legislative Plan Findings 3.B. and 3.C. and Specific Legislative Plan Finding 45.A. Based on the population distribution in Eastern Idaho and the need to combine residents of more populous counties with residents in smaller counties, the Commission finds it necessary to split Bannock and Bonneville Counties externally. The whole counties in this district are not by themselves populous enough to be a self-contained district; each must be joined with another county or counties to form a district with an acceptable population. Bear Lake County is contiguous to Caribou County, Caribou County is contiguous to the portions of Bannock and Bonneville Counties contained within this district, and Bonneville County is adjacent to Teton County. The Commission finds that this district complies with the requirements of equal protection while minimizing county divisions to the maximum extent possible.

D. **Precinct Boundary Retention.** Some Bannock and Bonneville County precincts were divided in the creation of this district. These divisions were warranted in creating a

district of acceptable population. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(7).

E. **Political Parties and Incumbents**. The Commission specifically affirms that it has neither divided Bannock or Bonneville County in the creation of this district for the purpose of protecting a political party or an incumbent nor taken any other action in the creation of this district to protect a political party or an incumbent.

F. **Highway Connection**. This district is not directly connected by roads and highways that are part of the interstate system, the U.S. highway system, or the state highway system. The Commission determines, by a vote of 6-0, that it cannot complete its duties for this district by fully complying with the requirements of I.C. § 72-1506(9).

Legal Criteria for Congressional Redistricting

The United States Constitution requires proportional representation in Congress.⁹⁰ The population of congressional districts in the same state must therefore be as nearly equal as practicable.⁹¹ Even where precise mathematical equality is not possible, the state should make a good-faith effort to draw districts of equal population.⁹² However, a small deviation between district populations might be permissible if necessary to achieve a legitimate state objective.⁹³

There are no fixed numerical standards under which a population deviation becomes presumptively acceptable.⁹⁴ Rather, the state must “justify population differences between districts that could have been avoided by a good-faith effort to achieve absolute equality.”⁹⁵ The deviation cannot be

⁹⁰ See U.S. const. art. I, § 2, and amend. XIV, § 2.

⁹¹ See *Wesberry v. Sanders*, 376 U.S. 1 (1964).

⁹² *Karcher v. Daggett*, 462 U.S. 725, 730 (1983).

⁹³ *Karcher*, 462 U.S. at 731, and *Tennant v. Jefferson County Commission*, 567 U.S. 758, 759-760 (2012).

⁹⁴ *Karcher*, 462 U.S. at 731.

⁹⁵ *Tennant*, 567 U.S. at 759.

so great that it would result in vote dilution for the more populated district.⁹⁶

Courts will at times defer to state policies that are “consistent with constitutional norms, even if they require small differences in the population of congressional districts.”⁹⁷ Idaho policies on congressional redistricting appear in statute. These criteria include, to the extent possible, preserving traditional neighborhoods and local communities of interest,⁹⁸ avoiding oddly shaped districts,⁹⁹ avoiding division of counties, whether for partisan or other reasons,¹⁰⁰ and retaining local precinct boundary lines.¹⁰¹

General Congressional Plan Findings

Having reviewed Idaho’s 2020 population data provided by the United States Census Bureau pursuant to Public Law 94-171, having considered the law, testimony, and public comments pertinent to congressional redistricting in Idaho, and having considered the proposed congressional redistricting plans submitted by members of the public, the Commission, by a 4-2 vote, makes the following findings:

1. **Number of Districts**. Following the 2020 census, Idaho was apportioned two seats in the United States House of Representatives, and I.C. § 34-1901 creates two congressional districts, with one member elected from each district. The Commission has therefore adopted a plan with two congressional districts.

2. **Population and Ideal District Size**. The total state population, as determined by the 2020 census, is 1,839,106. The ideal district size — the quotient of the total state population divided by the total number of districts — is 919,553. Because Idaho has an even number of people, it is possible to achieve precise numeric equality between the congressional districts.

⁹⁶ *Tennant*, 567 U.S. at 764, and *Kirkpatrick v. Preister*, 394 U.S. 526, 531 (1969).

⁹⁷ *Tennant*, 567 U.S. at 760.

⁹⁸ I.C. § 72-1506(2).

⁹⁹ I.C. § 72-1506(4).

¹⁰⁰ I.C. § 72-1506(5) and (8).

¹⁰¹ I.C. § 72-1506(7).

