

House Concurrent Resolution No. 5012

By Representative Parker

2-10

1 A PROPOSITION to amend the constitution of the state of Kansas by
2 revising article 10, relating to reapportionment of congressional
3 districts, legislative districts and state board of education member
4 districts.

5
6 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
7 *members elected (or appointed) and qualified to the House of*
8 *Representatives and two-thirds of the members elected (or appointed)*
9 *and qualified to the Senate concurring therein:*

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

14 **"Article 10.—APPORTIONMENT OF CONGRESSIONAL,**
15 **LEGISLATIVE AND STATE BOARD OF EDUCATION**
16 **MEMBER DISTRICTS**

17 **"§ 1. Reapportionment of districts required.** At its regular
18 session in 2022, and at its regular session every 10th year thereafter,
19 the legislature shall by law reapportion the United States
20 congressional districts, the state senatorial districts, the state
21 representative districts and the state board of education member
22 districts as provided by this article. Reapportionment of such
23 districts shall be on the basis of the population of the state as
24 established by the most recent census of population taken and
25 published by the United States bureau of the census. Senatorial,
26 representative and state board of education member districts shall
27 be reapportioned upon the basis of the population of the state.

28 **"§ 2. Establishment of redistricting commission.** (a) Not
29 later than February 15 of each year ending in one, a redistricting
30 commission shall be established to recommend to the legislature
31 redistricting plans for United States congressional districts, state
32 representative districts, state senatorial districts and state board of
33 education member districts.

34 (b) The redistricting commission shall consist of the following
35 members:

36 (1) One shall be appointed by the majority leader of the

1 senate;

2 (2) one shall be appointed by the majority leader of the house
3 of representatives;

4 (3) one shall be appointed by the minority leader of the
5 senate;

6 (4) one shall be appointed by the minority leader of the house
7 of representatives; and

8 (5) within 30 days after the appointments described in
9 paragraphs (1) through (4) have been made, but not later than
10 March 15 of the year in which the commission is established, the
11 four commission members so appointed shall select, by a vote of at
12 least three members, the fifth commission member who shall be
13 nonpartisan, who shall serve as chairperson.

14 (c) Any vacancy in the membership of the redistricting
15 commission shall be filled in the same manner as the original
16 appointment or selection.

17 (d) No person, while a member of the commission, shall:

18 (1) Hold any federal, state or local office; or

19 (2) be an employee of the Kansas legislature, state board of
20 education or United States congress.

21 (e) No person who has been a member of the redistricting
22 commission shall be eligible, within two years after being a
23 member of the commission, to:

24 (1) Be a member or employee of the Kansas legislature or
25 state board of education; or

26 (2) hold any appointive state or federal office.

27 (f) The legislature shall provide by law for payment of
28 compensation and expenses of members of the redistricting
29 commission and for adequate staff, office space, equipment and
30 materials for the commission.

31 (g) The terms of members of the redistricting commission
32 shall expire on July 1 of each year ending in two, and the
33 commission shall be inactive until reestablishment of the
34 commission pursuant to this section.

35 **"§ 3. Commission procedure and recommendations.** (a)

36 The redistricting commission shall establish rules and procedures
37 as necessary to carry out the commission's functions. The rules and
38 procedures shall include rules requiring formal submission to the
39 commission of all communications with commission members. Ex
40 parte communications with members of the commission in relation
41 to the merits of matters before the commission shall be prohibited.
42 Members of the commission shall report any violations of this
43 prohibition to the attorney general and the legislature shall provide

1 by law criminal penalties for such violations.

2 (b) The redistricting commission shall conduct public
3 hearings throughout the state, including at least one public hearing
4 in each of the 10 state board of education member districts.

5 (c) In recommending redistricting plans, the redistricting
6 commission shall consider only the requirements of the
7 constitution of the state of Kansas and the constitution of the
8 United States, preservation of political subdivisions and
9 preservation of communities of interest. Except as expressly
10 provided in this subsection, the commission shall not intentionally
11 develop redistricting plans that favor or discriminate against any
12 individual, political party or group.

13 **"§ 4. Legislative action; court review and action.** (a) On or
14 before the first day of the regular legislative session in each year
15 ending in two, the redistricting commission shall introduce in the
16 house of representatives a bill reapportioning the state
17 representative districts and a bill reapportioning the United States
18 congressional districts, and shall introduce in the senate a bill
19 reapportioning the state senatorial districts and a bill
20 reapportioning the state board of education member districts. The
21 bills shall not be subject to amendment by either chamber of the
22 legislature and each such bill shall be acted upon by each chamber
23 within seven days after the bill is introduced in the chamber.

