

MINUTES

SPECIAL COMMITTEE ON REDISTRICTING

September 2, 2011

Lawrence and Overland Park Public Hearings

University of Kansas and Johnson County Community College

Members Present

Senator Tim Owens, Co-chairperson
Representative Mike O'Neal, Co-chairperson
Senator Dwayne Umbarger, Co-Vice-chairperson
Representative Clay Aurand, Co-Vice-chairperson
Senator Anthony Hensley, Co-Ranking Minority Member
Representative Paul Davis, Co-Ranking Minority Member
Senator David Haley
Senator Tom Holland (Lawrence Only)
Senator Dick Kelsey
Senator Ralph Ostmeyer
Representative Anthony Brown
Representative Lance Kinzer (Overland Park Only)
Representative Forrest Knox
Representative Peggy Mast
Representative Joe Patton (Overland Park Only)
Representative Mike Peterson (Lawrence Only)
Representative Larry Powell
Representative Don Schroeder
Representative Sharon Schwartz
Representative Gene Suellentrop
Representative Caryn Tyson
Representative Jim Ward

Staff Present

Corey Carnahan, Kansas Legislative Research Department
Reed Holwegner, Kansas Legislative Research Department
Craig Callahan, Kansas Legislative Research Department
Dorothy Noblit, Kansas Legislative Research Department
Theresa Kiernan, Senate Committee Assistant
Cindy O'Neal, House Committee Assistant

Conferees-Lawrence

Bernadette Gray-Little, Chancellor, University of Kansas
Jim Mullins, Douglas County, Republican Precinct Committeeman
Jamie Shew, Douglas County Clerk
Kay Hale, League of Women Voters-Douglas County

Karen Hartenbower, Emporia, Lyon County Republican Party Chairperson
Senator Anthony Hensley
Hank Booth, Interim President and CEO, Lawrence Chamber of Commerce
Mike Gaughan, Douglas County Commissioner
Nancy Thellman, Douglas County Commissioner
John Bradford, Leavenworth County Republican Party
Senator Marci Francisco
Representative Barbara Ballard

Conferees-Overland Park

Dolores Furtado, League of Women Voters of Kansas
Mike Taylor, Wyandotte County
Senator Anthony Hensley

Lawrence Public Hearing

Senator Tim Owens, acting as the presiding Co-chairperson, called the meeting to order and welcomed the members of the Committee, other members of the Legislature in the audience, legislative staff, and members of the public attending the public hearing. He recognized Bernadette Gray-Little, Chancellor, University of Kansas, who welcomed the Committee and citizens to the University of Kansas campus, Dole Institute.

Co-chairperson Owens gave an overview of the guidelines and criteria for the 2012 Kansas Congressional, Legislative, and State Board of Education (SBOE) redistricting process. He stated neither he nor the court look favorably on the process of drawing districts by gerrymandering. He stressed it is very early in the redistricting process and no decisions have been made on any map or plan. He urged the citizens of Kansas not to jump to any conclusions and stated the Legislature is striving to make this a transparent process.

Co-chairperson O'Neal stated the public hearings were being held to give members of the public an opportunity to be involved in the redistricting process by allowing the public to ask questions about the process, to voice opinions on and make suggestions relating to the drawing of new districts.

Co-chairperson O'Neal also explained that while the acceptable deviation from the ideal population is very small for congressional districts, at almost zero persons, the courts allow more flexibility for Legislative and SBOE Districts and have approved deviations of 5 percent above or below the ideal population of such districts. Once the maps or plans designating or defining the Legislative and SBOE Districts have been enacted, they are submitted to the Kansas Supreme Court for a determination of compliance with federal and state law. The map or plan designating or describing congressional districts is not subject to a mandatory court review. The congressional district map or plan enacted in 2002 was challenged, but upheld by the court. Four counties were divided in the 2002 Congressional District map in order to meet the deviation standard.

Co-chairperson O'Neal stated the Legislature will attempt to follow the guidelines in the redistricting process and will try to avoid breaking up geographical areas, but it may become unavoidable in order to meet the strict deviation standard.

He stated the 2010 Census showed a majority of Kansas counties lost population, while only 28 counties actually gained population. It also showed citizens moved from rural areas to more populated urban areas. Overall, the state grew by 164,700 citizens, allowing Kansas to keep four congressional districts. Co-chairperson O'Neal stated the population numbers to importance in the redistricting process.

