

Approved: _____

Date

2-22-99

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Lisa Benlon on February 15, 1999 in Room 521-S of the Capitol.

All House Committee members were present.

Committee staff present: Mary Galligan - Research, Dennis Hodgins - Research, Theresa Kiernan Secretary June Constable was excused, Mary Best served as secretary.

Conferees appearing before the committee: Proponents Connie Schmidt, Elections Commissioner, Johnson County, Karen Hartenbower, County Clerk Lyon County, Brad Bryant, Sec. State Office. Rep. Kent Glasscock, Rep. Jeff Peterson, Dan Collington, Lana Oleen, Joey Bahr, Intern for Rep. Welshimer.

Others attending: See Guest List, attached to these Minutes.

Silent roll for the House Committee was taken by the Secretary of that Committee.

The Chair opened the hearing on **SCR 1601** Testimony was given by the following persons: Mary Galligan (explaining the bill), Sen Janice Hartenburger (Attachment #1), Brad Bryant, (Attachment #2) Rep. Kent Glasscock, (Attachment #3) Rep. Jeff Peterson, (Attachment #4) Dan Collington, Sen. Lana Oleen (Attachment #5) and Joey Bahr, intern for Rep. Welshimer.

After questions from representatives, the hearing was closed.

Hearing was opened on **HB 2324**. Testimony was given by the following proponents: Connie Schmidt, (Attachment # 6); Karen K. Hartenbower (Attachment #7);

After questions from the legislators, the hearing was closed.

Hearing was opened on **HB2325**. Testimony was given by proponent Karen Hartenbower (same Attachment #7 as above). After questions from the legislators, the hearing was closed.

Hearing was opened on **HB 2328**. Testimony was given by Connie Schmidt and Karen Hartenbower. After questions from the committee members directed to the proponents the hearing was closed.

Hearing was opened on **HB. 2228**. Testimony was given by Brad Bryant, of the Secretary of State office. (Attachment #8). After questions from the committee members the hearing was closed.

Hearing was opened on **HB 2231**. Testimony was given by Brad Bryant, of the Secretary of State. After questions from the legislators the hearing was closed.

There being no further questions from the legislators, and no further testimony, Chair Lisa Benlon Closed the Hearings. Thereupon she asked the committee if they wished to work any of the above bills. She noted that several committee members have left the committee meeting by this time, Rep. Long, Rep. Storm and Rep. Toplikar was not present.

HB2022 was worked, Rep. Lynn Jenkins reported that she had spoken again with Prof. Levy and concluded that Prof. Levy thought the bill was a giant step in the right direction. Amendments to the bill were discussed.

Motion was made to accept the amendments as discussed by Rep. Welshimer, Seconded by Gilbert, no discussion and Motion Carried

Motion was made by Rep. Huff to move the bill **HB2022** out favorably, Rep. Welshimer seconded.

Discussion followed. Motion carried by majority, with Rep. O'Connor and Rep. Powers being recorded as a No vote. Rep. Jenkins to carry the Bill to the House.

HB 2228 was worked, Separate Scan Card discussed.

Motion was made by Rep. Shriver to approve the bill and move it out favorably, Rep. Gilbert seconded, motion carried. Rep. Johnston to carry the bill to the House.

HB 2231, Last 4 digits of Social Security Number, was worked and discussed. Motion was made by Rep. Vining that the bill be moved out of committee. Rep. Welshimer seconded. Discussion was had and voted upon. Motion Carried. Rep. O'Connor to carry the bill to the house.

HB 2324, was not worked

SCR 1601 Reapportionment, was worked. Motion was made by Rep. O'Connor, Rep. Jenkins seconded, that the Resolution be approved and moved out favorably. Discussion was held. Vote taken, Motion carried, with Rep. Horst and Rep. Palmer recording a No vote.

HB 2328, was not worked.

There being no further business to come before the Chair, meeting was adjourned. The next meeting scheduled is February 17, 1999, at 3:30 in room 521-S

House Governmental Organization
and Elections
Guest List

2-15-99

Your Name	Representing
Karl K. Hartenbom	Ks County Clerks/Election Officials
Connie Schmit	Johnson Co. Election Commissioner
Brad Bryant	Sec. of State
Marilyn Chapman	Sq. Co. Election Commissioner
Linda Hise	Governor's Office
Clyde Graeber	Sec. KDFE
DAN COLAIONE	MANHATTAN CHAMBER OF COMMERCE

Janice Hardenburger

INTERIM SPECIAL COMMITTEES

Report of the
Redistricting Advisory Group
to the
1999 Kansas Legislature

CHAIRPERSON: Michael O'Neal

VICE-CHAIRPERSON: Janice Hardenburger

OTHER MEMBERS: Senators Anthony Hensley and Pat Ranson; Representatives Robin Jennison and Bill Reardon

STUDY TOPICS

Lay the groundwork for redistricting of legislative, Congressional, and State Board of Education districts by the 2002 Legislature

December 1998

*House Gov. Org + Elec
Feb 15, 1999
Attachment #1*

REDISTRICTING ADVISORY GROUP

LAYING THE GROUNDWORK FOR REDISTRICTING OF LEGISLATIVE, CONGRESSIONAL, AND STATE BOARD OF EDUCATION DISTRICTS BY THE 2002 LEGISLATURE*

CONCLUSIONS AND RECOMMENDATIONS

The Committee recommends introduction of a Senate Concurrent Resolution proposing amendment to Section 1 of Article 10 of the *Kansas Constitution*. The amendment would eliminate the requirement that legislative districts be based on adjusted results of the decennial U.S. Census. The Committee also recommends that the Legislative Research Department and Revisor of Statutes staff proceed with plans to develop a support structure for the Legislature's redistricting effort similar to that provided in 1992.

BACKGROUND

The study topic was assigned by the Legislative Coordinating Council (LCC) as the beginning of the internal planning process for the 2002 redrawing of legislative, board of education, and congressional districts. Since much of the work of redistricting will be done during the 2001 interim, the Legislature has only about three years to identify and put in place the necessary support for that effort.

