

Approved March 22, 1990 UKS
Date

MINUTES OF THE HOUSE COMMITTEE ON LEGISLATIVE, JUDICIAL & CONGRESSIONAL
APPORTIONMENT

The meeting was called to order by Representative Vince Snowbarger at
Chairperson

7.40 a.m./~~p.m.~~ on March 1, 1990 in room 526-S of the Capitol.

All members were present except:

Representatives Bunten, Freeman, Hensley, Jenkins, King,
and Williams, all excused.

Committee staff present:

Fred Carmen, Revisor of Statutes
Robert Coldsnow, Legislative Counsel
Mary Galligan, Legislative Research
Marian Holeman, Committee Secretary

Conferees appearing before the committee:

Members were provided a copy of HB-3014 balloon (Attachment 1) which addressed questions raised in yesterday's discussion and testimony. Legislative Counsel, Robert Coldsnow explained the changes. Members concurred in maintaining consistency throughout regarding page 2 subparagraph (b) line 3 "in a year with a number ending with two....."

Representative Aylward moved to adopt the balloon with the changes discussed in this meeting. Representative Adam seconded the motion. Motion carried.

One other policy question raised in yesterday's meeting was the time period for the "freeze," going from 8 and 0 to 7 and 2. The reason given for that was because the federal census is speeding up its timeline to the 7th year of the decade instead of the 8th year. This bill does not affect in any way any decisions made in the 1989 legislature.

Representative Miller moved to report HB-3014 as amended favorable for passage. Representative Adam seconded the motion. Motion carried.

Meeting adjourned at 8:20 a.m.

HOUSE BILL No. 3014

By Committee on Legislative, Judicial and
Congressional Apportionment

2-19

AN ACT concerning establishment and change of election precincts and precinct boundaries; amending K.S.A. 1989 Supp. 25-26a02, 25-26a03, 25-26a04 and 25-26a05 and repealing the existing sections; also repealing K.S.A. 1989 Supp. 25-26a01.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 25-26a02 is hereby amended to read as follows: 25-26a02. Election precincts in all counties of the state shall be established or changed by county election officers in such a manner that:

(a) Each election precinct as ~~nearly as practicable~~ shall be composed of contiguous and compact areas having clearly observable boundaries using visible ground features which meet the requirements of the federal bureau of the census and *which coincide with census block boundaries as established by the federal bureau of the census and shall be wholly contained within any larger district from which any municipal, township or county officers are elected; and*

(b) election precincts for election purposes shall be designated consecutively in the county by number or name, or a combination of name and number;

(c) any municipal exclave or township exclave shall be a separate precinct and designated by a separate number or name, or combination of name and number, and shall not be identified with or as a part of any other municipal or township precinct;

(d) precincts shall be arranged so that no precinct lies in more than one legislative district; ~~and~~

(e) a street or other roadway which has been platted but not graded is not a visible or observable feature for the purposes of this section.

Sec. 2. K.S.A. 1989 Supp. 25-26a03 is hereby amended to read as follows: 25-26a03. *Notwithstanding any other law or provisions to the contrary*, no election precinct shall be created, divided, abolished or consolidated or the boundaries thereof changed during the period four months prior to each primary election and the succeeding

Except as otherwise provided in this section,

from and after the time that the legislature has been redistricted in 1992,

; and

(a)

(f) where a legislative district boundary coincides with a municipal boundary which is changed by reason of annexation such legislative district boundary shall be maintained as a precinct boundary until the next legislative redistricting regardless of whether such a legislative district boundary uses a visible ground feature or coincides with a census block boundary.

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1 general election or between January 1 of any year whose last digit
2 is 8 and December 1 of any year whose last digit is 0 unless
3 required by the creation of a political subdivision or alteration
4 of a political subdivision by annexation, or unless required to
5 conform to a federal census block boundary established by the
6 federal bureau of the census, and from and after January 1,
7 1993, between January 1 of any year ending in 7 and the time when
8 the legislature has been redistricted in a year ending in 2 except as
9 provided in this section.

, new precincts may be created.

10 (1) ~~(a) If required by the creation of a political subdivision or if a~~
11 ~~political subdivision annexes any area adjacent to the political sub-~~
12 ~~division boundary, the annexed area may be included in a precinct~~
13 ~~immediately adjacent to it.~~

(2) If there is an alteration of a political subdivision by annexation, new precincts may be created.

14 (4) ~~(b) A municipality or county election officer may establish new~~
15 ~~election precincts lying entirely within the boundaries of any existing~~
16 ~~precinct and shall designate the new precincts by name or number,~~
17 ~~or a combination of name and number, which shall include the~~
18 ~~designated name or number of the former precinct.~~

(3) If a political subdivision annexes an area adjacent to the political subdivision boundary, the annexed area may be included in a precinct immediately adjacent to such political subdivision.