Each of the co-chairpersons stated the most important factor considered by the court when determining whether a congressional district plan is constitutional is whether the population of each district is within the acceptable range of deviation from the ideal-size district. Other factors considered by the court include: dilution or preservation of minority voting strength; gerrymandering; and recognition of similar communities of interest and preservation of the integrity of political subdivisions (splitting cities and counties between or among districts only when necessary to meet the acceptable population deviation).

Corey Carnahan, Kansas Legislative Research Department (KLRD), commented on a few of the ways the redistricting process was transparent. The Legislature has approved fourteen town hall meetings across the state to allow input by the citizens of the state. Mr. Carnahan explained the allowed deviation from the ideal population when the Legislature draws district boundaries. He stated Maptitude software would be used for drawing district boundaries and suggested anyone wanting to draw a map should make an appointment with KLRD. In addition, he stated the website, www.redistricting.ks.gov would be online later in September.

Representative Paul Davis stated it was fitting the Legislature held a town hall meeting at the Dole Institute. Ten years ago, the City of Lawrence was divided between the Second and Third Congressional Districts. When the permissible deviation is zero, it becomes much harder to draw a congressional map, because there is not much fluctuation allowed.

Representative Davis continued, because of the population adjustment by the Secretary of State, 12,987 students/residents in Lawrence were counted as residents of other districts. Representative Davis argued it is an inequitable situation when people are registered to vote in Douglas County, but are not counted as residents of the county.

He stated the redistricting process is a political process, but people try very hard to put their politics aside. Many states across the country have moved toward a non-partisan redistricting commission to draw the boundaries. He is a proponent of the Iowa model and hopes the Legislature will move toward this model after this redistricting.

Jim Mullens, Douglas County, Republican Precinct Committeeman, stated he does not care if Douglas County ends up in the Second or Third Congressional District, because the county matches both with regard to community of interest. There is confusion as to what district Douglas County is in and believes it would be disingenuous to continue this process. He asked the Committee to keep Douglas County as one entity by not splitting it between congressional districts.

Jamie Shew, Douglas County Clerk, thanked the Committee for being in Lawrence and for choosing Lawrence for one of the public hearing locations. While he understood the process of redistricting takes time, he encouraged the legislators to finish the process at the beginning of the Legislative Session so as not to hamper county clerks' ability to prepare ballots and determine the districts in which people live, so they can register to run for office or vote.

Mr. Shew noted the Uniform and Overseas Citizen Absentee Voting Act (UOCAVA) was not part of the redistricting process in 2002, but is now. This act ensures ballots get to people overseas. The ballots need to be mailed by June 23 in order to allow sufficient time for overseas delivery and return in time to be counted. This process takes about 45 days.

Mr. Shew stated the census adjustment is a concern in Douglas County. The adjusted number means approximately 12,000 students "moved out" of the county. He pointed out the number is over half of a House district. While it is constitutional, and voted on by citizens in the 1990s, it has quite an impact on the number of representatives from the area. The state is asking students to make a choice, but he argues they really do not know the impact of their decision (Attachment 1).

Senator Ralph Ostmeyer pointed out a negative adjustment in one area is a plus to another, especially when students are being added back to their home base in western Kansas.

Representative Jim Ward stated students should be counted where they attend school because they are using services of the community.

Representative Peggy Mast stated students are in the college community temporarily; most are not going to spend more than five years in that community.

Kay Hale, League of Women Voters of Kansas, Douglas County, advocated for transparent and accountable redistricting. She stated the drawing of legislative boundaries continues to be among the least transparent process in politics (Attachment 2).

Advances in technology make it possible for members of the public to map districts, and citizens of Kansas should be encouraged to do so. These maps should be compared to the maps drawn by the respective committee maps. Ms. Hale stated democracy depends on the principal that voters truly choose their representatives.

Karen Hartenbower, Emporia, Chairwoman, Lyon County Republicans, recently held a meeting where it was determined the group would like the county to be moved from the First Congressional District into the Second Congressional District because Emporia has more in common economically with Manhattan and Topeka.

Co-chairperson O'Neal asked whether they also had a discussion as to what the First Congressional District map would look like if Lyon County were moved into the Second Congressional District. Ms. Hartenbower stated their suggestion would not be well received, but they would rather move Riley County into the First Congressional District.

Senator Anthony Hensley provided a PowerPoint presentation, similar to the one used at previous town hall meetings (see Attachment 8 of Wichita and Hutchinson Public Hearings).

Representative Forrest Knox asked Senator Hensley for the definition of compactness and whether the plan shown in his presentation was considered compact. Senator Hensley stated compactness is in the eye of the beholder. Representative Knox stated a map cannot get much more compact than the map in the presentation.