The Legislature has initial responsibility for developing legislative districts every ten years, following the decennial federal census. A review of the Legislature's redistricting plan by the state Supreme Court is required. The *Kansas Constitution* also requires that the population basis for legislative districts exclude nonresident students and military personnel and include resident students and military at the place of their permanent residence. By statute, the Secretary of State is responsible for making the required adjust-

ment to the federal census figures and providing those data to the Legislature.

Timing. The redistricting process, including the constitutionally mandated automatic review by the state Supreme Court, must be completed relatively quickly because of the June 10 filing deadline for the August primary election in 2002. Reapportionment bills are published in the *Kansas Register* immediately upon enactment. Within 15 days after the bill's publication, the Attorney General must petition the Supreme Court to determine the act's validity. The Court has 30 days from the filing of the petition to render its judgment. "Should the supreme court determine that the reapportionment statute is invalid, the legislature shall enact a statute of reapportionment conforming to the judgement of the supreme court within 15 days."

A second reapportionment bill also would be subject to Supreme Court review. In this in-

* S.C.R. 1601 was recommended by the Committee.

stance, the Supreme Court would have to enter its judgment within ten days from the filing of the petition by the Attorney General. If the second reapportionment bill is invalidated by the Court, the Legislature would be required to enact a bill “. . . in compliance with the direction of and conforming to the mandate of . . .” the Court within 15 days of the Court’s decision. In order to be prepared for the possibility that two plans would be needed to satisfy the Court, the first redistricting plan would have to be through both houses before mid-February. The Supreme Court’s judgment regarding the validity of a reapportionment bill is final until the next scheduled reapportionment.

New legislative districts are effective for the following legislative election and “thereafter until again reapportioned.” The June filing deadline for the August primary thus creates an effective end date for validation of new legislative districts.

Adjusted Census Results. K.S.A. 11-301 *et seq.*, requires the Secretary of State to gather data necessary to make population adjustments as required by the *Constitution*. The statutes define resident, nonresident, student, and military personnel for the purpose of the census adjustment. All colleges, universities, and military units are to report to the Secretary information regarding students and military personnel necessary to make the adjustment. The Secretary is authorized to adopt rules and regulations needed to implement the law.

The constitutional provision that requires the use of adjusted U.S. Census figures for development of legislative districts was adopted by the voters at the November election in 1988. Prior to that time the *Constitution* required that legislative districts be based on population determined through a state census. Thus, the current adjustment process was used for the first time for redistricting in 1992, following the 1990 federal census.

In 1997, the Secretary of State proposed amendment of the *Constitution* to remove the adjustment requirement. The proposal was introduced as H.C.R. 5005 by the House Committee on Governmental Organization and Elections. The resolution was recommended for adoption by the House Committee, but was stricken from the House calendar.

At the hearing on the resolution, the Secretary of State’s Office testified that the 1991 adjustment process cost approximately \$300,000 and “. . . had little effect on the apportionment of political power among the regions of the state.” (Secretary of State’s testimony to House Committee on Governmental Organization and Elections, February 5, 1997.)

Preparation for Redistricting. The LCC in 1995 decided to participate in phase 1 of the Census 2000 Redistricting Data Program. At that time, the LCC also entered into a contract for the computer support necessary to convey census block boundary suggestions to the Bureau for preparation of 2000 Census maps. In 1998 the LCC opted to participate in phase 2 of that effort which involves providing the Census Bureau with precinct boundaries that will be included in those census maps. The same contractor provided computer support for the second phase. The Redistricting Data Program enables states to give the Bureau the geographic information necessary to report to the Legislature in 2001 precinct-level population data for redistricting. Having census population tabulations available for precincts enables the Legislature to use precincts as the building blocks for legislative and congressional districts.

While that work proceeds, the Legislature will need to make a number of decisions about:

- who should take the lead in the organization and planning for redistricting;
- what type of support the Legislature will need for redistricting;
- how the work of redistricting will be orga-

1-3

- nized in 2001 and 2002; and
- any statutory or constitutional changes that might be necessary to facilitate timely completion of redistricting.

COMMITTEE ACTIVITIES

The Committee held a single-day meeting in September. At that meeting, representatives of the U.S. Census Bureau reviewed the variety of census issues that have an impact on redistricting. As part of that discussion, the Bureau officials reviewed in detail the Redistricting Data Program. In addition, the Committee had an opportunity to ask questions about residency rules used for the Census, the current discussions about sampling, and the new race categories that will be used for tabulation of Census results.

The Committee also received a briefing from the Secretary of State's Office regarding adjustment of Census population figures for legislative redistricting. The Committee learned during that briefing that the 1991 adjustment cost approximately \$300,000 during four fiscal years and that the cost may be higher for the next round of redistricting. The Secretary of State will request approximately \$34,000 for FY 2000 to begin the process for the 2002 redistricting.

During that discussion, the Committee also discussed amending the *Constitution* to eliminate the requirement for using adjusted Census figures for legislative redistricting. The Committee learned that placing a proposed amendment to eliminate the adjustment on the 2000 general election ballot would not result in much, if any, monetary savings because the data collection effort would have to be completed prior to the 2000 election. The Committee learned that a proposed constitutional amendment could be placed on the ballot in 1999.

The Committee reviewed the redistricting guidelines used for the 1992 round of legislative and congressional redistricting. During that review, the Committee discussed briefly some of

the statutory and case law that supports certain of those guidelines. The Committee also discussed how the guidelines impact technical preparation for redistricting in terms of the data the Legislature would need to have available when it evaluates various district plans.

CONCLUSIONS AND RECOMMENDATIONS

The Committee concluded that the Legislature should have an opportunity to debate the practice of adjusting U.S. Census figures for legislative redistricting. The Committee also concluded that the debate should begin in the Senate. Therefore, the Committee recommends introduction of a Senate Concurrent Resolution that would propose a constitutional amendment to eliminate the requirement that adjusted population figures be used for legislative redistricting. If approved by the Legislature, the proposal will be submitted to the voters at the April 1999 elections. The Committee emphasizes that in making this recommendation the Committee is not taking a position on the merits of the resolution.

