

House Concurrent Resolution No. 5020

By Representative Davis

3-18

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

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

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

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

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

(b) Redistricting of Kansas house of representatives districts, Kansas senate districts, state board of education districts and congressional districts shall be based upon the population of the state of Kansas as established by the most recent actual enumeration of population taken and published by the United States bureau of the census.

“§ 5. **Establishment of redistricting commission.** (a) A redistricting commission shall be established to recommend to the legislature redistricting plans for Kansas house of representatives districts, Kansas senate districts, state board of education districts and United States congress districts.

(b) The redistricting commission shall consist of five members. One member each shall be appointed by the president of the Kansas senate, the minority leader of the Kansas senate, the speaker of the Kansas house of representatives and the minority leader of the Kansas house of representatives. Such members shall be voting members and shall be appointed not later than the 10th legislative day of the regular legislative session in the year before the year when redistricting is

1 required. The chairperson of the commission shall be selected by the
2 voting members of the commission from among persons nominated
3 pursuant to subsection (d). The legislature shall provide by law for
4 legislative staff to call a meeting of the voting members of the com-
5 mission for the purpose of selecting the chairperson. If the chairperson
6 is not selected within 20 legislative days after the last of the four voting
7 members is appointed, the chief justice of the Kansas supreme court,
8 within 30 legislative days after the last of the four voting members is
9 appointed, shall select the chairperson from among persons nominated
10 pursuant to subsection (d). The chairperson shall be a nonvoting mem-
11 ber of the commission.

12 (c) Each member of the redistricting committee shall be a quali-
13 fied voter of the state of Kansas. A person shall not be eligible to serve
14 as a member of the commission if such person:

15 (1) Holds or, within the preceding 24 months, has held any federal,
16 state or local office;

17 (2) is a relative or employee of any Kansas legislator, member of
18 the Kansas state board of education or representative for Kansas to
19 the United States house of representatives;

20 (3) is or, within the preceding 24 months, has been a registered
21 lobbyist registered in the state of Kansas; or

22 (4) is an officer of any political party.

23 (d) On or before the 10th legislative day of the regular legislative
24 session in the year before the year when redistricting is required, the
25 supreme court nominating commission shall nominate and submit to
26 legislative staff, as provided by statute, six qualified voters of the state
27 of Kansas from among whom the chairperson of the redistricting com-
28 mission shall be selected. Not more than three of the nominees shall
29 be members of any one political party.

30 (e) Any vacancy in the membership of the redistricting commis-
31 sion shall be filled in the same manner as the original appointment.

32 (f) The redistricting commission shall meet on call of the chair-
33 person of the commission.

34 (g) Members of the redistricting commission shall receive com-
35 pensation and reimbursement of expenses in the same manner and
36 amounts as provided for legislators attending meetings of the legisla-
37 ture. The legislature shall provide for legislative staff to staff the com-
38 mission and shall provide for office space, equipment and materials
39 adequate for the commission to carry out its duties.

40 (h) The terms of members of the redistricting commission shall
41 expire on July 1 of the year when redistricting occurs pursuant to this
42 article and the commission shall be inactive until reestablishment of
43 the commission at the time of the next redistricting pursuant to this

1 article.

2 “§ 6. **Commission procedure and recommendations.** (a) The
3 redistricting commission shall establish such rules and procedures as
4 necessary to carry out the commission’s functions. Such rules and pro-
5 cedures shall include rules requiring formal submission to the com-
6 mission of all communications with commission members regarding
7 matters before the commission. *Ex parte* communications with mem-
8 bers of the commission in relation to the merits of matters before the
9 commission shall be prohibited.

10 (b) All meetings of a majority of a quorum of the commission or
11 subcommittees of the commission shall be open to the public.

12 (c) In recommending redistricting plans, the redistricting com-
13 mission shall consider the following, in descending order from highest
14 to lowest priority: Equality of population as required by law; protection
15 of voting rights of racial, ethnic and language minority groups as re-
16 quired by law; preservation of political subdivisions; contiguity and
17 compactness of districts; and avoidance of placing more than one in-
18 cumbent in a district.

19 In recommending congressional redistricting plans, the commission
20 shall not divide any city between two or more districts unless necessary
21 to achieve equality of population as required by law or to protect voting
22 rights of racial, ethnic and language minority groups, as required by
23 law. In recommending Kansas house of representatives districts and
24 Kansas senate districts, the commission shall ensure that the number
25 of counties and cities divided between two or more districts is as small
26 as possible and that, when such districts would divide political subdivi-
27 sions, preference is given to dividing the most populous subdivisions.

28 (d) Except as expressly provided in this subsection, the commis-
29 sion shall not intentionally develop districts that favor or discriminate
30 against any candidate, political party or other person or group of per-
31 sons. To ensure compliance with the provisions of this subsection, po-
32 litical affiliation of voters, election results and demographic data other
33 than that required to comply with federal law shall not be considered
34 by the commission in recommending any redistricting plan.

35 “§ 7. **Proposed plans; legislative action; court review and ac-**
36 **tion.** (a) Prior to release by the United States bureau of the census of
37 the population data upon which redistricting is based, the redistricting
38 commission shall meet for orientation, education and training of com-
39 mission members. Within 30 days after such release of the population
40 data, the commission shall establish a schedule of public hearings. Such
41 hearings shall be held within 90 days after release of such data and at
42 least one hearing shall be held in each state board of education district.
43 On or before September 1 of the year before the year when redistrict-

1 ing is required, the commission shall make public an official report of
2 the public hearing conducted by the commission.

