

MINUTES

REDISTRICTING ADVISORY GROUP

December 10, 2009
Room 545-N—Statehouse

Members Present

Representative Michael O'Neal, Chairperson
Senator Stephen Morris, Vice-chairperson
Senator Anthony Hensley (via telephone)
Representative Ray Merrick
Representative Mike Peterson

Member Absent

Senator John Vratil

Staff Present

Mary Galligan, Kansas Legislative Research Department
Corey Carnahan, Kansas Legislative Research Department
Reed Holwegner, Kansas Legislative Research Department
Jason Long, Office of the Revisor of Statutes
Mary Torrence, Office of the Revisor of Statutes
Connie Burns, Committee Assistant

Conferees

Brad Bryant, Office of the Kansas Secretary of State
Ken Nelson, Data Access and Support Center

Others Attending

See attached list.

Thursday, December 10

The meeting was called to order by Chairperson Michael O'Neal at 10:20 a.m. The Chairperson commented that the meeting was to provide an update and discussion on the decision points needed to move forward in making the necessary preparations for the 2012 Legislature to redraw legislative, State Board of Education, and congressional districts as required by the *Kansas Constitution*.

Agenda Overview and Decision Points

Corey Carnahan, Kansas Legislative Research Department (KLRD), provided an overview of the agenda. Mr. Carnahan stated this was the Advisory Group's first meeting in advance of 2012. In addition to information provided by staff, the Advisory Group will hear testimony from the Kansas Secretary of State's Office and the Data Access and Support Center. The focus of the meeting was twofold: (1) to provide background information on the redistricting process in Kansas and (2) to make recommendations to the Legislative Coordinating Council (LCC), via decision points, on how the redistricting process should progress.

Mr. Carnahan outlined the decision points as listed on the agenda:

- Will essentially the same guidelines and committee rules be used for this round of redistricting?
- What type of public access arrangements will be most useful?
- Should the Legislature have a racial block voting analysis prepared?
- Should the same software be used as was used in 2002? (The software has been kept up-to-date and all eight licenses are current.)
- Should staff plan for a centralized database (as has been used in the past) or a decentralized database?
- Are homeseats to be included in the database?
- What, if any, voter registration and election data should be included in the redistricting database?
- What, if any, recommendation does the Advisory Group have for the Appropriations and Ways and Means committees regarding the budget for redistricting (previously approved by the LCC)?
- Should the Redistricting Advisory Group seek authority from the LCC to continue to meet as needed during 2010?

(Note: While the decision points were addressed at various times during the meeting, all related recommendations are listed together at the concluding section of these minutes.)

Mr. Carnahan continued his comments by listing items distributed to the Advisory Group: a letter from Senator John Vratil, who could not attend the meeting ([Attachment 1](#)); copies of the Advisory Group 1998 and 1999 Interim Reports ([Attachment 2](#)); a proposed FY 2010-13 redistricting

budget ([Attachment 3](#)); a set of *Kansas Legislator Briefing Book* articles on redistricting ([Attachment 4](#)); a sample layout of a caucus office ([Attachment 5](#)); a racial block voting analysis conducted for the 2002 Session ([Attachment 6](#)); 2002 redistricting guidelines ([Attachment 7](#)); 2002 House Committee rules ([Attachment 8](#)); and 2002 Senate Committee rules ([Attachment 9](#)).

Kansas Constitutional and Statutory Basis for Redistricting

Jason Long, Kansas Revisor of Statutes, provided the Advisory Group with an overview of the law on redistricting ([Attachment 10](#)). Mr. Long's presentation covered the U.S. Census, the reapportionment of legislative seats, equality standards, and the Voting Rights Act.

Chairperson O'Neal requested the Advisory Group be provided with a copy of the federal court opinion on the congressional plan splitting Fort Riley and Junction City, Kansas.

Adjustment of U.S. Census Results for Legislative Redistricting

Brad Bryant, Office of the Secretary of State (SOS), updated the Advisory Group on the census adjustment conducted by the SOS ([Attachment 11](#)). Mr. Bryant described the adjustment process, which consists of distributing questionnaires to 66 colleges and four military bases to account for non-residents and residents not living at their permanent home address (military personnel and college students). Mr. Bryant then discussed the project methodology, funding, and cost-saving measures. The Advisory Group was provided with data from the 1990 and 2000 census adjustments ([Attachments 12 and 13](#)). Currently, the SOS has developed the questionnaire and distributed it to military bases and educational institutions.