Based on information provided during the Committee's meeting, the Committee directed staff of the Legislative Research Department and Revisor of Statutes office to begin planning for staff and computer support of the Legislature's redistricting activities. That initial planning is to be based on the assumption that the Legislature's needs will be met in much the same manner as they were met during the last round of redistricting, *i.e.*, with staff support from the Legislative Research Department, Revisor of Statutes office, and legislative leadership offices with limited additional staff; dedicated computer workstations in leadership offices and the Legislative Research Department; redistricting support software that can be used directly by legislators to reduce the amount of staff assistance needed; a single, shared database that includes census results, voter registration, and election results; and public hearings and subcommittee

work during the summer and fall of 2001. Finally, the Committee recommends that the LCC continue this Committee's continuous

existence to guide preparations for 2002 redistricting.

preparation for redistricting in terms of the data the Legislature would need to have available when it evaluates various district plans.

any statutory or constitutional changes might be necessary to facilitate timely completion of redistricting.

CONCLUSIONS AND RECOMMENDATIONS

The Committee concluded that the Legislature should have an opportunity to debate the practice of adjusting U.S. Census figures for legislative redistricting. The Committee also concluded that the debate should begin in the Senate. Therefore, the Committee recommends introduction of a Senate Government Resolution that would propose a constitutional amendment to adjust the census figures used for legislative redistricting. It appeared to the Legislature that the proposal will be debated in the winter of the April 1999 election. The Committee emphasizes that in making this recommendation the Committee is not making a decision on the merits of the resolution.

Based on information provided during the Committee's study, the Committee directed staff of the Legislative Research Department and Research Services Office to begin planning for staff and computer support of the Legislature's redistricting activities. It has not yet planned to be based on the assumption that the Legislature needs will be met in much the same manner as they were met during the last round of redistricting, with staff support from the Legislature's Research Services and Research Services Office and legislative leadership offices with limited additional staff. Dedicated computer workstations in leadership offices and the Legislative Research Department redistricting support software that can be used directly by legislators to reduce the amount of staff assistance needed, a single shared database that includes census results, voter registration, and election results; and public inquiry and submission

COMMITTEE ACTIVITIES

The Committee held a single day meeting in September. All four member representatives of the U.S. Census Bureau reviewed the variety of census issues that have an impact on redistricting. As part of that discussion, the Bureau officials reviewed in detail the Redistricting Data Program. In addition, the Committee had an opportunity to ask questions about redistricting issues and the new two categories that will be used for tabulation of census results.

The Committee also received a briefing from the Secretary of State's Office regarding adjustment of Census population figures for legislative redistricting. The Committee agreed during that briefing that the 1991 adjustment cost approximately \$700,000 during four fiscal years and that the cost may be higher for the next round of redistricting. The Secretary of State will request approximately \$24,000 for FY 2002 to begin the process for the 2002 redistricting. During that discussion, the Committee also discussed attending the Commission for redistricting the redistricting for using adjusted Census figures for legislative redistricting. The Committee agreed that placing a proposed amendment to eliminate the adjustment on the 2000 general election ballot would not result in a net monetary savings because the data collection effort would have to be completed prior to the 2000 election. The Committee learned that a proposed constitutional amendment could be placed on the ballot in 1999.

The Committee reviewed the redistricting guidelines used for the 1992 round of legislative and congressional redistricting. During that review, the Committee discussed briefly some of

1-5

1-5

COMPARISON OF HOUSE DISTRICT POPULATIONS
Published 1990 U.S. Census and As Adjusted for Legislative Redistricting

(Shaded districts would exceed allowable +/- 5% deviation from ideal district size)

Federal Total Population	Ideal House District Population	SOS Total Adjusted Population	Ideal House District Size
2,477,574	19,821	2,445,380	19,563

House District	1990 Federal Population	% Deviation	SOS Population	% Deviation	Net effect of change	Location
66	28,898	45.8%	19,321	(1.2)%	(9,577)	Manhattan
46	27,549	39.0%	19,565	0.0%	(7,984)	Lawrence
106	26,534	33.9%	20,032	2.4%	(6,502)	Riley County
64	22,889	15.5%	20,001	2.2%	(2,888)	Riley County
44	23,221	17.2%	20,420	4.4%	(2,801)	Lawrence
40	21,408	8.0%	18,784	(4.0)%	(2,624)	Leavenworth
65	23,017	16.1%	20,502	4.8%	(2,515)	Geary County
60	22,241	12.2%	20,207	3.3%	(2,034)	Emporia
62	21,915	10.6%	19,898	1.7%	(2,017)	Manhattan
111	20,261	2.2%	18,737	(4.2)%	(1,524)	Hays
3	20,266	2.2%	18,747	(4.2)%	(1,519)	Pittsburg
99	20,046	1.1%	19,033	(2.7)%	(1,013)	Wichita
45	21,147	6.7%	20,373	4.1%	(774)	Lawrence
89	19,259	(2.8)%	18,670	(4.6)%	(589)	Wichita
73	19,665	(0.8)%	19,107	(2.3)%	(558)	McPherson County
10	20,722	4.5%	20,166	3.1%	(556)	Johnson County
41	19,109	(3.6)%	18,613	(4.9)%	(496)	Leavenworth
55	19,586	(1.2)%	19,158	(2.1)%	(428)	Topeka
116	20,710	4.5%	20,366	4.1%	(344)	Dodge City
102	20,466	3.3%	20,132	2.9%	(334)	Hutchinson
95	20,222	2.0%	19,971	2.1%	(251)	Wichita
87	19,555	(1.3)%	19,309	(1.3)%	(246)	Wichita
32	19,841	0.1%	19,596	0.2%	(245)	Kansas City
84	18,973	(4.3)%	18,753	(4.1)%	(220)	Wichita
48	18,932	(4.5)%	18,746	(4.2)%	(186)	Atchison County
98	19,734	(0.4)%	19,551	(0.1)%	(183)	Wichita