3 (b) On or before December 1 of the year before the year when
4 redistricting is required, the redistricting commission shall make public
5 proposed plans for redistricting Kansas house of representatives dis-
6 tricts, Kansas senate districts, Kansas state board of education districts
7 and United States congress districts. On or before the first day of the
8 regular legislative session in the year when redistricting is required,
9 the redistricting commission shall introduce in the house of represen-
10 tatives a bill redistricting congressional districts in accordance with the
11 plan proposed pursuant to subsection (a) and shall introduce in the
12 senate a bill redistricting Kansas senate districts, Kansas house of rep-
13 resentatives districts and state board of education districts in accord-
14 ance with the plans proposed pursuant to subsection (a). Such bills
15 shall not be subject to amendment by either house of the legislature
16 and each such bill shall be acted upon by each house not earlier than
17 five legislative days nor later than 10 legislative days after such bill is
18 introduced in such house.

19 (c) If a bill introduced pursuant to subsection (b) is not enacted,
20 the redistricting commission, within 21 legislative days after rejection
21 of the bill by either house of the legislature or veto of the bill by the
22 governor, shall introduce another bill redistricting such districts. Ei-
23 ther the house of representatives or the senate may transmit to the
24 commission a letter stating the reasons why the bill was not enacted
25 and the commission shall take such reasons into consideration in in-
26 troducing a bill pursuant to this subsection, subject to the require-
27 ments of subsection (c) of section 6. Any such letter shall be signed by
28 both the speaker of the house of representatives and the minority
29 leader of the house of representatives or both the senate president and
30 the minority leader of the senate. Introduction of a bill pursuant to
31 this subsection shall be in the same house as introduction of the orig-
32 inal bill pursuant to subsection (b). Such bill shall not be subject to
33 amendment by either house and shall be acted upon by each house
34 not earlier than five legislative days nor later than 10 legislative days
35 after the bill is introduced in such house.

36 (d) If a bill introduced pursuant to subsection (c) is not enacted,
37 the redistricting commission, within 21 legislative days after rejection
38 of the bill by either house of the legislature or veto of the bill by the
39 governor, shall introduce another bill redistricting such districts. Ei-
40 ther the house of representatives or the senate may transmit to the
41 commission a letter stating the reasons why the bill was not enacted
42 but the commission shall not be required to take such reasons into
43 consideration in introducing a bill pursuant to this subsection. Any

1 such letter shall be signed by both the speaker of the house of rep-
2 resentatives and the minority leader of the house of representatives or
3 both the senate president and the minority leader of the senate. In-
4 troduction of a bill pursuant to this subsection shall be in the same
5 house as introduction of the original bill pursuant to subsection (b).
6 Such bill shall be subject to amendment by each house, subject to the
7 requirements of subsection (c) of section 6. Such bill shall be acted
8 upon by each house not earlier than seven legislative days nor later
9 than 21 legislative days after the bill is introduced in such house.

10 (e) Redistricting bills shall be published in the Kansas register im-
11 mediately upon final passage and approval by the governor. The dis-
12 tricts enacted shall be effective for the next following regular election
13 and thereafter until again such districts are redistricted, except that
14 the senate districts shall be effective for the next following regular
15 election at which all senators are elected.

16 (f) If no bill becomes law to redistrict any districts as required by
17 this article or if a law redistricting any districts as required by this
18 article is declared invalid by the Kansas supreme court, the supreme
19 court shall redistrict such districts in accordance with law, making as
20 little change as practicable in the existing districts and taking into con-
21 sideration only the requirements of this constitution and federal law.
22 The legislature shall make staff and technical resources available to the
23 supreme court for use in redistricting such districts.

24 (g) The Kansas supreme court shall have original jurisdiction in all
25 proceedings concerning the validity of any law redistricting any dis-
26 tricts as required by this article. The redistricting commission or the
27 attorney general may file an action in the Kansas supreme court to
28 determine the validity of any law redistricting any districts as required
29 by this article.

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

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

35 “*Explanatory statement.* This revision of article 10 of the state constitution
36 would govern redistricting of legislative, state board of education and
37 congressional districts. Under the revision a redistricting commission
38 would be established to recommend redistricting plans to the legisla-
39 ture. The legislature would enact a plan which would be subject to
40 review by the state supreme court. There would be strict deadlines for
41 legislative action and if no plan is adopted by the deadline, the state
42 supreme court would redistrict the districts. Redistricting would be
43 based on the most recent census taken by the U.S. bureau of the census

1 without adjustment.

2 “A vote for this proposition would change the procedure for redistricting
3 of legislative, state board of education and congressional districts and
4 the population data on which legislative and state board of education
5 redistricting is based.”

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

8 Sec. 3. This resolution, if approved by two-thirds of the members
9 elected (or appointed) and qualified to the House of Representatives, and
10 two-thirds of the members elected (or appointed) and qualified to the
11 Senate shall be entered on the journals, together with the yeas and nays.
12 The secretary of state shall cause this resolution to be published as pro-
13 vided by law and shall cause the proposed amendment to be submitted
14 to the electors of the state at the general election in November in the
15 year 2004 unless a special election is called at a sooner date by concurrent
16 resolution of the legislature, in which case it shall be submitted to the
17 electors of the state at the special election.

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