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4 **Senate Concurrent Resolution No. 1607**

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6 By Senators Schmidt and Downey, Adkins, Barnett, Buhler, Emler,  
7 Gooch, Goodwin, Lee, Morris, Oleen, Schodorf, Steineger, Teichman,  
8 Umbarger and Vratil

9 2-4

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11 A PROPOSITION to revise article 10 of the constitution of the state of  
12 Kansas, relating to redistricting of legislative districts, state board of  
13 education districts and congressional districts.

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15 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*  
16 *members elected (or appointed) and qualified to the Senate and two-*  
17 *thirds of the members elected (or appointed) and qualified to the House*  
18 *of Representatives concurring therein:*

19 Section 1. The following proposition to amend the constitution of the  
20 state of Kansas shall be submitted to the qualified electors of the state  
21 for their approval or rejection: Article 10 of the constitution of the state  
22 of Kansas is hereby revised to read as follows:

23 “Article 10. — LEGISLATIVE, STATE BOARD OF EDUCATION  
24 AND CONGRESSIONAL REDISTRICTING

25 “§ 4. **Redistricting required; basis.** (a) Kansas house of repre-  
26 sentative districts, Kansas senate districts, state board of education  
27 districts and United States congress districts shall be redistricted in  
28 2012 and every 10th year thereafter, as provided by this article.

29 (b) Redistricting of Kansas house of ~~representative~~ **representa-**  
30 **tives** districts, Kansas senate districts, state board of education districts  
31 and congressional districts shall be based upon the population of the  
32 state of Kansas as established by the most recent actual enumeration  
33 of population taken and published by the United States bureau of the  
34 census. ***Kansas house of representatives districts and Kansas sen-***  
35 ***ate districts shall be reapportioned upon the basis of the popu-***  
36 ***lation of the state adjusted: (1) To exclude nonresident military***  
37 ***personnel stationed within the state and nonresident students at-***  
38 ***tending colleges and universities within the state; and (2) to in-***  
39 ***clude military personnel stationed within the state who are res-***  
40 ***idents of the state and students attending colleges and***  
41 ***universities within the state who are residents of the state in the***  
42 ***district of their permanent residence. Bills reapportioning legis-***  
43 ***lative districts shall be published in the Kansas register imme-***

1 ***diately upon final passage and shall be effective for the next fol-***  
2 ***lowing election of legislators and thereafter until again***  
3 ***reapportioned.***

4 “§ 5. **Establishment of redistricting commission.** (a) Not later  
5 than February 15 of the year before the year when redistricting is  
6 required, a redistricting commission shall be established to recom-  
7 mend to the legislature redistricting plans for Kansas house of repre-  
8 ~~sentative~~ **representatives** districts, Kansas senate districts, state board  
9 of education districts and United States congress districts.

10 (b) The redistricting commission shall consist of the following  
11 members:

12 (1) The secretary of state, who shall serve as chairperson of the  
13 commission and shall be a nonvoting member; and

14 (2) one member each appointed by the following from among per-  
15 sons nominated pursuant to subsection (c): The governor, the chief  
16 justice of the Kansas supreme court, the chief judge of the Kansas  
17 court of appeals, the president of the Kansas senate, the minority  
18 leader of the Kansas senate, the speaker of the Kansas house of rep-  
19 resentatives and the minority leader of the Kansas house of  
20 representatives.

21 (c) On or before January 1 of the year before the year when re-  
22 districting is required, the supreme court nominating commission shall  
23 nominate 25 qualified voters of the state of Kansas for appointment to  
24 the redistricting commission. Appointment of members of the com-  
25 mission pursuant to subsection (b)(2) shall be from among such  
26 nominees.

27 (d) Any appointment pursuant to subsection (b)(2) by the presi-  
28 dent or minority leader of the Kansas senate must be approved by  
29 resolution of the Kansas senate. Any appointment pursuant to subsec-  
30 tion (b)(2) by the speaker or minority leader of the Kansas house of  
31 representatives must be approved by resolution of the Kansas house  
32 of representatives. Any other appointment pursuant to subsection  
33 (b)(2) must be approved by the Kansas legislature by concurrent res-  
34 olution. If any appointment has not been made and so approved before  
35 adjournment *sine die* of the regular legislative session of the year when  
36 the redistricting commission is established, the chief judge of the Kan-  
37 sas court of appeals shall make such appointment from among persons  
38 nominated pursuant to subsection (c). Any such appointment shall be  
39 made not later than 14 days after the adjournment *sine die* and shall  
40 not be subject to legislative approval.