3. **County Division.** Unlike for legislative redistricting, there is no Idaho constitutional provision concerning the division of counties in congressional redistricting. I.C. § 72-1506(5) provides that, “Division of counties shall be avoided where possible.” This criterion applies to both congressional and legislative redistricting. However, the Commission finds that complete avoidance of county division is not possible. As discussed above, the state must make a good-faith effort to achieve absolute numeric equality between congressional districts. Because Idaho has an even-numbered population, and because there are only two congressional districts, it is mathematically possible to achieve precise numeric equality between the districts. To achieve such equality, Ada County, the state’s most populous county, must be split. This conforms to how the state has divided its congressional districts since 1971, and the Commission also finds that maintaining the traditional division of Ada County would be less disruptive and confusing to voters than the creation of entirely new districts.

4. **Other State Criteria.** In congressional redistricting, the dictates of equal protection are paramount. While courts will at times show some deference to legitimate state objectives, the Commission finds that even a small deviation between districts to effectuate state policy is not reasonable in a redistricting year when precise numeric equality can be achieved. The Commission therefore declines to try to justify any deviation based on preservation of counties or other criteria mentioned in I.C. § 72-1506. However, the Commission specifically affirms that it has not divided Ada County or taken any other action in congressional redistricting for the purpose of protecting a political party or an incumbent.

5. **Precincts.** Under I.C. § 72-1506(7), a redistricting plan is required to retain local precinct boundary lines. The Commission finds, by a 5-1 vote, that it cannot complete its duties by fully complying with this requirement.

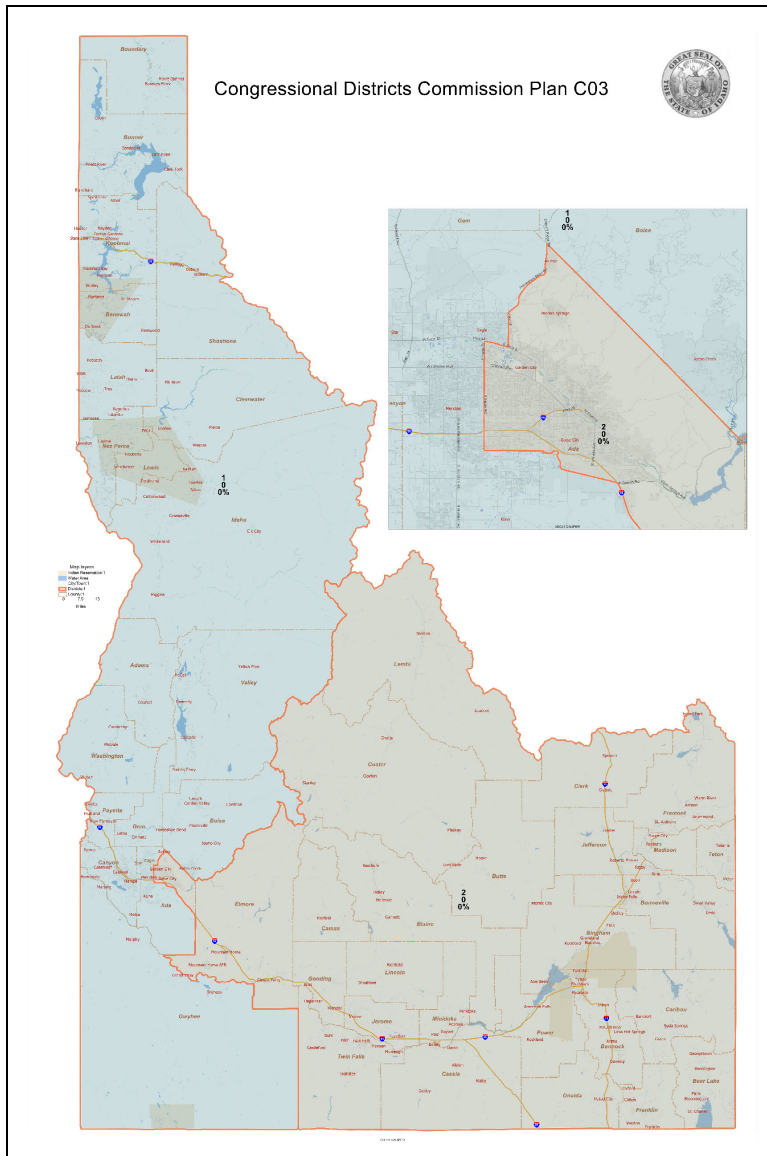


Figure 41
Adopted Plan C03
Specific Congressional Plan Findings

6. **Plan C03.** The Commission adopts, by a 4-2 vote, **Plan C03** as Idaho’s congressional redistricting plan.