House District	1990 Federal Population	% Deviation	SOS Population	% Deviation	Net effect of change	Location
88	20,203	1.9%	20,102	2.8%	(101)	Wichita
74	19,465	(1.8)%	19,367	(1.0)%	(98)	Harvey and McPherson Counties
75	20,234	2.1%	20,142	3.0%	(92)	El Dorado
42	19,027	(4.0)%	18,947	(3.1)%	(80)	Lansing
78	19,481	(1.7)%	19,407	(0.8)%	(74)	Cowley County
72	19,213	(3.1)%	19,164	(2.0)%	(49)	Harvey County
82	19,360	(2.3)%	19,324	(1.2)%	(36)	Sedgwick County
96	19,435	(1.9)%	19,403	(0.8)%	(32)	Wichita
107	19,771	(0.3)%	19,745	0.9%	(26)	Cloud County
103	20,019	1.0%	19,993	2.2%	(26)	Wichita
85	19,626	(1.0)%	19,606	0.2%	(20)	Wichita
112	19,837	0.1%	19,825	1.3%	(12)	Great Bend
79	18,974	(4.3)%	18,965	(3.1)%	(9)	Cowley County
49	19,256	(2.8)%	19,249	(1.6)%	(7)	Doniphan County
86	18,888	(4.7)%	18,891	(3.4)%	3	
92	20,182	1.8%	20,186	3.2%	4	
70	20,253	2.2%	20,265	3.6%	12	
4	19,258	(2.8)%	19,284	(1.4)%	26	
97	19,716	(0.5)%	19,744	0.9%	28	
37	19,154	(3.4)%	19,204	(1.8)%	50	
121	18,687	(5.7)%	18,739	(4.2)%	52	Thomas County
7	20,126	1.5%	20,193	3.2%	67	
11	20,085	1.3%	20,154	3.0%	69	
56	19,187	(3.2)%	19,258	(1.6)%	71	
54	19,065	(3.8)%	19,136	(2.2)%	71	
91	19,289	(2.7)%	19,366	(1.0)%	77	
125	19,949	0.6%	20,028	2.4%	79	
57	20,243	2.1%	20,322	3.9%	79	
31	20,317	2.5%	20,397	4.3%	80	
123	19,000	(4.1)%	19,085	(2.4)%	85	
113	20,164	1.7%	20,249	3.5%	85	
34	19,013	(4.1)%	19,100	(2.4)%	87	
14	19,478	(1.7)%	19,571	0.0%	93	
2	19,000	(4.1)%	19,095	(2.4)%	95	
81	18,696	(5.7)%	18,791	(3.9)%	95	Sedgwick County
117	19,740	(0.4)%	19,839	1.4%	99	
83	19,334	(2.5)%	19,433	(0.7)%	99	
36	18,963	(4.3)%	19,066	(2.5)%	103	
35	19,018	(4.0)%	19,125	(2.2)%	107	

House District	1990 Federal Population	% Deviation	SOS Population	% Deviation	Net effect of change	Location
61	19,526	(1.5)%	19,634	0.4%	108	
71	18,882	(4.7)%	18,990	(2.9)%	108	
77	19,472	(1.8)%	19,583	0.1%	111	
33	18,918	(4.6)%	19,030	(2.7)%	112	
12	19,070	(3.8)%	19,183	(1.9)%	113	
1	18,502	(6.7)%	18,620	(4.8)%	118	Cherokee County
24	19,730	(0.5)%	19,856	1.5%	126	
26	19,534	(1.4)%	19,668	0.5%	134	
94	18,922	(4.5)%	19,058	(2.6)%	136	
58	18,977	(4.3)%	19,117	(2.3)%	140	
108	20,233	2.1%	20,373	4.1%	140	
8	18,674	(5.8)%	18,815	(3.8)%	141	Neosho County
15	19,512	(1.6)%	19,654	0.5%	142	
23	19,595	(1.1)%	19,748	0.9%	153	
9	20,254	2.2%	20,411	4.3%	157	
90	20,038	1.1%	20,206	3.3%	168	
30	19,151	(3.4)%	19,340	(1.1)%	189	
101	19,351	(2.4)%	19,542	(0.1)%	191	
68	20,272	2.3%	20,464	4.6%	192	
43	18,785	(5.2)%	18,984	(3.0)%	199	Johnson County
93	18,541	(6.5)%	18,742	(4.2)%	201	Sedgwick County
69	18,487	(6.7)%	18,691	(4.5)%	204	Salina
39	18,401	(7.2)%	18,606	(4.9)%	205	Wyandotte County
52	20,061	1.2%	20,272	3.6%	211	
80	20,124	1.5%	20,347	4.0%	223	
38	20,193	1.9%	20,420	4.4%	227	
100	19,984	0.8%	20,214	3.3%	230	
21	18,692	(5.7)%	18,923	(3.3)%	231	Johnson County
76	19,728	(0.5)%	19,961	2.0%	233	
13	19,063	(3.8)%	19,299	(1.4)%	236	
6	20,129	1.6%	20,368	4.1%	239	
53	19,179	(3.2)%	19,423	(0.7)%	244	
47	19,050	(3.9)%	19,296	(1.4)%	246	
22	18,623	(6.0)%	18,878	(3.5)%	255	Johnson County
59	20,150	1.7%	20,409	4.3%	259	
104	20,160	1.7%	20,429	4.4%	269	
5	20,003	0.9%	20,281	3.7%	278	
27	18,726	(5.5)%	19,018	(2.8)%	292	Johnson County
124	19,542	(1.4)%	19,836	1.4%	294	
122	18,611	(6.1)%	18,922	(3.3)%	311	West Central

House District	1990 Federal Population	% Deviation	SOS Population	% Deviation	Net effect of change	Location
67	18,961	(4.3)%	19,274	(1.5)%	313	
110	19,878	0.3%	20,197	3.2%	319	
29	19,151	(3.4)%	19,475	(0.5)%	324	
105	20,132	1.6%	20,457	4.6%	325	
18	19,158	(3.3)%	19,485	(0.4)%	327	
50	18,499	(6.7)%	18,843	(3.7)%	344	Jackson County
114	19,119	(3.5)%	19,465	(0.5)%	346	
109	18,325	(7.5)%	18,677	(4.5)%	352	
25	19,967	0.7%	20,326	3.9%	359	
115	19,972	0.8%	20,334	3.9%	362	
16	19,647	(0.9)%	20,017	2.3%	370	
51	20,013	1.0%	20,394	4.2%	381	
17	19,831	0.1%	20,213	3.3%	382	
19	19,782	(0.2)%	20,169	3.1%	387	
20	19,001	(4.1)%	19,390	(0.9)%	389	
119	18,419	(7.1)%	18,813	(3.8)%	394	North Central
120	18,340	(7.5)%	18,756	(4.1)%	416	Far North West
118	18,293	(7.7)%	18,710	(4.4)%	417	Far West Central
28	19,693	(0.6)%	20,126	2.9%	433	
63	19,676	(0.7)%	20,130	2.9%	454	
Total	2,477,574		2,445,380		(32,194)	