24 (b) If a bill introduced pursuant to subsection (a) is not
25 enacted, the redistricting commission, within 10 days after
26 rejection of the bill by either chamber of the legislature or veto of
27 the bill by the governor, shall introduce another bill reapportioning
28 such districts. If the Kansas supreme court enters a judgment that a
29 bill introduced pursuant to subsection (a) is invalid, the
30 redistricting commission, within 10 days after entry of the
31 judgment, shall introduce another bill reapportioning such districts.
32 Introduction of a bill pursuant to this section shall be in the same
33 chamber as introduction of the original bill pursuant to subsection
34 (a). The bill shall not be subject to amendment by either chamber
35 and shall be acted upon by each chamber within seven days after
36 the bill is introduced in the chamber.

37 (c) If a bill introduced pursuant to subsection (b) is not
38 enacted, the redistricting commission, within 10 days after
39 rejection of the bill by either chamber of the legislature or veto of
40 the bill by the governor, shall introduce another bill reapportioning
41 such districts. If the Kansas supreme court enters a judgment that a
42 bill introduced pursuant to subsection (b) is invalid, the
43 redistricting commission, within 10 days after entry of the

1 judgment, shall introduce another bill reapportioning such districts.
2 Introduction of a bill pursuant to this section shall be in the same
3 chamber as introduction of the original bill pursuant to subsection
4 (a).

5 (d) If either chamber of the legislature rejects a bill introduced
6 pursuant to this section, or the governor vetoes the bill, the
7 chamber that rejects the bill, or the governor in the case of a veto,
8 shall transmit to the commission a letter stating the reasons why
9 the bill was not enacted, and the commission shall take such
10 reasons into consideration in introducing a bill pursuant to this
11 section, subject to the requirements of section 6(c). Any such letter
12 shall be signed by both the speaker of the house of representatives
13 and the minority leader of the house of representatives or both the
14 president of the senate and the minority leader of the senate.

15 (e) Reapportionment bills shall be published in the Kansas
16 register immediately upon final passage and approval by the
17 governor. The districts enacted shall be effective for the next
18 following regular election of legislators and thereafter until again
19 the districts are reapportioned, except that the senatorial districts
20 shall be effective for the next following regular election at which
21 all senators are elected.

22 (f) Within 15 days after publication of any reapportionment
23 bills enacted pursuant to this article, the attorney general shall
24 petition the Kansas supreme court to determine the validity of the
25 bill. The Kansas supreme court, in accordance with its rules, shall
26 permit interested persons to present their views. Within 30 days
27 after the filing of the petition, the Kansas supreme court shall enter
28 its judgment. A judgment of the Kansas supreme court determining
29 the bill to be valid shall be final until reapportionment of the
30 districts is again required by this article.

31 "**§ 5. Implementing legislation.** The legislature may enact
32 legislation, not in conflict with the provisions of this article, as
33 reasonably necessary to implement such provisions."

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

36 "*Explanatory statement.* Current article 10 of the constitution of
37 the state of Kansas governs reapportionment of state
38 legislative districts. It provides for reapportionment by the
39 legislature and requires that it be based on the most recent
40 census taken by the United States bureau of the census,
41 adjusted to exclude certain military personnel and certain
42 students residing at colleges and universities. The revision of
43 article 10 would govern reapportionment of the United

1 States congressional districts, state legislative districts and
2 the state board of education member districts. Under the
3 revision, a redistricting commission would be established to
4 recommend redistricting plans to the legislature. The
5 legislature would enact a plan which would be subject to
6 review by the Kansas supreme court. There would be strict
7 deadlines for legislative action. Reapportionment of
8 congressional districts, state legislative districts and state
9 board of education member districts would be based on the
10 most recent census taken by the United States bureau of the
11 census, adjusted to exclude certain military personnel and
12 certain students residing at colleges and universities.

13 "A vote for this proposition would change the procedure for
14 reapportionment of United States congressional, state
15 legislative and state board of education member districts.

16 "A vote against this proposition would continue the current
17 procedures and basis for reapportionment."

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
23 provided 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 year
25 2022, 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.