Mr. Bryant spoke on the census adjustment budget, noting that funding for the adjustment has been cut and that the SOS will conduct the process using existing resources. The SOS has communicated with the Legislature about funding the software license needed to complete the adjustment.

Mr. Bryant answered questions on whether the agency's fee funds are subject to surcharges, the electronic filing of forms, and the response rate from questionnaires. His presentation concluded with comments on potential legislation delaying 2012 filing deadlines to accommodate redistricting plans. Mr. Bryant was instructed to communicate with the Advisory Group and staff on this issue.

Kansas Redistricting Guidelines

Mr. Long reviewed previously used redistricting guidelines and recommended the Advisory Group adopt similar language for the 2012 redistricting ([Attachment 14](#)). He noted the guidelines are taken from court opinions based on the validity of past redistricting plans and provide some direction for drawing a constitutionally valid redistricting plan; specifically, that redistricting plans must have neither the purpose nor the effect of diluting minority voting strength for both congressional and legislative redistricting.

Questions and discussion followed. Mary Galligan, Legislative Research Department, commented on the voting districts, the building blocks to be used for drawing district boundaries.

On a public access arrangement for 2012, Ms. Galligan stated that in 2002, the public had public access to plan drawing via Statehouse terminals and staff with the Legislative Research Department. The Chairperson stated redistricting is a learning process and that the public needs to be educated on the process, while still maximizing staff resources. Discussion followed with caucus staff and Research Department staff providing information on potential forms of public access.

Mr. Long provided a racial block voting analysis prepared by Frontier, International Electoral Consulting, LLC from 1998-2000, with the recommendation that this analysis be conducted again for 2012 (see Attachment 6).

Afternoon Session

Data Access and Support Center

The Chairperson recognized Ken Nelson, Data Access and Support Center (DASC), to provide the Advisory Group with information on database development for the U.S. Census Bureau's 2010 Redistricting Program ([Attachment 15](#)).

Mr. Nelson commented on the U.S. Census Bureau's 2010 Census Redistricting Program, DASC's role in the redistricting effort, and the linkages between DASC, the Legislative Research Department, and the U.S. Census Bureau. The Legislative Research Department serves as the state liaison to the Census Bureau for election geography and is responsible for communicating with local governments for the acquisition of current boundary definitions and for processing the information into a standard format so that it can be integrated into the Census Bureau's databases. DASC's role is to provide technical support to the Legislative Research Department, the SOS, and the U.S. Census Bureau in the collection and updating of district boundaries.

Mr. Nelson concluded his presentation with an overview of public access arrangements and early meetings with Research Department staff.

Software

Mary Galligan, Legislative Research Department, provided an update on the Legislature's redistricting software. Through the Legislature's budget, Legislative Research has continued to keep the licenses active and the software updated. There are currently eight active licenses for the product "Maptitude for Redistricting" by the Caliper Corporation.

Ms. Galligan commented on the number of licenses that would be useful for this round with new licenses costing around \$7,500 per license and \$500 per annual maintenance fee.

Database for Redistricting

Ms. Galligan provided an update on the database for redistricting. Legislative Research will have all of its workstations connected to the server to ensure the highest degree of data security and integrity. The decision on the caucus workstations will need to be decided.

Discussion and questions:

The Advisory Group asked if the software could be put on a caucus laptop and Ms. Galligan stated that with this software it could be done. She also stated there are security risks associated with a laptop compared to a desktop, in that a laptop could be left in cars, offices, or stolen. Staff stated it would be possible to have the centralized database and still have the client operate on the laptop providing some degree of portability. The Chairperson stated the best of both plans would be to centralize the system and have the flexibility of remote access. Discussion of this new option followed: the consensus of the Advisory Group was to go with a centralized data base with the client on portable machines, as opposed to desktops. Direction was given to staff to continue working on recommendation for this topic.

Election and Voter Registration Data

Ms. Galligan provided the Advisory Group with background information on election and voter registration data that was available during the last redistricting project. She stated that in the past there have been two general election rounds of information in the database; this included voter registration by party listed down to the Census Block level, and election data by party listed down to the Census Block level. This information does not come from the Census Bureau; it is from the Legislative Research Department, which has previously been charged with putting together the data.