41 (e) Any vacancy in the membership of the redistricting commis-  
42 sion shall be filled in the same manner as the original appointment  
43 and the appointment shall be subject to legislative approval as provided

1 by subsection (d), except that a vacancy after adjournment *sine die* of  
2 the regular legislative session of the year when the commission is es-  
3 tablished shall be filled not later than 14 days after occurrence of the  
4 vacancy by appointment by the chief judge of the Kansas court of  
5 appeals from among persons nominated pursuant to subsection (c). No  
6 such appointment shall be subject to legislative approval.

7 (f) Not more than four members of the redistricting commission  
8 shall be members of the same political party and there shall be at least  
9 one resident of each Kansas congressional district on the commission.

10 (g) No person, while a member of the commission, shall:

11 (1) Hold any federal, state or local office, other than judge of a  
12 municipal court, county court or district court or judge of the Kansas  
13 court of appeals; or

14 (2) be an employee of the Kansas legislature, state board of edu-  
15 cation or United States congress.

16 (h) No person who has been a member of the redistricting com-  
17 mission shall be eligible, within two years after being a member of the  
18 commission, to:

19 (1) Be a member or employee of the Kansas legislature or state  
20 board of education; or

21 (2) hold any appointive state office, other than judge of the district  
22 court, judge of the Kansas court of appeals or justice of the Kansas  
23 supreme court.

24 (i) The legislature shall provide by law for payment of compen-  
25 sation and expenses of members of the redistricting commission and  
26 for adequate staff, office space, equipment and materials for the  
27 commission.

28 (j) The terms of members of the redistricting commission shall  
29 expire on July 1 of the year when redistricting occurs pursuant to this  
30 article and the commission shall be inactive until reestablishment of  
31 the commission at the time of the next redistricting pursuant to this  
32 article.

33 “§ 6. **Commission procedure and recommendations.** (a) The  
34 redistricting commission shall establish such rules and procedures as  
35 necessary to carry out the commission’s functions. Such rules and pro-  
36 cedures shall include rules requiring formal submission to the com-  
37 mission of all communications with commission members. *Ex parte*  
38 communications with members of the commission in relation to the  
39 merits of matters before the commission shall be prohibited. Members  
40 of the commission shall report to the attorney general any violations  
41 of the prohibition and the legislature shall provide criminal penalties  
42 for such violations.

43 (b) The redistricting commission shall conduct public hearings

1 throughout the state, including at least one public hearing in each state  
2 board of education district.

3 (c) In recommending redistricting plans, the redistricting com-  
4 mission shall consider only the requirements of this constitution and  
5 federal law, preservation of political subdivisions, preservation of com-  
6 munities of interests and avoidance of placing more than one incum-  
7 bent in a district. Except as expressly provided in this subsection, the  
8 commission shall not intentionally develop districts that favor or dis-  
9 criminate against any individual, political party or group.

10 **“§ 7. Legislative action; court review and action.** (a) On or  
11 before the first day of the regular legislative session in the year when  
12 redistricting is required, the redistricting commission shall introduce  
13 in the house of representatives a bill redistricting Kansas house of  
14 representative districts and a bill redistricting congressional districts  
15 and shall introduce in the senate a bill redistricting Kansas senate dis-  
16 tricts and a bill redistricting state board of education districts. Such  
17 bills shall not be subject to amendment by either house of the legis-  
18 lature and each such bill shall be acted upon by each house within  
19 seven days after such bill is introduced in such house.

20 (b) If a bill introduced pursuant to subsection (a) is not enacted,  
21 the redistricting commission, within 10 days after rejection of the bill  
22 by either house of the legislature or veto of the bill by the governor,  
23 shall introduce another bill redistricting such districts. If the Kansas  
24 supreme court enters judgment that a bill introduced pursuant to sub-  
25 section (a) is invalid, the redistricting commission, within 10 days after  
26 entry of such judgment, shall introduce another bill redistricting such  
27 districts. Introduction of a bill pursuant to this subsection shall be in  
28 the same house as introduction of the original bill pursuant to subsec-  
29 tion (a). Such bill shall not be subject to amendment by either house  
30 and shall be acted upon by each house within seven days after the bill  
31 is introduced in such house.