Co-chairperson O'Neal stated the Legislature has to yield to "one person, one vote." During the last redistricting process, four out of the five congressional maps submitted to the

court, split the City of Lawrence. He stated only one map, which was proposed by Senator Hensley and drawn by his Chief of Staff, Tim Graham, split Johnson County.

Senator Hensley stated, if you want to preserve a community of interest, there is no need to split a city of the first class.

Senator Ostmeyer stated he hopes to see a day when the courts will change "one person, one vote" and take into consideration infrastructure. He stated the First Congressional District looks like it just has everything the other parts of the state do not want. It is hard for one person to keep up with the mileage involved in traveling the First Congressional District.

Hank Booth, Interim President, Lawrence Chamber of Commerce, thanked the Committee for holding the meeting in Lawrence. He echoed the sentiments on adjusted numbers. Mr. Booth believes the Douglas County community should be in one congressional district.

Mike Hahn, Douglas County Commissioner, representing east Lawrence, stated most of his precincts are in the Third Congressional District. Mr. Hahn expressed concern the adjustment of numbers required by Kansas law affects cities in which postsecondary institutions are located more than it affects the cities in which military bases are located.

John Bradford, Leavenworth County Republican Party, stated the Committee could not take into consideration the request of Douglas County without considering surrounding counties.

Senator Francisco echoed the concerns expressed with regard to the adjusted numbers. Students who are asked where they want to be counted may not live there for the next ten years, but they will be replaced with new students coming in. She stated the legislative districts, when looking for lines, should consider school districts. School districts are strong communities of interests.

Nancy Thellman, Douglas County Commissioner, stated she understands the difficult task legislators have when drawing districts and hopes they remember citizens have spoken and requested Douglas County be made whole and follow the guidelines.

Representative Ballard stated the Legislative process sometimes becomes very difficult. She stated that people in our districts want to be served well.

Co-chairperson Owens again thanked all those present for their attendance and participation in the redistricting process. In addition, he stated it is important these joint meetings be held across the state, to allow input from people from all areas of the state.

Overland Park Public Hearing

Dolores Furtado, League of Women Voters of Kansas, spoke advocating for transparent and accountable redistricting. She stated the drawing of district boundaries continues to be among the least transparent process in politics. Advances in technology make it possible for members of the public to map out districts and citizens of Kansas should be encouraged to do so. These maps should be compared to the maps drawn by the respective Committee maps. Ms. Furtado stated democracy depends on the principal that voters truly choose their representatives (Attachment 3).

Representative Anthony Brown asked what the League of Women Voters believes is not transparent in the process. Ms. Furtado stated citizens should be made aware of time lines and maps before they are finalized and voted on by the Legislature.

Representative Brown stated there is new computer technology to allow the maps proposed to and by the committees to be made available online.

Mike Taylor, Unified Government of Wyandotte County, stated placing Wyandotte County and Liberal, for example, in the same congressional district is a concern. He believes such a plan would cheat residents in both western and eastern Kansas out of effective representation (Attachment 4).

Senator Anthony Hensley presented the same PowerPoint presentation from earlier public hearings. He stated putting Shawnee County in the First Congressional District was a bad idea. He stated it would be difficult for the First Congressional District congressman to represent both rural western Kansas and urban Wyandotte County (See Attachment 8 of Wichita and Hutchinson Public Hearings).

Danetri Herbert, Johnson County, stated she finds it offensive the committee's guideline basically says all Hispanics share the same political points of view. She asked the Committee to not consider minorities and race when drawing boundaries.

Mark Green asked the Committee to consider access to services needed by people with disabilities.

Jordan Capra, a student at Blue Valley West, stated, while Johnson County is an economic hub, it is a good idea to add incentives for businesses and people to move to western Kansas.

Nancy Hanahan, not liking the discussion about a non-partisan redistricting commission, stated, "We have parties for a reason and non-partisan commissions allow people to hide their beliefs and points of view."

James Todd, Johnson County, stated, ten years ago, Democrats complained of districts being drawn in a manner to make it difficult to elect Democrats to Congress, but voters still elected Democrats to Congress. Co-chairperson O'Neal agreed that was the claim, but noted Democrats represented two Republican districts. He commented that recently a non-partisan Committee in California drew incumbents out of their districts, and the Legislature tries very hard not to do that in Kansas. In accordance with one of the redistricting guidelines, every effort was made ten years ago to avoid creating contests between incumbent officeholders.

Mr. Todd stated some urban areas have to be associated with rural areas. Senator Hensley stated the combined population of Wyandotte and Johnson counties almost equals the population of the ideal population of a congressional district.