Discussion and questions:

The Advisory Group asked about the data's relevance to the overall redistricting project. The Chairperson asked how often the information was used in past years. Ms. Galligan responded she had no way of knowing, as it was made part of the database. It was asked how much staff time is needed to include political data in the database. Ms. Galligan stated it is very labor intensive and would take three to four months to process the data. The Advisory Group asked if a caucus could pick and choose what precinct information it would like to download and work with that information, and whether the data could be provided at a later date. The response was that it is all or nothing on the data and the information could not be included at a later date, but that data is available from the SOS Office and the maps are available at the county elections offices.

Budget, Staffing, and Facilities

Ms. Galligan provided the Advisory Group with an overview of the budget and a mock-up of how a Redistricting Caucus Office might look. Ms. Galligan stated that a work area generally includes equipment such as a computer, printer/copier, and paper shredder.

Ms. Galligan then presented a tentative budget as approved by the LCC, noting when additional staff would be hired, contracts for the redistricting process, and other associated costs.

Timeline – Overall and Within the Session of 2012

Mr. Carnahan provided an overview of the timeline for redistricting. Mr. Carnahan indicated that many of the key dates from 2001-02 will be similar to those in the upcoming round of redistricting. He concluded his comments by noting the Advisory Group would need to decide whether to meet again during 2010.

The Committee meeting was adjourned at 3:30 p.m.

Decision Point Recommendations

- Adopt the same redistricting guidelines and Committee rules as those used during the 2002 redistricting;
- Direct the Legislative Research Department to continue to communicate with DASC to explore the feasibility of a public access website allowing the public to draw and submit redistricting plans for legislative consideration;
- Contract with an outside entity to have a racial block voting analysis prepared and presented prior to the beginning of the 2011-2012 redistricting;
- Utilize the same redistricting software as was used in 2002;
- Direct Legislative Research Department staff, with input from caucus staff, to develop a centralized redistricting database with remote access, if technically feasible;
- Include legislators' residence locations in the redistricting database;
- Fund the redistricting budget, as submitted by the LCC ; and
- Approve meetings of the Advisory Group, on the call of the Chairperson, during 2010 when the Legislature is in session. (Prior to presentation of this report, the LCC authorized the Advisory Group to meet as necessary during the 2010 Session.)

The Advisory Group did not finalize a recommendation regarding inclusion of voter registration and general election results in the redistricting database. The Committee agreed to meet again in January to make a determination on that matter.

Prepared by Connie Burns
Edited by Corey Carnahan

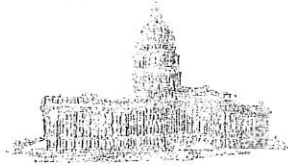
Approved by Committee on:

June 2, 2010

(Date)

State of Kansas

JOHN VRATIL
SENATOR, ELEVENTH DISTRICT
JOHNSON COUNTY
LEGISLATIVE HOTLINE
1-800-432-3924



Vice President
Kansas Senate

November 10, 2009

COMMITTEE ASSIGNMENTS
VICE CHAIR: EDUCATION
WAYS AND MEANS
MEMBER: JUDICIARY
ORGANIZATION, CALENDAR
AND RULES
INTERSTATE COOPERATION
KANSAS CRIMINAL
CODE RECODIFICATION
COMMISSION

The Honorable Michael O'Neal
8 Windemere Court
Hutchinson, KS 67502

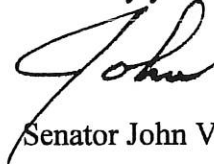
Dear Mike:

The 2009 Redistricting Advisory Group is scheduled to meet Friday, December 11, 2009. Unfortunately, I will be unable to participate in the meeting because I will be returning from the NCSL Fall Forum. The arrangements for my return were made prior to the Advisory Group's scheduled meeting.

I have obtained copies of the Redistricting Advisory Group reports contained in the 1998 and 1999 *Interim Committee Reports* published by the Kansas Legislative Research Department and reviewed the recommendations made at that time. Since I participated in our last redistricting process, I continue to agree with those recommendations and trust that our current Advisory Group will continue along the same vein. If, however, decisions need to be made that differ from the recommendations described in the reports mentioned above, I request that we wait to vote on any changes until all members of the group can be present.

I appreciate your consideration and support for my request.

Sincerely yours,



Senator John Vratil

JLV/cb

pc: Legislative Coordinating Council

HOME
9534 LEE BLVD.
LEAWOOD, KS 66206
(913) 341-7559
jvratil@lathropgage.com

DISTRICT OFFICE
10851 MASTIN BLVD.
SUITE 1000
OVERLAND PARK, KS 66210-20
(913) 451-5100
FAX (913) 451-0875

Redistricting Advisory Group
December 10, 2009
Attachment 1

REDISTRICTING ADVISORY GROUP

1998 Interim
Council
Report

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 adjustment 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 instance, 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

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

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 adjust-

ment process cost approximately \$300, 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 organized 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.