#25364.01(2/13/99{11:39AM})

Ron Thornburgh
Secretary of State



2nd Floor, State Capitol
300 S.W. 10th Ave.
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS
House Committee on Governmental Organization and Elections

Testimony on SCR 1601

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

February 15, 1999

Madam Chair and Members of the Committee:

Thank you for the opportunity to appear before the committee in support of Senate Concurrent Resolution 1601. If passed by the Legislature and approved by the voters, the resolution would end the adjustment of federal census figures for state legislative redistricting. The Secretary of State urges you to pass this resolution and to do it quickly. Only if it passes the Legislature in February is it possible to conduct the statewide election to approve it on April 6.

Kansas was the last state to conduct its own census in 1988. That same year, the Kansas Constitution was amended to end the state census and to adopt the federal census, but part of the old state census methodology was perpetuated by requiring the adjustment of federal census figures to count college students and military personnel at their places of permanent residence.

Our office performed the census adjustment in 1990, and the attached map is from the report we made to the Legislature in 1991. We have also provided copies of the full report for anyone who wants more information.

A brief outline of the 1990 adjustment procedure follows:

- the Secretary of State appointed an Advisory Group to help design questionnaires and devise procedures for contacting students and military personnel
- we contacted each of the 46 colleges and four military installations, explaining the requirements and asking for a designee to oversee the project
- we distributed census questionnaires to each of the 100,000 students and 25,000 military personnel, asking them what they considered their permanent addresses
- for those who responded that their residence was somewhere other than where they lived at college or on the military base, we plotted their addresses down to the census block level. This required hundreds of letters and thousands of telephone calls.

Gov. Or 9.

ATTACHMENT 2

FEB. 15, 1999

Attachment #2

Administration (785) 296-4564
FAX (785) 291-3051
Corporations (785) 296-4564
FAX (785) 296-4570

Web Site:
<http://www.ink.org/public/sos>
e-mail:
kssos@ssmail.wpo.state.ks.us

Elections (785) 296-4561
FAX (785) 291-3051
UCC (785) 296-4564
FAX (785) 296-3659

2-1

- we entered respondents' census information into a database and wrote a computer program to compare that database to the federal census database
- based on the results, we reported the adjusted census figures to the Legislature in July, 1991.

SCR 1601 is identical to a resolution proposed by the Secretary of State in 1997. We proposed it because we believed the Legislature and the public should have an opportunity to review the state's policy of adjusting the census and decide whether to continue it into the 2000 census. We proposed the amendment in 1997 because it would have meant voting on it in 1998, the most convenient time to administer the election. Although that legislation, HCR 5005, did not pass, we welcome another opportunity to express our support for the new resolution.

We encourage the committee to pass this resolution for the following reasons.

1. The census adjustment had a negligible impact on the allocation of population and the apportionment of legislative power. In hindsight, the results did not warrant the expenditure of \$300,000 for the project in 1990. The costs will increase significantly for the 2000 adjustment. The state would save the cost of the adjustment if the Legislature passes SCR 1601 and if the voters of Kansas approve the amendment in a statewide vote.

2. No other state in the United States adjusts the federal census figures for redistricting purposes. Further, this policy is in effect in Kansas only for redistricting of state Senate and House of Representatives seats. Adjusted figures are not used for congressional redistricting, allocation of public funds or government planning purposes. It is time for Kansas to use a consistent set of figures for all census-based government functions, and it is time to adopt the same policy as other states.

Again, we urge this committee and the full Legislature to pass this resolution quickly. It is possible to conduct the statewide election this April 6 only if the resolution passes both houses in February.

I will provide more detail on the 1990 adjustment project if the committee wishes.

Thank you for your consideration.

1990 CENSUS


ADJUSTMENT

2-3


EXAMPLE
 14,638 = 1990 U.S. Census
 +55 = Net Adjustment
 14,693 = Adjusted 1990 Total

EXAMPLE
 14,638 = 1990 U.S. Census
 +55 = Net Adjustment
 14,693 = Adjusted 1990 Total

3,243 -172 3,315	3,404 -70 3,474	4,021 -92 4,113	5,947 -146 6,093	6,590 -123 6,713	5,078 -86 5,164
Cheyenne	Rawlins	Decatur	Norton	Phillips	Smith
6,926 +110 7,036	8,258 -173 8,085	3,043 +108 3,151	3,543 -74 3,617	6,039 +110 6,149	4,867 +102 4,969
Sherman	Thomas	Sheridan	Graham	Rooks	Osborne
1,821 +44 1,865	3,081 +68 3,149	3,231 -21 3,322	3,694 -80 3,774	26,004 -1,450 24,554	7,835 -102 7,944
Wallace	Logan	Gove	Trego	Ellis	Russell
1,774 +26 1,800	2,758 -60 2,818	5,289 +120 5,409	2,375 -45 2,420	4,033 +93 4,126	3,842 +81 3,923
Greeley	Wichita	Scott	Lane	Ness	Rush
2,388 +41 2,429	4,027 +71 4,098	33,070 +5 33,075	2,177 +50 2,227	7,555 +129 7,684	5,365 +104 5,469
Hamilton	Kearny	Finney	Hodgeman	Pawnee	Stafford
2,333 +54 2,387	7,159 +86 7,245	3,886 +72 3,958	5,396 +88 5,484	27,463 -222 27,241	9,702 -67 9,635
Stanton	Grant	Haskell	Gray	Ford	Pratt
3,480 +46 3,526	5,048 +83 5,131	18,743 +60 18,803	4,247 +74 4,321	2,418 -50 2,468	2,313 +60 2,373
Morton	Stevens	Seward	Meade	Clark	Comanche
					5,874 +101 5,975
					Barber