Co-chairperson Owens stated individuals at the Lawrence town hall meeting expressed the desire for Douglas County to be represented by one Senator. If all of Douglas County were placed into one district, the population of the district would exceed the ideal number by 7,000 residents.

Representative Schwartz stated she keeps hearing the issue of rural versus urban. Legislators represent Kansas; the state needs to appreciate all the values of Kansans. Some citizens live in rural areas, but work in urban areas.

Co-chairperson Owens again thanked all those present for their attendance and participation in the redistricting process. In addition, he stated it is important hearings are held across Kansas, to allow the members of the committee to get the input of people from all areas of the state.

The next town hall meeting will be held on September 30, 2011, in Leavenworth and Kansas City.

Prepared by Cindy O'Neal and Theresa Kiernan
Edited by Corey Carnahan

Approved by the Committee on:

January 13, 2012
(Date)



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Testimony for Special Committee on Redistricting
September 2, 2011

Chairman Owens, Chairman O'Neil, and members of this Special Committee, thank you for the opportunity to provide testimony regarding the redistricting process. Also, thank you for scheduling a hearing in Douglas County and listening to the comments of our citizens. Your task is not enviable as you seek solutions that are in the best interest of our state while balancing many competing factors. My testimony does not concentrate on how you should apportion Douglas County specifically, but instead focuses on the redistricting process.

My name is Jamie Shew, Douglas County Clerk and Chief Election Officer. I am aware there are many important issues waiting for the upcoming legislative session, but I urge you to place finalizing the new district boundaries early in the session as a priority. Our office has already started the planning process for the 2012 election and will have the framework in place by the start of the year. Many important tasks are dependent on the knowledge of district boundaries; for example our offices can not begin to build ballots or change registration street files without new district lines. These fundamental processes require numerous checks to insure accuracy; as a result many hours of staff resources await completion of this process. Next year is not a normal redistricting year. In addition redistricting, each election office is preparing to implement new election laws. By accomplishing your task early in the year, it not only allows our offices to concentrate on proper implementation of new policies and but also provides our citizens the opportunity to be informed and prepared for the August election.

An additional concern not present in prior redistricting years is our ability to meet the requirement of the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA). Additional provisions in the Help America Vote Act of 2002 (HAVA) and increased awareness of the importance of ballot access for military personnel have resulted in increased vigilance to insure local jurisdictions are meeting the provisions of the law. We are required to send ballots to qualified UOCAVA voters 45 days prior to an election; to meet the requirement for the August 2012 election ballots will have to be completed and sent by June 23rd. Our offices would not have met that timeline in 2002; in 2010 the Department of Justice took notice when a few Kansas counties missed the UOCAVA deadline by one day. Meeting this deadline is no longer an option but a requirement; this was the impetus for moving the candidate registration deadline during the last legislative session.

I would also like to make a brief comment on the census adjustment process. A number of citizens have asked me about this process and I want to share their concerns. Kansas is the only state which readjusts population numbers for state reapportionment for college/university students and military personnel. For many counties, this readjustment has a negligible affect

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Attachment 1

but for a few counties it has a large impact. Douglas County lost 12,161 residents for state reapportionment (although these citizens are counted for federal redistricting) this represents more than half of an ideal House district of 22,716. Simply, this means our county lost half a seat in the House with the readjustment, which is also the case for Riley County. While these citizens are moved back to their home counties numerically, they study, live, work here; they are a part of our community and utilize our resources. In fact, many of these citizens will register to vote here and in November of 2012 will participate in selecting a State Representative and State Senator for our county though they are technically considered a resident of another county. While the scope of this committee is redistricting, I encourage thoughtful consideration to a possible change to this Constitutional process.

Again, thank you for the opportunity to testify today and I am willing to stand for questions.

September 2, 2011

To: Public Hearing on Redistricting held in Lawrence

Good Morning, I am Kay Hale speaking on behalf of the League of Women Voters of Kansas. For decades, the League of Women Voters has advocated for transparent and accountable redistricting. However, the drawing of Legislative district boundaries and creating new districts continues to be among the least transparent process in American Democracy.

Based on data from the 2010 Census, the number of Kansas Representatives to the U.S. House did not change. However, population growth and shifts have occurred within Kansas, thereby necessitating the drawing of new district boundaries for our 4 Congressional Districts, State Senate and State Representative districts.