REDISTRICTING ADVISORY GROUP

1999 Interim
Comm
Report

CONCLUSIONS AND RECOMMENDATIONS

The Advisory Group requested LCC action on the following recommendations:

- Direct staff to negotiate a contract with Public Systems Associates, Inc. and to develop a memorandum of understanding between the LCC and the Secretary of State for coordination of contract management and payment for services;
- Instruct the Legislature's negotiators to seek inclusion of:
 - contract provisions allowing the Legislature to control use of software licensed under the contract,
 - penalty clauses, and
 - sufficient software training to enable both legislators and staff to utilize the software efficiently;
- Direct Legislative Research and Legislative Services staff to prepare a detailed multi-year budget for the entire redistricting project for consideration by the 2000 Legislature;
- Direct Legislative Research, Legislative Services, and caucus staff who participated in the vendor selection process to develop plans for staffing and workspace needs for redistricting. Any such plans will be reviewed by the Advisory Group.

The LCC adopted these recommendations on December 15, 1999. The Advisory Group will continue to work with staff through the next year to finalize other arrangements for 2001-2002 redistricting activities.

BACKGROUND

The study topic assigned by the Legislative Coordinating Council (LCC) for the 1999 interim was a continuation of the internal planning process for the 2002 redrawing of legislative, state 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 eighteen months during which to complete plans for redistricting.

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

responsible for making the required adjustment to the federal census figures and providing those data to the Legislature.

At the end of the 1998 interim, the Advisory Group 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 was 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 and 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.

The Legislative Coordinating Council endorsed the 1998 recommendation that the Advisory Group be reappointed to continue the redistricting planning process through the end of 2000.

During the 1999 Legislative Session, the Legislature considered and rejected the Advisory Group's 1998 recommendation that the Kansas Constitution be amended to eliminate the requirement for use of adjusted population figures for legislative districts. Also during the 1999 Session, the Legislature enacted a bill that requires the Legislature to use as the basis for both legislative and congressional districts the Census results used for apportionment of the Congress. The new law does not change the requirement for the constitutionally mandated adjustment described above. The bill was introduced in reaction to the Census Bureau's plans to use statistical sampling techniques in an attempt to produce more accurate population counts

in 2000. The new Kansas law precludes use for redistricting purposes of population figures derived from the results of statistical sampling. The new law does not preclude the use of the sample-adjusted Census results for other purposes.

COMMITTEE ACTIVITIES

The Advisory Group met four times during the 1999 interim. At the first meeting in August, the Committee reviewed options for providing support to the Legislature's 2002 redistricting effort. As a result of that discussion, the Advisory Group recommended that the LCC issue a request for proposals (RFP) for comprehensive redistricting support services including database development, on-site support and software. The RFP was to include the services necessary to assist the Secretary of State with preparation of the adjusted population data for purposes of legislative redistricting. The Advisory Group also recommended that one member of the staff from each of the four caucuses and a representative of the Secretary of State's Office assist with evaluation of any proposals submitted. Those recommendations were endorsed by the LCC at its September meeting and the RFP was developed and distributed by the Legislative Research Department on September 15.

On November 1, the proposal deadline, four proposals were submitted in response to the RFP. The Advisory Group and staff representatives of the caucuses evaluated the proposals and chose three vendors to demonstrate their software. Those software demonstrations were conducted in the Statehouse as a formal part of the evaluation process.

At its meeting on December 9, the Advisory Group voted unanimously to recommend that the LCC contract with Public Systems Associates, Inc., of Baton Rouge, Louisiana to provide database preparation, software, and support services for the 2002 redistricting. The proposal cost of \$874,936 includes \$464,194 attributable to preparation of the legislative district population database

for the Secretary of State, but does not include on-site support that the Advisory Group identified as important. The cost of preparing the legislative population database will be borne by the Secretary of State. The Advisory Group notes that the proposal does not include any additional computer or other equipment that may be needed for redistricting.

