

New legislators to serve for 1983 despite lawsuit

2nd July 28, 1982
BY BEN J. PLASTINO

Post-Register political editor

The Idaho legislators elected in the Nov. 2 general election will serve in the 1983 session regardless of the pending appeal on legislative reapportionment, Ken McClure, deputy Idaho attorney general handling the reapportionment lawsuit, said Tuesday.

McClure reported previously the Idaho Supreme Court likely will not hear the case until at least late September or early October, and it could be several months later.

McClure said, however, that First District Judge Gar Cogswell, who had ruled the legislative reapportionment proposal unconstitutional, had acquiesced to not delaying the Nov. 2 general election results and gave the legislators until April to come up with a new acceptable plan.

"Nothing will happen regarding the legislative election and 1983 session," said McClure in a telephone interview with The Post-Register from his Boise office. "The regular election process will continue regardless of the appeal."

McClure noted that if the Idaho Supreme Court does not decide before April it is probable Cogswell will delay a reapportionment decision.

McClure also pointed out there are a number of

states who have pending lawsuits similar to that of Idaho, mentioning Michigan and New Jersey.

The Michigan case, said McClure, has already been decided in the State Supreme Court and is now pending appeal to the U.S. Supreme Court.

"If the U.S. Supreme Court hands down a decision in the Michigan case it is likely Idaho will not need to press its case," said McClure, adding the Michigan state courts also ruled that state's reapportionment proposal was unconstitutional because it split county lines, similarly as in Idaho.

The Idaho case was filed in June by several individuals in northern Idaho, city of Coeur d'Alene and Post Falls Highway district challenging the reapportionment plan passed by the Idaho Legislature at its special session in May. After Cogswell ruled against the state, McClure, acting for the state, filed the appeal.

McClure also said the newly elected legislators could well serve for only one session if the Idaho Supreme Court and the U.S. Supreme Court upholds the district judge ruling.

It would mean a new legislative election would need to be called in 1983, based on legislative districts that would not cross county lines.