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HOUSE OF REPRESENTATIVES
SPECIAL SESSION 1966
LEGISLATIVE APPORTIONMENT COMMITTEE

TRANSCRIPT OF PROCEEDINGS

Be it remembered that commencing in the 16th day of February, 1966, the Committee on Legislative Apportionment met in joint session with the Senate Committee on Legislative Apportionment for a public hearing; whereupon the following proceedings were had.



1 CHAIRMAN BOWERS: Ladies and Gentlemen,
2 I think we might as well get the meeting under way.

3 About two weeks ago I received a letter from Mrs.
4 Louis Crawford of Salina, the Kansas State President
5 of the League of Women Voters, Kansas League, and she
6 requested that we have a public hearing because her
7 organization would like to be heard publicly. That is
8 the primary reason that we have called this public
9 hearing, so that this organization, the League of Women
10 Voters of Kansas, and anyone else interested may appear
11 before these two committees and make any statement they
12 would like or advise us how they might feel about this
13 matter of reapportionment.

14 I believe most of the members of the committees
15 are here at this time. It is my understanding that
16 Mrs. Crawford herself is not here but that Mrs. L. H.
17 Shepoiser of Wichita will make a statement on behalf
18 of the League of Women Voters.

19 MRS. SHEPOISER: Senator Bowers, Repre-
20 sentative Taylor, and Members of the Senate and House
21 Apportionment Committees. I am Mrs. Lawrence Shepoiser,
22 a representative of the League of Women Voters of Kansas.
23 The League is most appreciative of the courtesy accorded
24 in allowing us to make this statement of our views
25 before your committees.

1 As an organization with a long-time interest in
2 the problems of legislative apportionment, the League
3 recognizes at least a few of the many ramifications of
4 this subject, and appreciates the difficulty and
5 seriousness of the decisions facing your committees
6 and the other members of this special session of the
7 1966 Legislature. We realize that there can be no easy
8 answers.

9 As you may know, the League of Women Voters of
10 Kansas is a nonpartisan organization, affiliated with
11 the League of Women Voters of the United States, and
12 composed of sixteen local Leagues in Kansas. A prime
13 object is to help citizens become informed and active
14 participants in government.

15 Since 1958, local Leagues in Kansas have been
16 examining the various articles of the Kansas Constitu-
17 tion with view to possible need for revision. Legis-
18 lative apportionment was especially considered both
19 in 1959 and again this year. As a result of this study,
20 our membership reached consensus on several points
21 which we consider basic to fair apportionment, and on
22 which we should like to comment briefly at this time.

23 The League of Women Voters of Kansas affirms its
24 support of population as the basis of apportionment of
25 both houses of the Kansas Legislature, believing that

1 that population standard is the fairest and most
2 equitable means of representing each and all of the
3 citizens of Kansas. The League is aware of the nation-
4 wide impact which this change in the basis of apportion-
5 ment has made on state government, and of the complexi-
6 ties of the problems yet to be resolved. For some of
7 these vexing questions, immediate answers must be found
8 in order to comply with court orders. However, if Kan-
9 sas is to avoid finding itself continually in the
10 position of reapportioning only under compulsion, the
11 League suggests the need for concerted study and effort
12 on the part of both citizens and legislators to find
13 more lasting solutions. The League believes that for
14 future apportionment problems in Kansas to be resolved
15 smoothly, routinely, and equitably, we should look
16 toward revisions in the apportionment provisions of
17 the Kansas Constitution.

18 As the history of state legislatures has shown,
19 reapportionment is a difficult and often unpleasant
20 task for a legislature itself to accomplish. Total
21 responsibility for both initiating and carrying out
22 the reapportionment task is an enormous burden for a
23 legislature to carry, for it places individual legisla-
24 tors in the untenable position of creating or abolishing
25 their own districts, or those of their colleagues.

1 With changing conditions in state government, use
2 of apportionment boards and commissions is meeting
3 with increasing favor in recent years as a means of
4 relieving this legislative burden. Such agencies, small
5 enough for working efficiency, can give their undivided
6 attention to the mechanics of reapportionment without
7 being hampered by lack of time, or being subjected to
8 the countless distractions and pressures of the legis-
9 lative session.

10 Numerous variations are possible in setting up such
11 an agency, as to its composition, how it is selected,
12 and in its responsibility and accountability. It would
13 seem that it might be well for a state contemplating
14 such a plan first to look at its own unique circum-
15 stances, and then to attempt devising a procedure best
16 suited to meeting its own conditions and apportionment
17 requirements.

