

January 18, 2012

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**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**2012 Opinion No. 16**

**TWIN FALLS COUNTY, a political subdivision of )  
the State of Idaho, and the BOARD OF TWIN )  
FALLS COUNTY COMMISSIONERS, the CITY )  
OF TWIN FALLS, the CITY OF HANSEN, the )  
CITY OF FILER, the CITY OF BUHL; TETON )  
COUNTY, a political subdivision of the State of )  
Idaho, and the BOARD OF TETON COUNTY )  
COMMISSIONERS; OWYHEE COUNTY, a )  
political subdivision of the State of Idaho, and the )  
BOARD OF OWYHEE COUNTY )  
COMMISSIONERS; and KOOTENAI COUNTY, a )  
political subdivision of the State of Idaho, and the )  
BOARD OF KOOTENAI COUNTY )  
COMMISSIONERS )**

**Docket No. 39373**

**Petitioners,**

**vs.**

**IDAHO COMMISSION ON REDISTRICTING )  
AND BEN YSURSA, Secretary of State of the State )  
of Idaho. )**

**Respondents.**

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**Petition Challenging the Redistricting Commission’s Legislative Reapportionment Plan**

Grant P. Loeb, Prosecutor, Twin Falls, for Petitioners.

Hon. Lawrence Wasden, Attorney General, Boise, for Respondents.

The redistricting plan violates the Idaho Constitution and is therefore invalid.

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The Idaho Supreme Court, in a 4-1 decision, held that the state Redistricting Commission's legislative reapportionment plan violates Article III, section 5 of the Idaho Constitution.

The disputed legislative plan is the work of two different redistricting commissions. As a result of the 2010 federal census, the prior Redistricting Commission was convened by the Secretary of State on June 7, 2011. After fourteen public hearings around the state on more than 80 proposed legislative and congressional redistricting plans, the former Commission was disbanded after failing to agree upon a plan within the ninety-day time limit set by Idaho law.

The current Redistricting Commission was sworn in on September 28, 2011, and resumed public hearings on the legislative plans under consideration by the former Commission. The Commission ultimately adopted Plan L87, which contains a total of thirty-five legislative districts, a population deviation of 9.92 percent, and twelve county splits. Before the Court, Petitioners alleged that Plan L87 violated the Idaho Constitution and Idaho Code section 72-1506 by splitting more counties than necessary to comply with federal voting requirements.

In its decision, the Idaho Supreme Court agreed with Petitioners that Plan L87 unconstitutionally splits more counties than necessary to satisfy the federal constitutional standard of "one person-one vote," as required by Article III, section 5 of the Idaho Constitution. The Court held that the Redistricting Commission must first satisfy the United States Constitution and the Idaho Constitution before considering the subordinate requirements of Idaho Code section 72-1506. Because Plan L87 violates the Idaho Constitution, it must be revised.