

## SENATE BILL No. 291

By Committee on Federal and State Affairs

2-26

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9 AN ACT concerning apportionment; relating to the redistricting process  
10 for reapportioning congressional and state legislative districts.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. As used in sections 1 through 6, and amendments thereto,  
14 unless the context requires otherwise:

15 (a) "Adjusted federal census data" means the population data based  
16 on the most recent federal census adjusted by the secretary of state as  
17 required by article 10, section 1 of the Kansas constitution.

18 (b) "Commission" means the temporary redistricting advisory com-  
19 mission established pursuant to section 5, and amendments thereto.

20 (c) "Congressional redistricting plan" means a plan for congressional  
21 reapportionment drawn up pursuant to the requirements of sections 1  
22 through 6, and amendments thereto.

23 (d) "Federal census" means the decennial census required by federal  
24 law to be conducted by the United States bureau of the census in every  
25 year ending in zero.

26 (e) "House redistricting plan" means a plan for legislative reappor-  
27 tionment of the house of representatives drawn up pursuant to the  
28 requirements of sections 1 through 6, and amendments thereto.

29 (f) "Partisan public office" means:

30 (1) An elective or appointive office in the executive or legislative  
31 branch of the United States government;

32 (2) an elective or appointive office in the executive or legislative  
33 branch of this state; and

34 (3) an elective office in any county, city or municipal government  
35 which is filled by an election process involving nomination and election  
36 of candidates on a partisan basis.

37 (g) "Political party" means a party which, at the last preceding general  
38 election, cast for its candidate for president of the United States or for  
39 governor, as the case may be, at least 5% of the total vote cast for all  
40 candidates for that office at that election.

41 (h) "Political party office" means an elective office in the national or  
42 state organization of a political party.

43 (i) "Relative" means an individual who is related to the person in

1 question as father, mother, son, daughter, brother, sister, uncle, aunt,  
2 first cousin, nephew, niece, husband, wife, grandfather, grandmother,  
3 father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law,  
4 sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother,  
5 stepsister, half brother or half sister.

6 (j) “Senate redistricting plan” means a plan for legislative reapportionment of the senate drawn up pursuant to the requirements of sections  
7 1 through 6, and amendments thereto.

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9 (k) “State board of education redistricting plan” means a plan for  
10 state board of education reapportionment drawn up pursuant to the  
11 requirements of sections 1 through 6, and amendments thereto, and in  
12 accordance with article 6, section 3 of the Kansas constitution.

13 Sec. 2. (a) The legislative research department shall acquire appropriate information, review and evaluate available facilities, and develop  
14 programs and procedures in preparation for drawing congressional redistricting plans on the basis of the most recent federal census, and house,  
15 senate and state board of education redistricting plans on the basis of  
16 adjusted federal census data.

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18 (b) By December 31 of each year ending in zero, or as soon thereafter  
19 as possible, the legislative research department shall obtain from the  
20 United States bureau of the census information regarding geographic and  
21 political units in this state for which federal census population data has  
22 been gathered and will be tabulated. The legislative research department  
23 shall use the data so obtained to:

24  
25 (1) Prepare necessary descriptions of geographic and political units  
26 for which census data will be reported, and which are suitable for use as  
27 components of congressional and legislative districts; and

28 (2) prepare maps of counties, cities and other geographic units within  
29 the state, which may be used to illustrate the locations of congressional  
30 and legislative district boundaries proposed in plans drawn in accordance  
31 with section 4, and amendments thereto.

32 (c) As soon as possible after January 1 of each year ending in one, the  
33 legislative research department shall obtain from the United States bureau of the census the population data needed for congressional districting which the census bureau is required to provide this state under United  
34 States Pub. L. No. 94-171, and shall use that data to assign a population  
35 figure based upon certified federal census data to each geographic or  
36 political unit described pursuant to subsection (b)(1). Upon completing  
37 that task, the legislative research department shall begin the preparation  
38 of a congressional redistricting plan as required by section 3, and amendments  
39 thereto.

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41 (d) As soon as possible after the secretary of state delivers the adjusted federal census data to the legislative research department pursuant  
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1 to K.S.A. 11-304, and amendments thereto, the legislative research de-  
2 partment shall use that data to assign a population figure to each geo-  
3 graphic or political unit described pursuant to subsection (b)(1). Upon  
4 completing that task, the legislative research department shall begin the  
5 preparation of a house, senate and state board of education redistricting  
6 plan as required by section 3, and amendments thereto.