7. **Population Data.** The population data used in drafting Plan C03 was exclusively census data. The plan was drafted using the Maptitude software program, purchased by the Commission from the Caliper Corporation.

8. **Deviation**. There is no population deviation between the districts in Plan C03. Each district is the ideal district size of 919,553.

9. **District 1**. This district includes the following counties: Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, Lewis, Idaho, Adams, Valley, Washington, Gem, Boise, Payette, Canyon, Owyhee, and part of Ada. A detailed census block equivalency report for the district is included in Appendix X.

10. **District 2**. This district includes the following counties: Lemhi, Custer, Elmore, Camas, Blaine, Lincoln, Gooding, Jerome, Minidoka, Twin Falls, Cassia, Butte, Clark, Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Power, Bannock, Caribou, Oneida, Franklin, Bear Lake, and part of Ada. A detailed census block equivalency report for the district is included in Appendix VII.

11. **Division of Ada County**. The portion of Ada County allocated to District 2 includes most of the city of Boise and some of Eagle and Meridian. The boundaries for the Ada County portion of District 2 are: in the northeast, the county line between Ada and Boise Counties up to State Highway 55; in the northwest, State Highway 55 south to State Street; in the west, State Highway 44 to Eagle Road, then Eagle Road south to Victory Road; and in the south, Victory Road, Orchard Street, Gowen Road, and Interstate 84. The southern boundary dips south from Victory Road for a brief distance to include some people in District 2 that are necessary to achieve precise numeric equality.

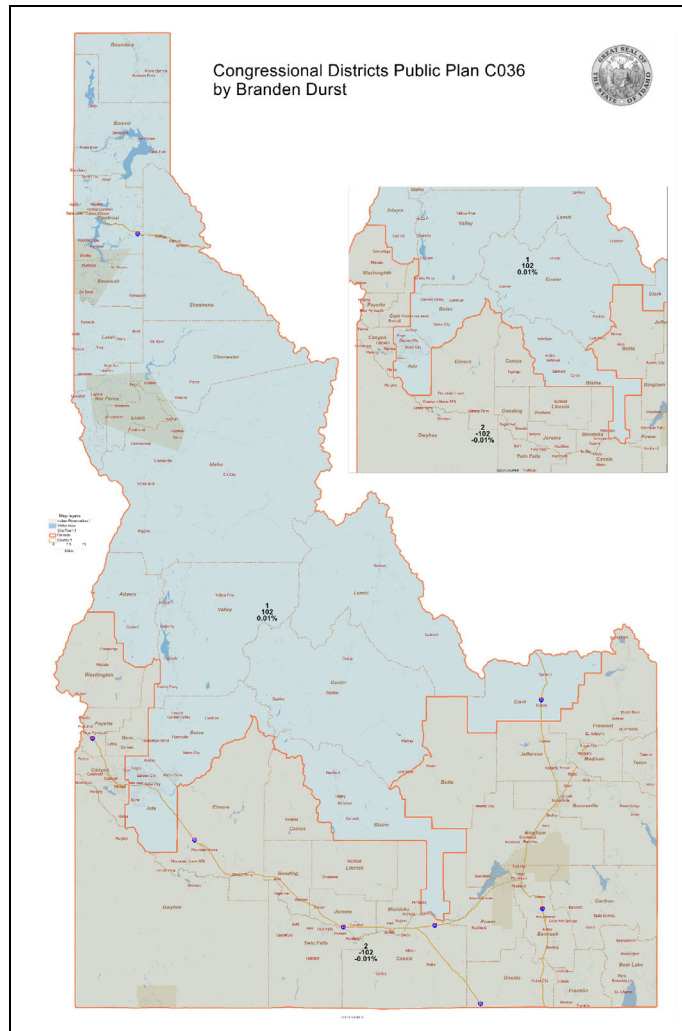


Figure 42
Plan C036

Minority Report on Congressional Redistricting

Cochair Schmidt and Commissioner Mitchell respectfully dissent in part from General Congressional Plan Findings 1 and 2 and further respectfully dissent from General Congressional Plan Findings 3 and 4, except to note that they agree with their colleagues that the majority of the Commission has not taken action in congressional redistricting to protect a political party or an incumbent. Additionally, Commissioner Mitchell respectfully dissents from General Congressional Plan Finding 5. Cochair Schmidt and Commissioner Mitchell would find the following:

1. **County Preservation.** Maintaining the integrity of counties is a legitimate state objective, as determined by the United States Supreme Court in *Tennant v. Jefferson County Commission*, 567 U.S. 758 (2012). Minor deviations from precise numeric equality may be justified if the deviation results from effectuating a legitimate state objective. The Commission should do its utmost not only to achieve equal protection but also to effectuate state policy. As provided in I.C. § 72-1506(5), it is state policy to avoid the division of counties whenever possible.