32 (c) If a bill introduced pursuant to subsection (b) is not enacted,  
33 the redistricting commission, within 10 days after rejection of the bill  
34 by either house of the legislature or veto of the bill by the governor,  
35 shall introduce another bill redistricting such districts. If the Kansas  
36 supreme court enters judgment that a bill introduced pursuant to sub-  
37 section (b) is invalid, the redistricting commission, within 10 days after  
38 entry of such judgment, shall introduce another bill redistricting such  
39 districts. Introduction of a bill pursuant to this subsection shall be in  
40 the same house as introduction of the original bill pursuant to subsec-  
41 tion (a). Such bill shall be subject to amendment by each house and  
42 shall be acted upon by each house within 14 days after the bill is  
43 introduced in such house. When a bill is introduced pursuant to this

1 subsection, the commission shall make the commission's staff and technical  
2 resources available to the legislature for use in preparation and  
3 consideration of amendments to such bill.

4 (d) Redistricting bills shall be published in the Kansas register immediately  
5 upon final passage and approval by the governor. The districts enacted shall be  
6 effective for the next following regular election and thereafter until again such  
7 districts are redistricted, except that the senate districts shall be effective for  
8 the next following regular election at which all senators are elected.

9 (e) Within 15 days after publication of any redistricting bill enacted pursuant  
10 to this article, but not later than May 1 of the year when redistricting is  
11 required, the attorney general shall petition the Kansas supreme court to  
12 determine the validity of such bill. The supreme court, in accordance with its  
13 rules, shall permit interested persons to present their views. Within 30 days  
14 after the filing of such petition, the supreme court shall enter its judgment.  
15 A judgment of the supreme court determining redistricting to be valid shall be  
16 final until redistricting of the districts is again required by this article.

17 (f) Regardless of whether there is sufficient time to complete all procedures  
18 provided by this section, if on May 1 of the year when redistricting is required  
19 no bill has become law to redistrict any districts as so required, the attorney  
20 general shall petition the Kansas supreme court to redistrict the districts which  
21 have not been redistricted. The supreme court, in accordance with the rules of  
22 the court, shall permit interested persons to present their views. Within 30  
23 days after the filing of such petition, the supreme court shall redistrict such  
24 districts in accordance with law, making as little change as practicable in the  
25 existing districts and taking into consideration only the requirements of this  
26 constitution and federal law, preservation of political subdivisions and  
27 preservation of communities of interests. The redistricting commission shall  
28 make the commission's staff and technical resources available to the supreme  
29 court for use in redistricting such districts.

30 **“§ 8. Implementing legislation.** The legislature may enact legislation, not in  
31 conflict with the provisions of this article, as reasonably necessary to implement  
32 such provisions.”

33 Sec. 2. The following statement shall be printed on the ballot with  
34 the revision as a whole:

35 *“Explanatory statement.* Current article 10 of the state constitution governs  
36 redistricting of legislative districts. It provides for redistricting by the legislature  
37 and requires it to be based on the most recent census taken by the U.S. bureau  
38 of the census, adjusted to exclude certain military personnel and certain students  
39 at colleges and uni-

1       versities. This revision of article 10 would govern redistricting of  
2       legislative, state board of education and congressional districts. Un-  
3       der the revision a redistricting commission would be established to  
4       recommend redistricting plans to the legislature. The legislature  
5       would enact a plan which would be subject to review by the state  
6       supreme court. There would be strict deadlines for legislative action  
7       and if no plan is adopted by the deadline, the state supreme court  
8       would redistrict the districts. Redistricting **of legislative districts**  
9       would be based on the most recent census taken by the U.S. bureau  
10      of the census ~~without adjustment~~, **adjusted to exclude certain**  
11      **military personnel and certain students at colleges and**  
12      **universities.**

13      “A vote for this proposition would change the procedure for redistrict-  
14      ing of legislative, state board of education and congressional districts  
15      and the population data on which redistricting is based.”

16      “A vote against this proposition would continue the current procedures  
17      and basis for redistricting.”

18      Sec. 3. This resolution, if approved by two-thirds of the members  
19      elected (or appointed) and qualified to the Senate, and two-thirds of the  
20      members elected (or appointed) and qualified to the House of Repre-  
21      sentatives shall be entered on the journals, together with the yeas and  
22      nays. The secretary of state shall cause this resolution to be published as  
23      provided by law and shall cause the proposed amendment to be submitted  
24      to the electors of the state at the general election in November in the  
25      year 2004 unless a special election is called at a sooner date by concurrent  
26      resolution of the legislature, in which case it shall be submitted to the  
27      electors of the state at the special election.

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