7 (e) Upon each introduction of a bill embodying a congressional,  
8 house, senate or state board of education redistricting plan, pursuant to  
9 section 3, and amendments thereto, the legislative research department  
10 shall at the earliest feasible time make available to the public the following  
11 information:

- 12 (1) Maps illustrating such plan;
- 13 (2) a summary of the standards prescribed by section 4, and amend-  
14 ments thereto, for development of such plan; and
- 15 (3) a statement of the population of each district included in such  
16 plan, and the relative deviation of each district population from the ideal  
17 district population.

18 Sec. 3. (a) On the first day of the legislative session of each year  
19 ending in two, bills embodying the congressional, house, senate and state  
20 board of education redistricting plans prepared in accordance with section  
21 4, and amendments thereto, shall be introduced in the legislature. Action  
22 on such bills shall be taken expeditiously, but not less than three days nor  
23 more than seven days after the report of the commission required by  
24 section 6, and amendments thereto, is received and made available to the  
25 members of the legislature. Such action shall be taken under a procedure  
26 or rule permitting no amendments except those of a purely corrective  
27 nature. If a bill is passed by the first chamber in which it is considered,  
28 it shall expeditiously be brought to a vote in the second chamber not  
29 more than seven days after receipt of the bill by such chamber under a  
30 similar procedure or rule. If no bill embodying one of the redistricting  
31 plans is passed by a constitutional majority in either the senate or the  
32 house of representatives, the secretary of the senate or the chief clerk of  
33 the house of representatives, as the case may be, shall at once, but in no  
34 event later than seven days after the date the bill failed to be approved,  
35 transmit to the legislative research department information which the  
36 senate or house of representatives may direct by resolution regarding  
37 reasons why the bill was not passed.

38 (b) If no bill embodying one of the redistricting plans introduced  
39 under subsection (a) is enacted, the legislative research department shall  
40 prepare a second congressional, house, senate or state board of education  
41 redistricting plan, as the case may be, in accordance with section 4, and  
42 amendments thereto, and, insofar as it is possible to do so within the  
43 requirements of section 4, and amendments thereto, with the reasons

1 cited by the senate or house of representatives by resolution, or the gov-  
2 ernor by veto message, for the failure to pass the first redistricting plan.  
3 A second bill embodying such second redistricting plan shall be intro-  
4 duced in the legislature not later than 35 days after the date of the vote  
5 by which the senate or the house of representatives fails to pass the bill  
6 introduced under subsection (a), or the date the governor vetoes or fails  
7 to approve the bill. If it is necessary to introduce a bill under this sub-  
8 section, the bill shall be brought to a vote not less than seven days after  
9 the bill is introduced, under a procedure or rule permitting no amend-  
10 ments except those of a purely corrective nature. If the bill is passed by  
11 the first chamber in which it is considered, it shall expeditiously be  
12 brought to a vote in the second chamber not more than seven days after  
13 receipt of the bill by such chamber under a similar procedure or rule. If  
14 the bill embodying the redistricting plan prepared by the legislative re-  
15 search department under this subsection fails to be passed by a consti-  
16 tutional majority in either the senate or the house of representatives, the  
17 secretary of the senate or the chief clerk of the house, as the case may  
18 be, shall transmit to the legislative research department information  
19 which the senate or house may direct by resolution regarding reasons why  
20 the bill was not passed in the same manner as described in subsection  
21 (a).

22 (c) If the bill embodying the redistricting plan introduced under sub-  
23 section (b) fails to be enacted, the same procedure as prescribed by sub-  
24 section (b) shall be followed. If a third redistricting plan is required under  
25 this subsection, the bill embodying it shall be introduced in the legislature  
26 not later than 35 days after the date of the vote by which the senate or  
27 the house of representatives fails to pass the bill introduced under sub-  
28 section (b), or the date the governor vetoes or fails to approve the bill. If  
29 it is necessary to introduce a bill under this subsection, the bill shall be  
30 brought to a vote within the same time period after its introduction as is  
31 prescribed for a bill submitted under subsection (b) and shall be subject  
32 to amendment in the same manner as other bills introduced under this  
33 section.