2. **Plan C036.** Cochair Schmidt and Commissioner Mitchell would adopt Plan C036 or a similar plan that maintains whole counties with a minimal population deviation. In Plan C036, the difference between the districts is 102 people, or 0.01%. Such a minor deviation — less than the deviation in the congressional redistricting plan upheld in *Tennant* — would not dilute the voting power of any person in the state, and in adopting Plan C036 or something like it, the Commission would be abiding by statute and serving the legitimate state objective of maintaining whole counties.

Conclusion

Based on the findings, reasons, and analyses described above, the Idaho Commission for Reapportionment reports to the Idaho Secretary of State that it has adopted **Plan L03** as Idaho's legislative redistricting plan, **Plan C03** as Idaho's congressional redistricting plan, and this document as its Final Report.

DATED this 10th day of November, on the Commission's 71st day of business,

Bart Davis, Cochair
Dan Schmidt, Cochair
Tom Dayley, Commissioner
Nels Mitchell, Commissioner
Amber Pence, Commissioner
Eric Redman, Commissioner

Acknowledgments

The Commissioners are grateful to the following for their invaluable assistance during the redistricting process:

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Dr. Gary Moncrief, Distinguished Professor Emeritus, Boise State University;

Brian Kane, Chief Deputy Attorney General, Office of the Idaho Attorney General;

Megan Larrondo, Deputy Attorney General, Office of the Idaho Attorney General;

Ron Beitelspacher, Former Redistricting Commissioner;

Randy Hansen, Former Redistricting Commissioner;

Our families, for their tremendous patience and understanding; and

All the Idahoans who took the time to testify at Commission hearings, submit written testimony, and submit proposed redistricting plans.



Idaho Commission for Reapportionment

November 10, 2021

The Honorable Chuck Winder
The Honorable Michelle Stennett
The Honorable Scott Bedke
The Honorable Ilana Rubel
Chairman Fred Cornforth
Chairman Tom Luna

RE: Constituent Redistricting Concerns

Dear Appointing Authorities:

Thank you for the opportunity to serve on the Idaho Commission for Reapportionment. It has been our honor and privilege to fulfill this important function.

As a Commission, we held 18 hearings around the state to take public testimony on redistricting. In the testimony, certain concerns emerged as recurring themes. We wish to emphasize that, in describing these concerns, we are not recommending any specific action. Rather, our purpose is to bring the concerns to the attention of you, your parties, and your caucuses.

First, there is interest among some constituents for communities of interest, such as cities and tribal reservations, to be afforded greater protection than that currently allowed by law. Although I.C. § 72-1506(2) lists preserving communities of interest as a redistricting criterion, this statutory provision is subordinate to the mandate in the Idaho Constitution to keep counties whole. Thus, it is common for communities that cross county boundaries, such as the Fort Hall Reservation, to be divided between legislative districts. Greater legal protection for Idaho's communities of interest would likely require an amendment to Article III, Section 5, of the Idaho Constitution.

Second, some constituents reported feeling disenfranchised in their current districts. They testified that their legislators ignored parts of the district with less population. This feeling of disenfranchisement seemed most common among rural voters. It was suggested by Dr. Gary Moncrief and others that creating 70 representative districts — or two House districts for every Senate district — might help to alleviate this feeling of disenfranchisement, because House members would then be more geographically dispersed throughout the state. But creating 70 House districts would likely require a change to Article III, Section 4, of the Idaho Constitution, which requires 35 *legislative* districts, failing to

distinguish between Senate and House districts.

Again, our purpose in this letter is not to provide specific recommendations on these matters but to bring them to your attention.

Thank you again for the opportunity to serve.

Sincerely,

Bart Davis, Cochair

Dan Schmidt, Cochair

Tom Dayley, Commissioner

Nels Mitchell, Commissioner

Amber Pence, Commissioner

Eric Redman, Commissioner