CONCLUSIONS AND RECOMMENDATIONS

The Advisory Group requested LCC action on the following recommendations:

- Direct staff to negotiate a contract with the vendor and to develop a memorandum of understanding between the LCC and the Secretary of State for coordination of contract management and payment for services;
- Instruct the Legislature's negotiators to seek inclusion of:
 - contract provisions allowing the Legislature to control use of software

licensed under the contract,

- penalty clauses, and
 - sufficient software training to enable both legislators and staff to utilize the software efficiently;
- Direct Legislative Research and Legislative Services staff to prepare a detailed multi-year budget for the entire redistricting project for consideration by the 2000 Legislature;
 - Direct Legislative Research, Legislative Services, and caucus staff who participated in the vendor selection process to develop plans for staffing and workspace needs for redistricting. Any such plans will be reviewed by the Advisory Group.

The LCC adopted these recommendations on December 15, 1999. The Advisory Group will continue to work with staff through the next year to finalize other arrangements for 2001-2002 redistricting activities.

REDISTRICTING RELATED EXPENDITURES FY 2010 THROUGH FY 2013

OBJECT OF EXPENDITURE	OBJ.	FY 2010	FY 2011	FY 2012	FY 2013	Total
	CODE	Revised	Request	Est. Req.	Est. Req.	Three Fiscal Years
TOTAL SALARIES AND WAGES		\$ 31,825	\$ 224,454	\$ 304,454	\$ 304,454	\$ 560,734
Communication	200	\$ 450	\$ 2,150	\$ 1,800	-	4,400
Freight & Express	210	-	1,000	1,000	1,000	2,000
Printing & Advertising	220	-	1,500	1,500	3,000	3,000
Rents	230	-	2,500	-	-	2,500
Repairing & Servicing	240	-	3,600	-	-	3,600
Travel & Subsistence	250	3,000	1,200	4,000	-	8,200
Fees-Other Services	260	5,400	4,100	6,000	-	15,500
Fees-Professional Services	270	20,000	50,000	1,000	1,000	71,000
Utilities	280	-	-	-	-	-
Other Contractual Services	290	-	-	-	-	-
TOTAL CONTRACTUAL SERVICES		\$ 28,850	\$ 66,050	\$ 15,300	\$ 5,000	\$ 110,200
Food & Forage	310	\$ -	\$ -	\$ -	\$ -	\$ -
Maintenance Materials, Supplies, Parts	340	-	-	-	-	-
Professional & Scientific Supplies	360	-	6,000	6,000	-	12,000
Stationery/Office Supplies	370	-	10,500	13,500	-	24,000
Scientific Research Supplies	380	-	-	-	-	-
Other Supplies, Materials, Parts	390	-	31,658	26,000	1,000	57,658
TOTAL COMMODITIES		\$ -	\$ 48,158	\$ 45,500	\$ 1,000	\$ 93,658
Other Capital Outlay	400	\$ -	\$ 25,500	\$ -	\$ -	\$ 25,500
Computer Hardware	416	-	28,500	-	-	28,500
Computer Software	418	-	6,500	1,500	-	8,000
TOTAL CAPITAL OUTLAY		\$ -	\$ 60,500	\$ 1,500	\$ -	\$ 62,000
OTHER AID AND ASSISTANCE		\$ -	\$ 75,000	\$ -	\$ -	\$ 75,000
TOTAL LEGISLATIVE BRANCH OPERATING EXPENDITURES		\$ 60,675	\$ 474,162	\$ 366,754	\$ 310,454	\$ 901,592

FTE Positions						
Unclassified Temporary Positions		0.5	5.0	7.0	7.0	

KLRD	60,675.5	286,495.2	198,087.2	150,454
Legislature	0.0	187,667.0	168,667.0	160,000
x-foot	60,675	474,162	366,754	310,454

Redistricting Advisory Group
 December 10, 2009
 Attachment 3



Redistricting

**S-1
Redistricting
Frequently Asked
Questions**

**Other Redistricting
Reports**

**S-2
Redistricting
Timeline**

**S-3
Population Trends in
Kansas
2000-2008**

**Mary Galligan,
Assistant Director for
Information Management
785-296-3181
Mary.Galligan@klrd.ks.gov**

Redistricting

S-1 Redistricting Frequently Asked Questions

Why does the Legislature create new Legislative and Congressional districts?

In 1964, the U.S. Supreme Court in the *Wesberry v. Sanders* case found that congressional districts must be drawn so that “as nearly as is practicable one man’s vote in a congressional election is...worth as much as another’s.” In the same year the Court determined in *Reynolds v. Sims* that the boundaries of legislative districts (both chambers of a bicameral legislature) must be redrawn and that the “overriding objective must be substantial equality of population among the various districts, so that the vote of any citizen is approximately equal in weight to that of any other citizen in the State.” The one-person-one-vote goal is achieved by creating districts that are essentially equal in population.

