

House Concurrent Resolution No. 5036

By Committee on Governmental Organization and Elections

2-8

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

12
13 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
14 *members elected (or appointed) and qualified to the House of Repre-*
15 *sentatives and two-thirds of the members elected (or appointed) and*
16 *qualified to the Senate concurring therein:*

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

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

23 “§ 4. **Redistricting required; basis.** (a) Kansas house of rep-
24 resentatives districts, Kansas senate districts, state board of educa-
25 tion districts and United States congress districts shall be redis-
26 tricted in 2012 and every 10th year thereafter, as provided by this
27 article.

28 (b) Redistricting of Kansas house of representatives districts,
29 Kansas senate districts, state board of education districts and con-
30 gressional districts shall be based upon the population of the state
31 of Kansas as established by the most recent actual enumeration of
32 population taken and published by the United States bureau of the
33 census.

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

39 (b) The redistricting commission shall consist of five members
40 who shall be retired judges of the Kansas court of appeals or retired
41 justices of the Kansas supreme court. One member each shall be
42 appointed by the president of the Kansas senate, the minority leader
43 of the Kansas senate, the speaker of the Kansas house of represen-

1 tatives and the minority leader of the Kansas house of representa-
2 tives. Such members shall be appointed not later than the 10th
3 legislative day of the regular legislative session in the year before
4 the year when redistricting is required. The fifth member shall be
5 the chairperson of the commission and shall be selected by the
6 members appointed pursuant to this subsection from nominees sub-
7 mitted pursuant to subsection (d). The legislature shall provide by
8 law for legislative staff to call a meeting of the voting members of
9 the commission for the purpose of selecting the chairperson. If the
10 chairperson is not selected within 20 legislative days after the last
11 of the four voting members is appointed, the chief justice of the
12 Kansas supreme court, within 30 legislative days after the last of the
13 four voting members is appointed, shall select the chairperson from
14 among persons nominated pursuant to subsection (d).

15 (c) Each member of the redistricting committee shall be a qual-
16 ified voter of the state of Kansas. A person shall not be eligible to
17 serve as a member of the commission if such person:

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

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

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

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

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

33 (e) Any vacancy in the membership of the redistricting com-
34 mission shall be filled in the same manner as the original
35 appointment.

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

38 (g) Members of the redistricting commission shall receive com-
39 pensation and reimbursement of expenses in the same manner and
40 amounts as provided for legislators attending meetings of the leg-
41 islature. The legislature shall provide for legislative staff to staff the
42 commission and shall provide for office space, equipment and ma-
43 terials adequate for the commission to carry out its duties.

1 (h) The terms of members of the redistricting commission shall
2 expire on July 1 of the year when redistricting occurs pursuant to
3 this article and the commission shall be inactive until reestablish-
4 ment of the commission at the time of the next redistricting pur-
5 suant to this article.

6 **”§ 6. Commission procedure and recommendations.** (a)
7 The redistricting commission shall establish such rules and proce-
8 dures as necessary to carry out the commission’s functions. Such
9 rules and procedures shall include rules requiring formal submis-
10 sion to the commission of all communications with commission
11 members regarding matters before the commission. *Ex parte* com-
12 munications with members of the commission in relation to the
13 merits of matters before the commission shall be prohibited.

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

16 (c) In recommending redistricting plans, the redistricting com-
17 mission shall consider the following, in descending order from high-
18 est to lowest priority: Equality of population as required by law;
19 protection of voting rights of racial, ethnic and language minority
20 groups as required by law; preservation of political subdivisions;
21 contiguity and compactness of districts; and avoidance of placing
22 more than one incumbent in a district.

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

33 (d) Except as expressly provided in this subsection, the com-
34 mission shall not intentionally develop districts that favor or dis-
35 criminate against any candidate, political party or other person or
36 group of persons. To ensure compliance with the provisions of this
37 subsection, political affiliation of voters, election results and dem-
38 ographic data other than that required to comply with federal law
39 shall not be considered by the commission in recommending any
40 redistricting plan.

41 **“§ 7. Proposed plans; legislative action; court review and**
42 **action.** (a) Prior to release by the United States bureau of the cen-
43 sus of the population data upon which redistricting is based, the

1 redistricting commission shall meet for orientation, education and
2 training of commission members. Within 30 days after such release
3 of the population data, the commission shall establish a schedule of
4 public hearings. Such hearings shall be held within 90 days after
5 release of such data and at least one hearing shall be held in each
6 state board of education district. On or before September 1 of the
7 year before the year when redistricting is required, the commission
8 shall make public an official report of the public hearing conducted
9 by the commission.