34 (d) Any bill embodying a senate redistricting plan shall be introduced  
35 first in the senate. Any bill embodying a house redistricting plan shall be  
36 introduced first in the house of representatives. Any bill embodying either  
37 a congressional redistricting plan or a state board of education redistrict-  
38 ing plan shall be introduced first in such chamber as determined by agree-  
39 ment between the president of the senate and the speaker of the house  
40 of representatives.

41 Sec. 4. (a) Legislative and congressional districts shall be established  
42 on the basis of population as established pursuant to K.S.A. 11-301 et  
43 seq., and amendments thereto.

1 (1) Senatorial and representative districts, respectively, shall each  
2 have a population as nearly equal as practicable to the ideal population  
3 for such districts, determined by dividing the number of districts to be  
4 established into the population of the state reported in the most recent  
5 federal census as adjusted by the secretary of state pursuant to K.S.A. 11-  
6 301 et seq., and amendments thereto. Senatorial districts and represen-  
7 tative districts shall not vary in population from the respective ideal dis-  
8 trict populations except as necessary to comply with one of the other  
9 standards enumerated in this section. In no case shall the quotient, ob-  
10 tained by dividing the total of the absolute values of the deviations of all  
11 district populations from the applicable ideal district population by the  
12 number of districts established, exceed 1% of the applicable ideal district  
13 population. No senatorial district shall have a population which exceeds  
14 that of any other senatorial district by more than 5%, and no represen-  
15 tative district shall have a population which exceeds that of any other  
16 representative district by more than 5%.

17 (2) Congressional districts shall each have a population as nearly  
18 equal as practicable to the ideal district population for such districts, de-  
19 termined by dividing the number of districts to be established into the  
20 population of the state reported in the most recent federal census. No  
21 congressional district shall have a population which varies by more than  
22 1% from the applicable ideal district population.

23 (3) If a challenge is filed with the supreme court alleging excessive  
24 population variance among districts established in a plan adopted by the  
25 legislature, the legislature has the burden of justifying any variance in  
26 excess of 1% between the population of a district and the applicable ideal  
27 district population.

28 (b) To the extent consistent with subsection (a), district boundaries  
29 shall coincide with the boundaries of political subdivisions of the state.  
30 The number of counties and cities divided among more than one district  
31 shall be as small as possible. When there is a choice between dividing  
32 local political subdivisions, the more populous subdivisions shall be di-  
33 vided before the less populous, but this statement does not apply to a  
34 legislative district boundary drawn along a county line which passes  
35 through a city that lies in more than one county.

36 (c) Districts shall be composed of convenient contiguous territory.  
37 Areas which meet only at the points of adjoining corners are not  
38 contiguous.

39 (d) Districts shall be reasonably compact in form, to the extent con-  
40 sistent with the standards established by subsections (a), (b) and (c). In  
41 general, reasonably compact districts are those which are square, rectan-  
42 gular or hexagonal in shape, and not irregularly shaped, to the extent  
43 permitted by natural or political boundaries. If it is necessary to compare

1 the relative compactness of two or more districts, or of two or more  
2 alternative redistricting plans, the following tests shall be used:

3 (1) The compactness of a district is greatest when the length of the  
4 district and the width of the district are equal. The measure of a district's  
5 compactness is the absolute value of the difference between the length  
6 and the width of the district. In general, the length-width compactness  
7 of a district is calculated by measuring the distance from the northernmost  
8 point or portion of the boundary of a district to the southernmost point  
9 or portion of the boundary of the same district and the distance from the  
10 westernmost point or portion of the boundary of the district to the east-  
11 ernmost point or portion of the boundary of the same district. The ab-  
12 solute values computed for individual districts under this paragraph may  
13 be cumulated for all districts in a plan in order to compare the overall  
14 compactness of two or more alternative redistricting plans for the state,  
15 or for a portion of the state.

16 (2) The compactness of a district is greatest when the distance  
17 needed to traverse the perimeter boundary of a district is as short as  
18 possible. The total perimeter distance computed for individual districts  
19 under this paragraph may be cumulated for all districts in a plan in order  
20 to compare the overall compactness of two or more alternative redistrict-  
21 ing plans for the state, or for a portion of the state.