18 The League is convinced that a real advance toward
19 regular, equitable reapportionment would come through
20 vesting responsibility in an apportionment commission
21 at some step of the reapportionment procedure. As an
22 integral part of such a plan, the League believes that
23 there must be effective enforcement provisions to make
24 certain that reapportionment is actually accomplished
25 as specified.

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The Kansas League also favors basing apportionment on federal census figures, with reapportionment every ten years immediately following the federal decennial census. With population as the basis of apportionment, we think that accuracy of census figures is especially important. Federal census taking is a highly specialized operation, with uniformly-applied methods of data collection and interpretation of census criteria, rather than a procedure left to the discretion of the various counties and their individual officials and enumerators. An additional advantage is that the rather general use of federal census figures among the states lessens the possibility of certain mobile segments of the population, such as military personnel, either not being counted in any state for purposes of state government, or being counted in more than one state.

The present provision of the Kansas Constitution calling for reapportionment every five years has never been followed. It was adopted when members were elected for one-year terms, and would seem inconsistent with the present provisions for two-year terms for representatives and four-year terms for senators. The League believes that a more practicable and realistic interval for reapportionment is every ten years immediately following the decennial federal census.

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As guidelines for implementing apportionment measures, the League favors observance of county lines whenever possible in the redrawing of district lines, not because we consider these lines inviolate, but as a possible means of keeping districts compact and avoiding gerrymandering. We also favor keeping population differences between districts as small as possible, with the maximum allowable variation no greater than 10%-15%.

In conclusion, the League of Women Voters of Kansas would reiterate its conviction that there is a need for concerted study and effort on the part of both citizens and legislators, looking toward finding the best possible long-range solutions for the apportionment problems of Kansas. We believe that these solutions should begin with revision of the apportionment article of the Kansas Constitution, including vesting responsibility in a commission as a step of the reapportionment procedure, and enforcement provisions to ensure regular reapportionment immediately following each decennial federal census, and based on federal census figures.

Thank you for allowing us to present our views for your consideration.

CHAIRMAN BOWERS: Thank you, Mrs. Shepoiser. Before you sit down, would any member of

1 the Committee want to ask Mrs. Shepoiser a question?

2 SENATOR CASADO: In the next to the
3 last paragraph you mentioned 10 to 15 per cent variation
4 there. Have you got the okay from the courts on that?

5 MRS. SHEPOISER: We were trying to out-
6 guess them, I guess.

7 SENATOR CASADO: Why do you use that
8 figure?

9 MRS. SHEPOISER: In the study we had,
10 this seemed to be the maximum amount that was acceptable.
11 The Interstate Commission on Intergovernmental Relations
12 used that figure and several others have called that
13 an acceptable one.

14 CHAIRMAN BOWERS: Mr. Buntten.

15 MR. BUNTEN: Mrs. Shepoiser, I was
16 wondering, you say the League of Women Voters of Kansas
17 affirms its support of population as the basis of
18 apportionment of both Houses of the Kansas Legislature.
19 When you say the League of Women Voters, did you have
20 a referendum or is this your Board of Directors or who?

21 MRS. SHEPOISER: No, the League itself
22 in their study this year went on record as being for
23 a population standard.

24 MR. BUNTEN: Did you do that by your
25 various local boards?

1 MRS. SHEPOISER: By our local Leagues in
2 their units and their meetings and goes through their
3 boards and then the state boards.

4 MR. BUNTEN: This is a majority of them?

5 MRS. SHEPOISER: Yes.

6 MR. BUNTEN: How many local chapters do
7 you have?

8 MRS. SHEPOISER: Sixteen. And this is
9 also a stand which the League of Women Voters of the
10 United States nationwide has taken, too.

11 MR. BUNTEN: Do you have a chapter, say
12 west of Highway 81?

13 MRS. SHEPOISER: Yes. Not as many as we
14 would like, but we are growing that way.

15 CHAIRMAN BOWERS: Mrs. Porter?

16 MRS. PORTER: What method or methods
17 would you propose to choose this commission?

18 MRS. SHEPOISER: We didn't arrive at any
19 consensus on any particular one, and that is why we are
20 suggesting that probably anything important enough to
21 be in the Constitution needs some real consideration.
22 There seemed to be several methods that are used.
23 Missouri has the bi-partisan one, which I noticed they
24 have extended to the House and have just passed on the
25 14th of January, I believe it was, and in some states

1 this is a board appointed by the governor, in others it
2 comes through political party recommendations. There
3 are various ways of choosing the board.