 Counties with net loss of population after adjustment

4,251 +82 4,333	6,482 -142 6,624	7,073 +146 7,219	11,705 +232 11,937	10,446 +256 10,702	11,128 +169 11,297	8,134 -210 7,924	Doniphan
Jewell	Republic	Washington	Marshall	Nemaha	Brown	Atchison	
7,203 +165 7,368	11,023 -169 10,854	9,158 +51 9,209	67,139 -19,131 48,008	16,128 +73 16,201	11,525 +213 11,738	16,932 -210 16,722	Leavenworth
Mitchell	Cloud	Clay	Riley	Pottawatomie	Jackson	Jefferson	Wyandotte
3,653 +78 3,731	5,634 +95 5,729	18,958 +129 19,087	30,453 -4,622 25,831	6,603 +79 6,682	160,976 +871 161,847	15,905 +239 16,144	161,993 +578 162,571
Lincoln	Ottawa	Dickinson	Geary	Wabaunsee	Shawnee	Douglas	Johnson
6,586 +142 6,728	49,301 +491 49,792	12,888 -81 12,807	6,198 +48 6,246	34,732 -1,939 32,793	15,248 +226 15,474	81,798 -12,038 69,760	355,054 +4,885 359,939
Ellsworth	Saline	Morris	Lyon	Osage	Franklin	Miami	
10,610 -70 10,540	27,268 -456 26,812	3,021 +41 3,062	8,404 -129 8,533	21,994 +42 22,036	7,803 +115 7,918	23,466 +285 23,751	
Rice	McPherson	Marion	Chase	Coffey	Anderson	Linn	
62,389 +180 62,569	31,028 -238 30,790	50,580 +133 50,713	7,847 +102 7,949	4,116 +50 4,166	14,638 +57 14,695	14,966 -22 14,944	
Reno	Harvey	Butler	Greenwood	Woodson	Allen	Bourbon	
8,292 +163 8,455	403,662 -1,725 401,937	3,327 +50 3,377	10,289 +131 10,420	17,035 +134 17,169	35,568 -1,452 34,116		
Kingman	Sedgwick	Elk	Wilson	Neosho	Crawford		
7,124 +105 7,229	25,841 +278 26,119	36,915 -96 36,819	38,816 +183 38,999	23,693 +98 23,791	21,374 +125 21,499		
Harper	Sumner	Cowley	Chautauqua	Montgomery	Labette	Cherokee	

 Counties with net loss of population after adjustment

2-3

STATE OF KANSAS

KENT GLASSCOCK
P.O. Box 37
Manhattan, Kansas 66505
(785) 776-5353, Ext. 108
kentglas@flinthills.com



State Representative
62nd District
State Capitol, Room 381-W
Topeka, Kansas 66612-1504
(785) 296-7662

MAJORITY LEADER
House of Representatives

House Committee on Governmental Organization and Elections

Testimony on Senate Concurrent Resolution 1601

Representative Kent Glasscock
House of Representatives

February 15, 1999

Madam Chair and Members of the Committee:

Thank you for the opportunity to speak to you today in support of Senate Concurrent Resolution 1601.

This resolution eliminates the Secretary of State's federal census adjustment. This adjustment is expensive and unnecessary. It does not accomplish the goals it was created to accomplish and it has a very limited use.

Let me give you a brief history of our census adjustment and how we got here. For many decades Kansas conducted its own census -- a census independent of the federal government. This "ag census" consisted of counties reporting numbers to the Secretary of Agriculture. As you might imagine, this self-reporting sometimes resulted in population padding by the counties. Kansas administered its final state census in 1988. In that same year, voters passed a Constitutional amendment that eliminated the state census and created a special state adjustment of the federal census numbers. This change requires the Secretary of State's office to adjust the federal census count to place military personnel and college students at their permanent residences, as opposed to where they currently reside.

There are good reasons to eliminate our census adjustment:

- 1) This census adjustment is expensive. It cost Kansas taxpayers \$300,000 in 1990, and is projected to cost around \$400,000 or \$500,000 in the year 2000.
- 2) Kansas is the only state in the union that readjusts the federal census for its own use.
- 3) Our laws limit the use of the readjusted census numbers. These numbers are used only

Gov. Orq.

*ATTACHMENT #1 3
Feb 15, 1999*

3-1

for determining state legislative districts. They are not used for determining Congressional districts; they are not used to apply for federal grant money; they are used for only one limited purpose.

- 4) The last census adjustment did not fulfill its purpose. According to the Secretary of State's office, the 1990 census adjustment had a negligible affect on population distribution. In addition, Johnson County showed the biggest population gain from the adjustment. Increasing Johnson County's population did not help the rural parts or the Western parts of the state retain representation.
- 5) There are also some aspects of the census adjustment that just do not make sense. For example, a military person stationed at Ft. Riley may say that he or she is a resident of another state. Yet, this person's family will always be counted as permanent residents of Ft. Riley. It is the same with college students who have families. A student enrolled at K-State may be counted elsewhere in the state, but his or her family will be counted as residents of Manhattan.
- 6) In addition, the adjustment concerns only students and the military. It counts people living in other temporary arrangements – such as nursing homes and prisons -- as residing where they are found.
- 7) Finally, this results in some people not being counted at all for purposes of state representation. If a person says that he or she is a resident of another state, this person would be subtracted from our numbers. However, because Kansas acts alone, he or she will not be added into the numbers of the named state of residence. This means that this student or member of our military will never be represented in any state legislature.

These are the reasons that I believe we need to eliminate the census adjustment. It is expensive – I would like to spend the \$500,000 on tax relief, a transportation plan or funding education. It does not accomplish its goals, its use is limited, and it results in some citizens not being counted.

This proposal is supported by the Secretary of State's office and passed the Senate by the required two-thirds majority. I urge this committee and the full House of Representatives to ratify SCR 1601 so that this Constitutional amendment can be considered by the voters of Kansas. Thank you for your consideration.