22 (e) No district shall be drawn for the purpose of favoring or disfa-  
23 voring a political party, incumbent legislator or member of congress, or  
24 other person or group, or for the purpose of augmenting or diluting the  
25 voting strength of a language or racial minority group. In establishing  
26 districts, no use shall be made of any of the following data:

27 (1) Except as provided in subsection (h), addresses of incumbent leg-  
28 islators or members of congress or of any other individual;

29 (2) political affiliations of registered voters;

30 (3) previous election results; and

31 (4) demographic information, other than population head counts, ex-  
32 cept as required by the constitution and the laws of the United States.

33 (f) In order to minimize electoral disputes and confusion, proposed  
34 districts shall, so far as possible, retain the geographical composition of  
35 existing districts and shall minimize the number of voters who shall be  
36 moved from one district to another as a consequence of reapportionment.

37 (g) In order to minimize electoral confusion and to facilitate com-  
38 munication, so far as possible, each representative and each senatorial  
39 district shall be included within a single congressional district. However,  
40 the standards established by subsections (a) through (e) shall take pre-  
41 cedence where a conflict arises between these standards and the require-  
42 ment, so far as possible, of including a senatorial or representative district  
43 within a single congressional district.

1 (h) In order to minimize electoral disputes and confusion, proposed  
2 districts shall, so far as possible, avoid creating election contests between  
3 persons who are incumbent members of the body to which the proposed  
4 districts would apply.

5 Sec. 5. (a) Not later than February 15 of each year ending in one, a  
6 five member temporary redistricting advisory commission shall be estab-  
7 lished as provided by this section. The commission's only functions shall  
8 be those prescribed by section 6, and amendments thereto.

9 (b) Of the commission's five members, one each shall be appointed  
10 by the majority leader of the senate, the majority leader of the house of  
11 representatives, the minority leader of the senate and the minority leader  
12 of the house of representatives. Within 30 days after such appointments  
13 have been made, but in no event later than February 15 of the year ending  
14 in one, the four commission members so appointed shall select, by a vote  
15 of at least three members, the fifth commission member, who shall serve  
16 as chairperson. Any vacancy on the commission shall be filled pursuant  
17 to this section within 15 days after the vacancy occurs.

18 (c) Members of the commission are entitled to compensation, sub-  
19 sistence allowances, mileage and other expenses as provided in K.S.A. 75-  
20 3223, and amendments thereto.

21 (d) No person shall be appointed to the commission who:

- 22 (1) Is not an eligible elector of the state at the time of appointment;
- 23 (2) holds partisan public office or political party office;
- 24 (3) is a relative of or is employed by a member of the legislature or  
25 of the United States congress, or is employed directly by the state of  
26 Kansas or by the United States congress; or
- 27 (4) is a registered lobbyist.

28 Sec. 6. The duties and functions of the commission established pur-  
29 suant to section 5, and amendments thereto, shall be as follows:

30 (a) If, in preparation of redistricting plans as required by sections 1  
31 through 6, and amendments thereto, the legislative research department  
32 is confronted with the necessity to make any decision for which no clearly  
33 applicable guideline is provided by section 4, and amendments thereto,  
34 the legislative research department may submit a written request for di-  
35 rection to the commission.

36 (b) Prior to introduction of any bill embodying a plan of redistricting  
37 in accordance with section 3, and amendments thereto, the legislative  
38 research department shall provide to persons other than staff of the leg-  
39 islative research department and the office of revisor of statutes only such  
40 information regarding the plan as may be required by policies agreed  
41 upon by the commission. This subsection does not apply to population  
42 data furnished to the legislative research department by the United States  
43 bureau of the census or by the secretary of state.

1 (c) Upon introduction of a bill embodying an initial redistricting plan,  
2 as required by subsection (a) of section 3, and amendments thereto, the  
3 commission shall:

4 (1) As expeditiously as reasonably possible, schedule and conduct at  
5 least three public hearings, in different geographic regions of the state,  
6 on the plan embodied in the bill introduced;

7 (2) following the hearings, promptly prepare and submit to the sec-  
8 retary of the senate and the chief clerk of the house a report summarizing  
9 information and testimony received by the commission in the course of  
10 the hearings. The commission's report shall include any comments and  
11 conclusions which its members deem appropriate on the information and  
12 testimony received at the hearings, or otherwise presented to the com-  
13 mission. The report shall be submitted no later than 14 days after the  
14 date the bill is introduced.

15 Sec. 7. This act shall take effect and be in force from and after its  
16 publication in the statute book.