4 CHAIRMAN BOWERS: Mr. Slocombe has a
5 question.

6 MR. SLOCOMBE: Mrs. Shepoiser, was there
7 any reason why you chose the federal census over the
8 state census which we might take here? Is it not true
9 that the federal census when it is taken, they make no
10 distinction between state boundaries and for instance
11 in case of air base or something like that these people
12 might vote absentee when it comes to election time and
13 wouldn't this be getting away from the principle one-
14 man one-vote when he would vote in another state and
15 be counted here?

16 MRS. SHEPOISER: But he wouldn't be
17 counted in any state, possibly, if we use the agricultural
18 census, because I believe 41 states now use the federal
19 census.

20 MR. SLOCOMBE: My point, in case one of
21 our air bases would have a big count and that county
22 in which that air base was located would have a repre-
23 sentative accordingly, yet these same people instead of
24 voting there would be counted there, in order to have
25 representation, but still would vote in another state.

1 MRS. SHEPOISER: But probably some of them
2 wouldn't even be able to vote in the other state, you
3 are thinking if they were still eligible for absentee
4 ballot?

5 MR. SLOCOMBE: Yes, but I was wondering
6 is there any reason why federal census was better than
7 the other?

8 MRS. SHEPOISER: Our members seemed to
9 find that it was a more accurate census and felt that
10 it possibly would be a more uniform count, the fact that
11 it is used in that many states. With people moving around
12 as much as they do, it would seem that it would be
13 desirable that as many states as possible would use
14 similar figures so that they were excluding or including
15 the same segments of the population.

16 CHAIRMAN BOWERS: Senator Gaar.

17 SENATOR GAAR: I would like to pursue
18 Mr. Slocombe's question a little further. You say you
19 are in favor of using the federal decennial census which
20 is a census taken once every ten years?

21 MRS. SHEPOISER: Yes.

22 SENATOR GAAR: The Kansas Constitution
23 provides for reapportionment every five years if it is
24 followed, as it has not been in the past, of course.
25 You are aware that we have a state agricultural census

1 on a yearly basis. I assume the League is interested
2 in the accuracy of the figures in order to assure equal
3 representation for the exact number of people in a
4 particular district. Now my question is, how is that
5 more accurate by using the federal census when we have
6 growth areas such as the county that I come from, which
7 six years ago had approximately 140,000 people, now has
8 almost 200,000 people, and we would be working on the
9 1960 census and not be able to get any kind of reapportion-
10 ment until 1970.

11 MRS. SHEPOISER: I think that our members
12 weighed the--they found that that time lag is a dis-
13 advantage, too, but that they weighed that against the
14 advantages of more uniform census figures and the more
15 realistic figure, too, of doing it every ten years, and
16 found that this would be their choice.

17 SENATOR GAAR: I don't understand the
18 realism of every ten years. Is there some question that
19 the agricultural census is not accurate?

20 MRS. SHEPOISER: You are asking me two
21 different things. What I had referred to in the realism
22 of the ten years is that the five-year period hasn't
23 been used and it hasn't seemed to be a figure that has
24 been practicable to follow, so maybe set the goal at
25 something that could be accomplished.

1 SENATOR GAAR: I think the answer to that
2 is Baker vs. Carr didn't come along until about six
3 years ago, and I think regardless of what census is
4 followed in the future there will be some reapportionment
5 periodically, but the real question is the accuracy of
6 the reapportionment, it seems to me, and I don't under-
7 stand the League's position if it is that it should be
8 followed on the federal census every ten years rather
9 than on the state agricultural census every five years.

10 MRS. SHEPOISER: Would you have a comment
11 you would like to make, Mrs. Heller?

12 MRS. HELLER: Only briefly. I am Mrs.
13 Francis Heller from Lawrence. I think that the discus-
14 sion is the factor that if there were a state-wide and
15 state controlled and set up censuses, so that it would be
16 consistent throughout the state, I think that the League
17 membership felt that there were variants. I think Mrs.
18 Shepoiser's statement made the point that county-by-
19 county setting up of how they will carry this out might
20 cause for some variation. I think the League membership
21 would be more than likely to agree to a census given
22 in the state if it had specific guide lines and were
23 carried out in all areas precisely the same.