JEFF PETERSON
 REPRESENTATIVE, DISTRICT 66

TOPEKA ADDRESS:

STATE CAPITOL, 182-W
 TOPEKA, KANSAS 66612-1504
 (785) 296-7696

EMAIL: JPETERSON@INK.ORG

MANHATTAN ADDRESS:

1410 WATSON PLACE
 MANHATTAN, KS 66502
 (785) 539-2360



TOPEKA

HOUSE OF
 REPRESENTATIVES

House Committee on Governmental Organization and Elections

Testimony on Senate Concurrent Resolution 1601

Representative Jeff Peterson
 Kansas House of Representatives

February 15, 1999

Madam Chair and Members of the Committee:

I come before you today to speak in support of Senate Concurrent Resolution 1601.

If passed by the Legislature and approved by the citizens of Kansas, this resolution will bring our state in line with how every other state utilizes census information. Currently, Kansas is the only state that requires an adjustment of federal census figures for the purpose of determining state house and senate districts.

In 1991, the census adjustment cost the citizens of Kansas \$300,000, and according to the Secretary of State's office, had a very small effect on the allocation of population and apportionment of legislative power. If there was any impact, it was negative. According to the state adjusted census figures, Kansas had approximately 32,000 less citizens than what was indicated by the 1990 federal census.

If conducted in 2001, the estimated cost of the federal census adjustment will be \$500,000. I think it important that we ask ourselves the following question: Does it make sense for Kansas taxpayers to pay half-a-million dollars to conduct a census adjustment that: 1) counts people that have already been counted and 2) has little to no affect on our legislative apportionment. In my opinion, the clear answer to that question is no.

Now is the time for Kansas to join every other state in the use of federal census figures for legislative redistricting. By passing SCR 1601, we will also show ourselves to be wise stewards of taxpayer dollars.

Madam Chair and Members of the Committee, I again urge you and all of my colleagues in the House to follow the Senate and adopt SCR 1601. Thank you for providing me your time and consideration.

*Gov. Org. & Elec
 ATTACHMENT #4
 FEB 15, 1999*

LANA OLEEN
SENATOR, 22ND DISTRICT
GEARY AND RILEY COUNTIES



TOPEKA

CHAIR: FEDERAL AND STATE AFFAIRS
CHAIR: CORRECTIONS/JUVENILE JUSTICE
CHAIR: LEGISLATIVE POST AUDIT
VICE CHAIR: JUDICIARY
MEMBER: EDUCATION
CONFIRMATION OVERSIGHT
LEG. EDUCATIONAL PLANNING
KANSAS SENTENCING COMMISSION

LEGISLATIVE HOTLINE
1-800-432-3924

SENATE CHAMBER

House Committee on Governmental Organization and Elections

Testimony on Senate Concurrent Resolution 1601

Senator Lana Oleen
Kansas Senate

February 15, 1999

Chairman Benlon and Members of the Committee:

I appreciate the opportunity to testify on Senate Concurrent Resolution 1601.

SCR-1601 restores the original intent of the Kansas Constitution concerning the census.

The United States Census Bureau estimates that nearly \$6 billion will be paid by taxpayers for the 2000 census. All states in the union (except Kansas) use the federal census for federal and state reapportionment purposes.

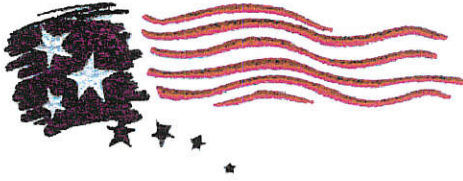
More than a decade ago the Kansas legislature decided to deviate from the nation-wide practice and subtract or adjust the state census because of the perception that smaller population counties needed the adjusted figures for apportionment purposes. Once the facts and figures were established, it proved opposite the perception ... adjusted figures did not make a noticeable difference - the higher adjusted numbers went to the more populous counties.

Kansas has tried the adjusted census system - it is costly (more than \$300,000 over a 3 year fiscal effort, not counting countless hours and resources (of universities, colleges, community colleges and military installations.) It does not reflect the original intent of the legislature, it discriminates against two groups (students, military) by not counting them where they are, yet does count other groups (prisoners, illegal aliens, homeless, nursing home residents) where they are on April 1, 2000. We are the only state to single out students and military and not "count them in" in situations - it's embarrassing. Let me highlight two examples.

To save money, be fair, and be able to use our census as it was intended to be used - to count people where they are - I urge your favorable consideration of SCR 1601.

Gov. Org. & Elections
ATTACHMENT *md. 5*
FEBRUARY 15, 1999

Johnson County Election Office



**Connie Schmidt
Election Commissioner**

TESTIMONY BEFORE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS

Monday, February 15, 1999

Thank you for the opportunity to speak regarding House Bill No. 2328. On behalf of the Johnson County Election Office, I express support of this Bill.

This Bill clarifies that any voter wishing to cast their ballot in advance by mail, must transmit their advance voting application directly to the county election office.

In Johnson County, during the 1998 elections, political parties, campaign headquarters, and labor organizations collected applications for advance voting ballots. These applications for ballots were directed to various offices in Topeka, Salina, and Kansas City, Kansas. At these locations, the applications were accumulated and processed before forwarding them to our office.

The statutes mandate that election offices provide a ballot to the voter within 48 hours after receiving the application. As currently written, the statutes do not address the potential of another organization collecting, screening or holding applications for ballots. In 1998, our office received as many as 4,000 applications from "collection" agencies on one day. The voters had completed many of these applications 7-10 days prior to receiving them in our office, which resulted in voter confusion. Election office staff responded to numerous telephone calls from voters questioning why they had not received their ballot, when in reality we had not received their application in our office. Our office was also unable to determine if all of the applications received by these collection agencies were in fact delivered to our office.

As election officials, we have two major concerns: (1) the possible delay in transmittal of the paper ballot to the voter; and (2) the potential for possible screening of applications for ballots.

We feel that this additional guideline provides the needed safeguard for county election officers to assure the security and timely delivery of the advance voting ballot to the voter.

For this reason, we express support of House Bill 2328. Thank you.