19 (5) ~~(e) If required to conform and coincide with a federal census~~
20 ~~block boundary established by the federal bureau of the census a~~
21 ~~county election officer may change precinct boundaries.~~

(b) When necessary to comply with the provisions of this act, not less than 45 days after the legislature has been redistricted, or by June 10 in a year with a number ending with two (whichever occurs first), precinct boundaries shall be reestablished.

22 Sec. 3. K.S.A. 1989 Supp. 25-26a04 is hereby amended to read
23 as follows: 25-26a04. (a) Each county election officer shall provide
24 and maintain a suitable map or maps drawn to a scale no smaller
25 than 1/2 mile to the inch in incorporated places and urban areas and
26 no smaller than two miles to the inch in rural areas and clearly
27 delineating all major observable features such as roads, streams, and
28 railway lines and other visible ground features which meet the re-
29 quirements of the federal bureau of the census for use as census
30 block boundaries and showing the current geographical boundaries
31 of each election precinct, representative district and senatorial district
32 in the county. A street or other roadway which has been platted
33 but not graded is not a visible or observable feature for the purposes
34 of this section. The names of the features, including municipal
35 boundaries, which constitute the boundaries of the precincts shall
36 be shown clearly on the map or maps. The names or designations
37 of the precincts shall be marked on the map or maps. A word
38 description of the geographical boundaries shall be attached to each
39 map. Such map, with attached description, shall be a public record.

40 (b) Each county election officer shall send a copy of each map
41 or maps with attached description to the secretary of state no later
42 than January 1, 1988. Such copies shall be public records.

43 (c) The county election officer shall notify the secretary of state

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1 in writing ~~within~~ *at least 30 days following before any change in*
 2 *a political subdivision boundary or any changes in the boundaries*
 3 *or the reorganization of election precincts become effective* and shall
 4 furnish a copy of the map or maps showing the current geographical
 5 boundaries, designation and word description of each new election
 6 precinct. The visible ground features of changed or new precinct
 7 boundaries shown on the map or maps, *if not coinciding with an*
 8 *existing census block as established by the federal bureau of the*
 9 *census*, shall be documented for actual physical existence using either
 10 topographical quadrangles of the United States Geological Survey or
 11 aerial photography or a plat of the precinct boundaries certified by
 12 a licensed engineer or licensed land surveyor and clearly stating and
 13 certifying that such engineer or surveyor has personally viewed the
 14 precinct boundaries and observed the actual physical existence of
 15 the visible ground features delineating such boundaries.

16 Sec. 4. K.S.A. 1989 Supp. 25-26a05 is hereby amended to read
 17 as follows: 25-26a05. (a) The secretary of state shall *promptly* review
 18 all precinct maps submitted pursuant to K.S.A. ~~1987~~ 1989 Supp.
 19 25-26a04 *and amendments thereto* for compliance with the provisions
 20 of this act. *The secretary of state shall promptly notify the appro-*
 21 *priate county election officer as to whether or not such precinct*
 22 *maps are in compliance with the provisions of this act.* Those precinct
 23 maps determined not to be in compliance with this act shall be
 24 rejected and returned to the appropriate county election officer with
 25 a written statement of noncompliance setting forth those instances
 26 where the map is in default. The appropriate county or city officials
 27 shall be notified forthwith of the rejection by the county election
 28 officer and shall make the required adjustments and resubmit the
 29 corrected precinct map or maps within 30 days after receiving notice
 30 of noncompliance. *Notwithstanding other law to the contrary,*
 31 *changes in precinct boundaries shall not be effective and shall not*
 32 *be used for the conduct of any election until the secretary of state*
 33 *has determined the precinct maps are in compliance with the pro-*
 34 *visions of this act.*

35 (b) If the initial or corrected precinct maps as required in this
 36 act are not filed by the deadlines set forth in this act, the secretary
 37 of state is hereby authorized and required to establish where nec-
 38 essary appropriate precinct boundaries in compliance with the pro-
 39 visions of this act, notwithstanding any other law to the contrary
 40 providing or establishing authority for any county or city official to
 41 establish precinct boundaries. The secretary of state will notify the
 42 appropriate county election officer of any precincts established under
 43 the provisions of this subsection, and the county election officer

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1 immediately shall notify the appropriate city or county officials who
2 shall forthwith adopt as the official precincts those precincts estab-
3 lished by the secretary of state.

4 Sec. 5. K.S.A. 1989 Supp. 25-26a01, 25-26a02, 25-26a03, 25-
5 26a04 and 25-26a05 are hereby repealed.

6 Sec. 6. This act shall take effect and be in force from and after
7 its publication in the Kansas register.