24 SENATOR GAAR: You say the 1960 federal
25 census would be more accurate than perhaps a sloppily

1 done--if that is the term you want to use--state agri-
2 cultural census nine years hence?

3 MRS. HELLER: I think that also the point
4 that we might like to make that in the statement given
5 is a long range projection, and I think that most League
6 members were thinking past 1970 rather than back to 1960.

7 SENATOR GAAR: Isn't the problem the
8 state agricultural census's accuracy rather than carrying
9 it ten years at a time instead of five?

10 MRS. HELLER: Do we have two questions--
11 back to Mrs. Shepoiser's point here on two questions,
12 on whether if you assume that there would be constitu-
13 tional change to provide for this every ten years, that
14 obviously it would have to begin probably after the 1970
15 session.

16 SENATOR GAAR: No, I am saying would it
17 not be more accurate, instead of having a constitutional
18 amendment presented to the people which would provide
19 for every ten years, would it not be more accurate to
20 provide for statutory changes in the taking of the
21 agricultural census and stay with the present constitu-
22 tional requirement of every five years?

23 MRS. HELLER: That is conceivable, yes.

24 MRS. SHEPOISER: I think what troubled
25 our membership was the direction of the--for the state

1 agricultural census that it would be taken in whatever
2 manner the county officials found best suited to their
3 problems.

4 SENATOR GAAR: I don't want to belabor
5 the point, but it is difficult for me to see how the
6 federal census is more accurate from my viewpoint in John-
7 son County when we grow at 10,000 people a year.

8 CHAIRMAN BOWERS: Mr. Finney has a ques-
9 tion.

10 MR. FINNEY: I think most of our helpful
11 suggestions here are towards the future rather than the
12 problem we have in this special session. I wonder if
13 you considered the possibility of a public commission
14 of some kind to make a study of this, with a recommenda-
15 tion for constitutional amendment rather than to have
16 a branch of the Legislature study it? Was this considered?

17 MRS. SHEPOISER: Not specifically, but
18 we have talked about it somewhat, that the possibilities
19 of any concerted effort on the part of citizens, I think,
20 is always helpful, that more people are talking about
21 it and weighing the possibilities even if the ones
22 they come up with aren't the ones that are finally
23 accepted. At least it gets people thinking about it.

24 CHAIRMAN BOWERS: Mr. Golden.

25 MR. GOLDEN: A few years ago we had an

1 amendment to the Constitution on home rule, the home rule
2 amendment to the Constitution. Did the League support
3 that at that time?

4 MRS. SHEPOISER: Yes.

5 MR. GOLDEN: I notice here in your state-
6 ments given that you would rather have the federal census
7 rather than having various counties and individuals in
8 the counties take care of the enumeration procedure.
9 Don't you feel that you are taking away this home rule
10 responsibility of the individual county?

11 MRS. SHEPOISER: No, I don't.

12 MR. GOLDEN: In saying we aren't capable
13 of doing it and giving it to some higher being?

14 MRS. SHEPOISER: I think home rule would
15 concern more matters of principle and decisions of that
16 type where I should think of the census taking as more
17 of a mechanical kind of procedure that you are trying
18 to do uniformly all over the state.

19 MR. GOLDEN: I feel it is something that
20 is a responsibility of the local divisions of government
21 to do; that you in turn are saying, why, home rule isn't
22 good, give it to some other higher being.

23 MRS. SHEPOISER: I don't see this as a
24 problem of home rule. I think that it is a mechanical
25 kind of procedure.

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CHAIRMAN TAYLOR: Any further question?

CHAIRMAN BOWERS: Ladies and Gentlemen,
if the committee doesn't have any further questions,
is there anyone else in the room that might have a question
or might want to make a statement? This is a public
hearing, it has been advertised as such. Anyone is wel-
come to come here and express their views to these two
committees.

(No response)

CHAIRMAN BOWERS: Mrs. Shepoiser, we think
you have a very fine organization and you made a fine
statement and I think you are real brave to field all
these questions. You did a good job.

MRS. SHEPOISER: Thank you.

CHAIRMAN BOWERS: Is there anything else
to come before the committees at this time?

(No response)

CHAIRMAN BOWERS: We will consider our-
selves adjourned.

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