*ATTACHMENT # 6
FEB 15, 1999*

February 15, 1999

I am Karen K. Hartenbower, Lyon County Clerk, Emporia, Kansas. I am the Chair of the Kansas County Clerks/Election Officials Association Election Committee. I am 1 of 101 County Clerks who are also the Election Officials for their County.

I am here today to give our support to House Bills 2324, 2325, and 2328. When our Election Committee met in January these issues were on the top of our list needing to be changed.

House Bill 2324 We support this bill to stop advance voting on the last day of the business week preceding an election. Most County Clerks hold their Election Schools on the day before the election. In Lyon County I hold 2 Election Schools on Monday before the election. I have Emporia City workers come in the morning and the rural workers come in the afternoon. With advance voting stopping at noon on the same day it means we have to run our lists of advance voters after 12 noon on Monday. Then a staff person must take the lists, of those who advance voted, to each home of the Supervising Judges who attended the morning School. We must do this for the integrity of the election assuring that no voter will receive 2 ballots. If we are able to finish advance voting on the last business day of the week before the election, 5:00 p.m. Friday for us, we will be able to have the advance voter lists ran before the Schools on Monday. This will save confusion, time and money for our offices.

House Bill 2325 We support this bill because of the large volume of advance voters in the larger counties. We have seen a trend of continual increase of advance voters with each election. The technologies we have today will connect the satellite sites with the Election Office and there will be no chance for a voter to vote 2 ballots.

House Bill 2328 We support this bill because of the problems through out the State in the 1998 elections. In 1998 we had several 3rd party groups sending application forms to voters who returned the forms to the 3rd party. This caused a lot of problems for the voters and Election Officials. People called to ask where their ballot was. We had no idea. Some applied for another ballot because they had not received 1 from the first application. We check each application to make sure the voter had not already sent in an application. (Some had mailed in 2 applications). The applications were delivered in large groups. Kansas law states a ballot must be mailed out within 2 days of receiving the application. This put a strain on staff, who in some instances had to work overtime and weekends to accomplish this task.

Thank you for your time and we ask for your support for House Bills 2324, 2325 and 2328.

Gov. Orq. & Elec
FEB. 15, 1999
A. Hachant # 72

Ron Thornburgh
Secretary of State



2nd Floor, State Capitol
300 S.W. 10th Ave.
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS
House Committee on Governmental Organization and Elections

Testimony on HB 2231

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

February 15, 1999

Madam Chair and Members of the Committee:

Thank you for the opportunity to appear before the committee in support of House Bill 2231. This bill was requested by the Secretary of State in an attempt to acquire the means for our office and the county election officers to clean up the voter registration list.

We in Kansas struggled for several years to implement the National Voter Registration Act of 1993 (NVRA), as legislatures and election officials struggled in many states across the nation. One of the stated purposes of the NVRA was to increase voter registration opportunities, especially in areas and segments of the society where opportunities had been historically limited. During implementation of the NVRA we foresaw voter registration rolls expanding, not only with new registrants but with duplicates and voters who move but for one reason or another aren't canceled from their previous addresses.

To counter this nationwide trend, the Federal Election Commission has recommended that states develop statewide voter registration databases and use the last four digits of the Social Security number to track voters. Kansas developed a statewide file in 1994, and we are proposing with this legislation to also acquire the additional tool of using the last four digits of the Social Security number as a unique identifier. We currently use our statewide file to eliminate duplicates within the state, but as more states begin using the last four digits of the Social Security number, we will also be able to identify duplicates across state lines, something we cannot do now.

There is currently legislation pending in Congress to require voter registration applicants to supply their Social Security numbers; HB 2231 complements that federal legislation.

After three years we see the results of the trend of increasing voter lists. Candidates, consultants and political parties who purchase voter registration data for use in campaigns complain about the number of their mailings that are returned to them undeliverable due to expired addresses. Constituents who want to circulate petitions in accordance with

*Gov. Orj
Feb. 15
Attach # 8*

Administration (785) 296-4564
FAX (785) 291-3051
Corporations (785) 296-4564
FAX (785) 296-4570

Web Site:
<http://www.ink.org/public/sos>
e-mail:
kssos@ssmail.wpo.state.ks.us

Elections (785) 296-4561
FAX (785) 291-3051
UCC (785) 296-4564
FAX (785) 296-3659

8-1

various statutory provisions that require signatures of a percentage of registered voters are finding the requirements for their petitions increasing all the time. County election officers sending ballots, notices and other official mailings encounter an unacceptable number of returns.

The legislation before the committee would address the need to clean up voter registration lists in two ways.

1. The bill would amend K.S.A. 1998 Supp. 25-2309(b) to require voter registration applicants to provide the last four digits of their Social Security numbers on their application forms. Using these digits along with a person's name and birth date would allow election officers to determine with certainty when they have a duplicate registration or when a person has moved and not been canceled.

The Kansas voter registration application form currently in use asks registrants to provide their full Social Security number, but it is optional, and fewer than half provide it. We have used it to remove duplicates when possible, but we cannot remove other suspected duplicates using only the name and birth date

2. The bill would allow each county election officer the option of conducting mass or targeted mailings instead of participating in the National Change of Address (NCOA) program. The NVRA requires each state to have a systematic voter registration list maintenance program to keep voters' addresses current. One of the ways to satisfy this requirement is to use the U.S. Postal Service's National Change of Address file to identify voters whose addresses have changed. These voters are sent a confirmation mailing which may result in their names being removed from the voter list.

After three years with NCOA, many county election officers have found NCOA to be inefficient, time-consuming and unnecessarily costly. They have encountered problems with the accuracy and newness of the NCOA data, which means too many confirmation mailings are mailed, with the county paying printing and postage costs, including return postage.

The Secretary of State's office will continue to conduct the NCOA computer check every year as required by law, but with this legislation each county election officer would have an option of conducting his/her own mass or targeted mailings as an alternative to NCOA participation. They could use such mailings for other purposes, too, such as notifying voters of upcoming elections and other deadlines. They would still be required to send confirmation mailings to certain voters as identified by the mass mailings, but many election officers believe they can do this less expensively and with better, more accurate results without participating in NCOA.

Thank you for your consideration.