Advances in technology make it possible for members of the public to map out districts themselves. Kansans should be encouraged to use tools, currently available on the Internet, to create redistricting maps. These citizen generated maps should be compared to the redistricting map generated by this committee. There is much to be gained by involving the public and coalescing behind one plan. Confidence in this process is enhanced. When voters believe they, the voters, freely choose their elected officials, participation in elections happens. However, when officials choose their voters, self-interest and preservation of incumbency take over. Gerrymandering, a consequence of political polarization, should also be avoided. The League of Women Voters believes representative democracy thrives when voters are involved.

The League of Women Voters has advocated for transparent and accountable redistricting processes for decades. Holding public hearings, such as this, throughout the state gives Kansans an opportunity to express their expectations. We urge that disclosure of committee timelines and other important details be made known and include time for public input. The proposed maps must be available for public comment prior to completion by the Legislative Redistricting Committee. To reiterate, representative democracy depends on preserving the principle that voters freely choose their elected officials.

Thank you for this opportunity to testify.

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Attachment 2

Dolores Furtado League of Women Voters of Kansas

Mr Chairman and members of the Committee:

I am **DOLORES FURTADO** speaking on behalf of the League of Women Voters of Kansas. The League is a non-partisan organization which encourages informed and active involvement in government and influences public policy through education and advocacy. For decades, the League of Women Voters has advocated for transparent and accountable redistricting. However, the drawing of Legislative district boundaries and creating new districts continues to be among the least transparent process in American Democracy.

Based on data from the 2010 Census, the number of Kansas Representatives to the U.S. House did not change. However, population growth and shifts within Kansas, thereby necessitate the drawing of new district boundaries for our 4 Congressional Districts, State Board of Education, State Senate and State Representative districts.

Advances in technology make it possible for members of the public to map out districts themselves. Kansans should be encouraged to use tools, currently available on the Internet, to create redistricting maps. These citizen generated maps should be compared to the redistricting map generated by this committee. There is much to be gained by involving the public and coalescing behind one plan. Confidence in this process is enhanced. When voters believe they, the voters, freely choose their elected officials, participation in elections happens. However, when officials choose their voters, self-interest and preservation of incumbency take over. Gerrymandering, a consequence of political polarization should also be avoided. The League of Women Voters believes representative democracy thrives when voters are involved.

The League of Women Voters has advocated for transparent and accountable redistricting processes for decades. Holding public hearings throughout the state gives Kansans an opportunity to express their expectations. We urge that disclosure of committee timelines and other important details be made known and include time for public input. The proposed maps must be available for public comment prior to completion by the Legislative Redistricting Committee. To reiterate, representative democracy depends on preserving the principle that voters freely choose their elected officials.

Looking forward to 2020, the League of Women Voters supports the creation of an independent Non-partisan Redistricting Commission. Access to comprehensive census data, software for mapping and the computer skills of all people make us confident that a Non- Partisan Redistricting Commission can draw new boundaries using fair and objective criteria. I urge you to recommend this change in advance of the 2020 census.

Thank you.

Dolores Furtado
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Attachment 3



Testimony

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Congressional Redistricting

**Delivered September 2, 2011
Special Committee on Redistricting**

The Unified Government of Wyandotte County/Kansas City appreciates the important work the Committee is undertaking. Redrawing State legislative and Congressional district lines is difficult.

While its mostly about math... making sure every district has the same number of people... redistricting offers significant challenges. Keeping communities of interest together and ensuring district lines are as compact as possible are two of those challenges. Another is resisting the temptation to gerrymander boundary lines for perceived partisan political advantage.

There are lots of rumors about redrawing the Congressional district lines so that Wyandotte County and Kansas City shift from the 3rd Congressional District to the 1st. Since such a map is so far only rumor, I'm not going to say much, except that putting Kansas City and Liberal in the same district is a ridiculous idea that would cheat residents in both eastern and western Kansas out of effective representation.

The Unified Government is focused on communities of interest. Johnson County and Wyandotte County are now more communities of interest than perhaps ever in their history. Both are significant contributors to the State economy. Both are extremely urban in nature. Both share a Stateline with the Missouri side of the metropolitan area. Both share common needs and interests which affect major cities, from poverty to home construction and business development. Wyandotte and Johnson Counties work together as part of the larger Kansas City metro on regional projects and issues. One example is transit. Another is infrastructure... from sewers and water systems to highways. The more than 20 Mayors of Johnson and Wyandotte County cities meet monthly as the Council of Mayors to exchange information and discuss issues.

The nature of those regional issues and the pursuit of federal funding mandates that Wyandotte and Johnson Counties are represented by the same Congressman.

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Attachment 4