10 (b) On or before December 1 of the year before the year when
11 redistricting is required, the redistricting commission shall make
12 public proposed plans for redistricting Kansas house of represen-
13 tatives districts, Kansas senate districts, Kansas state board of edu-
14 cation districts and United States congress districts. On or before
15 the first day of the regular legislative session in the year when re-
16 districting is required, the redistricting commission shall introduce
17 in the house of representatives a bill redistricting congressional dis-
18 tricts in accordance with the plan proposed pursuant to subsection
19 (a) and shall introduce in the senate a bill redistricting Kansas senate
20 districts, Kansas house of representatives districts and state board
21 of education districts in accordance with the plans proposed pur-
22 suant to subsection (a). Such bills shall not be subject to amendment
23 by either house of the legislature and each such bill shall be acted
24 upon by each house not earlier than five legislative days nor later
25 than 10 legislative days after such bill is introduced in such house.

26 (c) If a bill introduced pursuant to subsection (b) is not enacted,
27 the redistricting commission, within 21 legislative days after rejec-
28 tion of the bill by either house of the legislature or veto of the bill
29 by the governor, shall introduce another bill redistricting such dis-
30 tricts. Either the house of representatives or the senate may trans-
31 mit to the commission a letter stating the reasons why the bill was
32 not enacted and the commission shall take such reasons into con-
33 sideration in introducing a bill pursuant to this subsection, subject
34 to the requirements of subsection (c) of section 6. Any such letter
35 shall be signed by both the speaker of the house of representatives
36 and the minority leader of the house of representatives or both the
37 senate president and the minority leader of the senate. Introduction
38 of a bill pursuant to this subsection shall be in the same house as
39 introduction of the original bill pursuant to subsection (b). Such bill
40 shall not be subject to amendment by either house and shall be
41 acted upon by each house not earlier than five legislative days nor
42 later than 10 legislative days after the bill is introduced in such
43 house.

1 (d) If a bill introduced pursuant to subsection (c) is not enacted,
2 the redistricting commission, within 21 legislative days after rejec-
3 tion of the bill by either house of the legislature or veto of the bill
4 by the governor, shall introduce another bill redistricting such dis-
5 tricts. Either the house of representatives or the senate may trans-
6 mit to the commission a letter stating the reasons why the bill was
7 not enacted but the commission shall not be required to take such
8 reasons into consideration in introducing a bill pursuant to this sub-
9 section. Any such letter shall be signed by both the speaker of the
10 house of representatives and the minority leader of the house of
11 representatives or both the senate president and the minority leader
12 of the senate. Introduction of a bill pursuant to this subsection shall
13 be in the same house as introduction of the original bill pursuant
14 to subsection (b). Such bill shall be subject to amendment by each
15 house, subject to the requirements of subsection (c) of section 6.
16 Such bill shall be acted upon by each house not earlier than seven
17 legislative days nor later than 21 legislative days after the bill is
18 introduced in such house.

19 (e) Redistricting bills shall be published in the Kansas register
20 immediately upon final passage and approval by the governor. The
21 districts enacted shall be effective for the next following regular
22 election and thereafter until again such districts are redistricted,
23 except that the senate districts shall be effective for the next follow-
24 ing regular election at which all senators are elected.

25 (f) If no bill becomes law to redistrict any districts as required
26 by this article or if a law redistricting any districts as required by
27 this article is declared invalid by the Kansas supreme court, the
28 supreme court shall redistrict such districts in accordance with law,
29 making as little change as practicable in the existing districts and
30 taking into consideration only the requirements of this constitution
31 and federal law. The legislature shall make staff and technical re-
32 sources available to the supreme court for use in redistricting such
33 districts.

34 (g) The Kansas supreme court shall have original jurisdiction in
35 all proceedings concerning the validity of any law redistricting any
36 districts as required by this article. The redistricting commission or
37 the attorney general may file an action in the Kansas supreme court
38 to determine the validity of any law redistricting any districts as
39 required by this article.

40 “§ 8. **Implementing legislation.** The legislature may enact
41 legislation, not in conflict with the provisions of this article, as rea-
42 sonably necessary to implement such provisions.”

43 Sec. 2. The following statement shall be printed on the ballot with

1 the revision as a whole:

2 “*Explanatory statement.* This revision of article 10 of the state consti-
3 tution would govern redistricting of legislative, state board of edu-
4 cation and congressional districts. Under the revision a redistricting
5 commission would be established to recommend redistricting plans
6 to the legislature. The legislature would enact a plan which would
7 be subject to review by the state supreme court. There would be
8 strict deadlines for legislative action and if no plan is adopted by
9 the deadline, the state supreme court would redistrict the districts.
10 Redistricting would be based on the most recent census taken by
11 the U.S. bureau of the census without adjustment.

12 “A vote for this proposition would change the procedure for redistrict-
13 ing of legislative, state board of education and congressional districts
14 and the population data on which legislative and state board of
15 education 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 House of Representatives, and
20 two-thirds of the members elected (or appointed) and qualified to the
21 Senate shall be entered on the journals, together with the yeas and nays.
22 The secretary of state shall cause this resolution to be published as pro-
23 vided 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 2006 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.