

IDAHO STATE HISTORICAL SOCIETY

REFERENCE SERIES

IDAHO'S SENATE LEGISLATIVE APPORTIONMENT, 1890-1912

Number 776

1983

Abstract:

Because some Mormon counties had so few qualified voters in four elections (1886-1892), Idaho did not shift from a legislative apportionment based upon equal representation to a senate with one vote for each county until 1895. A constitutional amendment, ratified in 1912, confirmed that change when a 26-member limitation had to be removed after Idaho had more than 26 counties.

Summary:

Like many other western territories, Idaho had a decidedly unsatisfactory experience with territorial legislative apportionment prior to gaining state admission in 1890. Territorial legislative apportionments were required to be "as nearly equal as practicable" among counties or districts represented, with voters, rather than population used as a basis for apportionment ratios. Each "section" of Idaho was to have representation in each legislative chamber matching its ratio of "qualified voters as nearly as may be." Special census enumerations of 1863 and 1864 established legislative apportionment ratios for those two years, after which voting totals in previous elections were used. Voting totals may not always have corresponded to numbers of eligible voters, but they provided a practical basis for reapportionment. Dramatic and erratic population shifts in mining territories like Idaho came suddenly enough to make a previous year's voting total an absurd basis for a legislative apportionment, but no practical alternative was available. From 1864 on, legislative districts always were defined as single counties or groups of adjacent counties, selected in such a way as to give eligible voters fairly equal representation.

Idaho had trouble (as did other western territories) with county boundary and county division conflicts that reflected county seat aspirations of rival towns. These battles created serious apportionment problems. After 1880, a Hailey-Bellevue conflict created enough havoc that Idaho's 1889 legislature was too distracted to provide for a state constitutional convention

later that year. Elmore County, which escaped from that clash in 1889, resolutely declined to be included in a legislative district with Hailey anymore, preferring almost any outlandish alternative. So in providing an initial legislative apportionment, Idaho's constitutional convention faced a special challenge.

A still more serious difficulty arose from anti-Mormon legislation that disqualified all of Idaho's Mormons from voting.

Bear Lake County had cast only 186 votes in 1886, with very few additional eligible voters available for representation. (In 1888, a complicated and unresolved issue of voter eligibility in a contested election made totals for that year meaningless. But in 1889, Bear Lake had very few eligible voters under Idaho Statute.) In a rare case of partisan division, Idaho's constitutional convention declined to provide that each county have one senator, ostensibly because a small group of Bear Lake anti-Mormons ought not to be entitled to that much representation. But such a proposal failed by only one vote, and each county was assured one representative regardless of such a shortage of legal voters. By 1889, Idaho's anti-Mormon election legislative issues had become so complex that constitutional convention advocates and opponents of guarantees that each county have a senator appeared to be voting against their own political interests. But in any event, that issue was resolved strictly in a context of anti-Mormon voting restrictions.

After 1894, when Idaho's Mormons regained their franchise, each county was given one--and only one--senator. Aside from creating new counties somewhat equal in population (now that population and totals of qualified voters had become pretty nearly proportional), no effort was given to retain equality in senate representation. That system remained a matter of legislative choice until 1912, when a state constitutional amendment was ratified requiring that each county have a senator.

This amendment was adopted in order to delete a restriction that prohibited each county from having a senator, or else limited Idaho's total number of counties to 26. (In 1889, a senate not to exceed 26 members was provided for, and if that restriction were to be retained with a system--allowable but not constitutionally mandated--of having one senator for each county, any such limitation would have to be removed.) In place of a limit of 26, senate membership would not exceed Idaho's total number of counties. If that change had been proposed in 1909, in time to allow for more than 26 counties two years later, an awkward situation would have been avoided. With 28 counties in 1911, Idaho had a rather curious arrangement in which two of them (Bonneville and Adams) did not get a senator, but had to share with their antecedent counties--Bingham and Washington. This arbitrary provision, unrelated to population or to sequence of establishment of new counties, represented Idaho's only departure from giving each county one (and only one) senator after 1894

until that system was revised to meet federal requirements for equal senate representation.

Apportionment Issues:

Senate representation prior to 1896: Because of constitutional convention restraint in apportioning more than one county in a senate district, only two Mormon counties (Cassia and Oneida) were left without any senate representation in 1890. Then in 1892, Latah, Oneida, and Owyhee failed to elect a state senator. In 1894, Latah (in those years, a large county in voting strength) managed to gain three senators--one from Moscow and two from Genesee. (No other Idaho county succeeded in electing three senators under that system.) But partly as a result of that success, Kootenai, Idaho, Bear Lake, Cassia, and Fremont went unrepresented. These erratic results of multi-county senate district elections led to abandonment of that system. Several senators from Latah and Shoshone counties voted to abolish their own districts to accomplish that result. But reelection to Idaho's state senate was uncommon in those years: only two senators--a Democrat from Rocky Bar and an anti-Mormon from Montpelier--were reelected in 1892, and no one had gained senate reelection in 1894. Two senators were reelected after reapportionment in 1896, but both of them had to change their political parties in order to return. Chaotic political upheaval, rather than senate reapportionment, accounted for lack of continuity in Idaho's early senate membership.