

MINUTES

SPECIAL COMMITTEE ON REDISTRICTING

July 26, 2011

Wichita and Hutchinson Public Hearings

Wichita State University and Hutchinson Community College

Members Present

Representative Mike O'Neal, Co-chairperson
Senator Tim Owens, Co-chairperson
Senator Dwayne Umbarger, Co- Vice-chairperson
Representative Paul Davis, Co-Ranking Minority Member
Senator Anthony Hensley, Co-Ranking Minority Member
Senator David Haley
Senator Dick Kelsey (Wichita Only)
Senator Carolyn McGinn
Senator Mike Petersen
Senator Susan Wagle
Representative Steve Brunk
Representative Richard Carlson
Representative Brenda Landwehr (Wichita Only)
Representative Jan Pauls
Representative Don Schroeder
Representative Gene Sullentrop
Representative Caryn Tyson
Representative Brian Weber

Staff Present

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

Conferees-Wichita

Betty Ladwig, League of Women Voters-Wichita

Conferees-Hutchinson

Kim Barnes, on behalf of a Pawnee County Commissioner
James Taylor, Hutchinson
Senator Anthony Hensley

Wichita Public Hearing

Representative Mike O'Neal, Co-chairperson, called the meeting to order and welcomed those in attendance. Co-chairperson O'Neal stated he would serve as chairperson of the meetings in Wichita, Hutchinson, and Salina, while Co-chairperson Owens would serve as chairperson of the meetings in Manhattan. Co-chairperson O'Neal continued by stating the following:

- This meeting was a joint meeting of members of the House Committee on Redistricting and members of the Senate Committee on Reapportionment.
- As chairpersons of the respective House and Senate committees, he and Senator Tim Owens would serve as Co-chairpersons of the joint meetings.

Co-chairperson O'Neal stated the town hall meetings 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 Congressional Districts, State Senate and House of Representative (Legislative) Districts, and State Board of Education (SBOE) Districts.

Co-chairperson O'Neal gave an overview of the guidelines and criteria for the 2012 Kansas Congressional, Legislative, and SBOE redistricting process ([Attachment 1](#)). 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 total, the courts allow more flexibility for Legislative and SBOE Districts, and has approved deviations of 5 percent above or below the ideal population of such districts. Once the maps or plan 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 U.S. District 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 approved to provide guidance in the redistricting process and will try to avoid breaking up geographical areas, but it may become unavoidable in order to meet the acceptable deviation standard of almost zero. The most important factor the court considers when determining whether a Congressional District plan is constitutional, is whether the population of the district is within the acceptable range of deviation from the ideal-sized district. Other factors considered by the court include: dilution or preservation of minority voting strength; gerrymandering; 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).

Co-chairperson Owens extended his appreciation to members of the Legislature in the audience for attending the meeting. He concurred with the opening comments of Co-chairperson O'Neal and reminded the Committee the ideal or acceptable number of people in a district may only be reflected for one day, the day on which the census was taken. This is due to deaths, births, and relocation of residents in the district. Co-chairperson Owens stated meeting the acceptable deviation in population is a very important factor considered when determining the validity of district boundaries. Neither he nor the court look favorably on the process of drawing districts by gerrymandering. He stated it is very early in the process of redistricting 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.

Corey Carnahan, Kansas Legislative Research Department, noted Kansas is the only state adjusting census numbers for college students and military personnel, while Maryland adjusts census data for its prison population. The recalculation of numbers automatically causes Kansas to start the redistricting process later than most states.

The 2010 Census population figures, adjusted numbers, and district data are:

- Statewide population: 2,853,118;
- Adjusted population: 2,839,445;
- Ideal Congressional District population: 713,280;
- Congressional District 1: 57,970 under ideal population;
- Congressional District 2: 3,233 under ideal population;
- Congressional District 3: 54,289 over ideal population;
- Congressional District 4: 6,912 over ideal population;
- Ideal State House district: 22,716; and
- Ideal State Senate district: 70,986.

Mr. Carnahan went on to state 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 us to keep our four Congressional Districts (Attachments 2, 3, 4, and 5).

Co-chairperson O'Neal stated the Legislative Coordinating Council has not assigned days for meetings of the individual Senate Reapportionment and House Redistricting Committees, but has left open the request for the committees to meet between the end of the public hearings and the start of the 2012 Session. He directed the Kansas Legislative Research Department (KLRD) to provide the Committee members with copies of *Graham v. Thornburgh, et.al*, and also provide copies of the December 2010 memorandum drafted by Jason Long, Senior Assistant Revisor of Statutes, which provided a brief overview of the law on redistricting.

Mr. Carnahan informed the Committee and citizens redistricting software would be used for drawing district lines. Those wanting to draw their own maps should contact the KLRD or caucus office to schedule an appointment.

In the fall of 2011, KLRD will launch www.redistricting.ks.gov. This website will have notifications on upcoming meetings and maps released to the public, and those under consideration by the Legislature.

Betty Ladwig, League of Women Voters – Wichita Metro, advocated for transparent and accountable redistricting. The League of Women Voters believes drawing legislative boundaries continues to be among the least transparent processes 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. The League of Women Voters believes

democracy depends on the principal that voters truly choose their representatives (Attachment 6).

Hutchinson Public Hearing

Kim Barnes, on behalf of Pawnee County Commissioners, encouraged transparency and to continue conducting hearings across the state. The Commissioners plan to actively participate in the redistricting process. The population in Pawnee County has been declining. The County currently is represented by Senate District 36 and House Districts 114 and 117. They would like all of Pawnee County to be contained in one Senate and one House district. Having two members in the Kansas House of Representatives has not necessarily benefited them, but instead, makes citizens feel disenfranchised (Attachment 7).

James Taylor, Hutchinson, sees both political parties in Washington, D.C. doing only what is good for their own party, instead of what is good for the public. Gerrymandering would only confirm the notion that politicians are only concerned with themselves rather than the public. He urged the Committee to group districts together based on common interests and divide cities by drawing the lines as simply as possible; drawing them in the rural parts of a county and along county lines.

Senator Anthony Hensley provided a PowerPoint presentation similar one he used during the 2002 redistricting town hall meetings. He reiterated the main criteria of redistricting is to make sure the requirement of “one person, one vote” is met. He also gave a history lesson on the word “gerrymandering.” He stated too many guidelines were ignored during the last redistricting process. He was extremely concerned that Congressional District 1 will be drawn all the way across the state from West to East borders, and then down into Leavenworth and Wyandotte counties. Senator Hensley said he heard this type of map had been circulating in Washington, D.C., but he had not actually seen a map with this configuration. He stated this type of map was designed to preserve the dominance of the Republican Party. The map used in the PowerPoint presentation was drawn by Senator Hensley’s Chief of Staff, Tim Graham, and was drawn on the basis of conversations with unnamed persons who Senator Hensley claimed had contacted him (Attachment 8).

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

Approved by Committee on:

December 2, 2011

(Date)