How is “population equality” defined for purposes of redistricting?

In general, Congressional districts must be equal in population, *i.e.*, no deviation from the ideal population (the state’s total population divided by the number of congressional seats). Kansas congressional districts drawn in 2002 had an overall deviation of 33 people. The federal district court that upheld the 2002 congressional plan found the plan to be constitutional, despite the existence of alternative plans with lower deviations, because the:

- Deviation from perfect population equality was relatively small;
- Deviation resulted from the balancing of legitimate state goals, and
- Plan minimized the shift of population from the 1992 plan.

Courts have allowed some leeway for legislative districts. In general, plans in which the largest and smallest districts create a range of 10 percent or less overall from the ideal population are acceptable. The 2002 Kansas House plan had an overall deviation of 9.95 percent. The 2002 Kansas Senate plan had an overall deviation of 9.27 percent.

Courts have held that a legislative district plan with an overall deviation exceeding 10 percent requires the state to assume the burden of showing both that the overall range is necessary to implement a "rational state policy" and that it does not dilute the voting strength of a protected racial or ethnic minority. However, a plan having less than a 10 percent overall range is not necessarily safe from a successful challenge. Courts have rejected plans having an overall range of less than 10 percent when a challenger demonstrates that the plan was not created in good faith or that there was something suspect about the districts involved.

What population data is used as the basis for creating new districts?

Kansas congressional districts are based on the enumeration of the state's population as reported in the most recent decennial federal census.

The *Kansas Constitution* requires that the population basis for legislative districts (and by extension, the State Board of Education Districts) be the most recent decennial federal census as adjusted to exclude nonresident students and military personnel and to include resident students and members of the military at the place of their permanent residence.

The *Kansas Constitution* was amended by the voters in 1988 to require the use of adjusted U.S. Census figures for development of legislative districts. Prior to 1988, the *Constitution* required that legislative districts be based on population enumerated in a state-conducted census. The current adjustment process was used for the first time for redistricting in 1992, following the 1990 federal census.

How are federal Census results adjusted to meet the requirements of the *Kansas Constitution* and who performs the adjustment?

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*. All colleges, universities, and military units are to report to the Secretary information regarding students and military personnel as necessary to make the adjustment. The Secretary of State is required by statute to provide the adjusted Census figures to the Legislature by the end of July in the year ending in 1.

Who has primary responsibility for redistricting in Kansas?

The Legislature has initial responsibility for developing legislative, congressional, and State Board of Education districts every ten years following the decennial federal census. Traditionally, the Legislature has utilized a House and a Senate standing committee to develop plans that are presented to the respective chambers for consideration.

All three branches of state government have a role in creation of new legislative districts. New districts are created by enactment of a statute that becomes effective unless vetoed by the Governor. As required by the state *Constitution*, redistricting plans for the state House and Senate, must be reviewed by the State Supreme Court prior to becoming effective.

Congressional district plans also are enacted into law, but are not automatically subject to court review. However, Kansas congressional plans have been challenged in court after every redistricting in recent memory.

When will the 2012 districts become effective?

New legislative, congressional, and State Board of Education districts will be effective for the 2012 General Election and will remain in effect until new districts are drawn again either in accordance with the *Kansas Constitution* or a court mandate. The June filing deadline for the August primary creates an effective "start" date for use of the new districts. However, representation from the new districts does not begin until newly elected officials are sworn in after the November 2012 General Election.

How does the Legislature prepare for redistricting?

The earliest preparation for each redistricting since 1989 has involved participation in the U.S. Census Bureau's Redistricting Data Program. Most recently, the Legislative Coordinating Council in 2005 decided to participate in Phase 1 of the Census 2010 Redistricting Data Program. In Phase 1 the Research Department provided the Census Bureau with Kansas current legislative district boundaries.

Phase 2 of the Redistricting Data Program began in 2007. In that phase, the Research Department through an agreement with the Kansas GIS Data Access and Support Center, provided computer files to the Census Bureau delineating precincts and suggesting boundaries for the 2010 tabulation census blocks. Verification of the resulting precinct and block boundaries will be completed in early 2010. Legislative staff also assembles general election and voter registration data that may be included in the redistricting database. (Decisions regarding what, if any, data in addition to population counts, are included in the redistricting database are made by the Redistricting Advisory Group, a special committee created by the Legislative Coordinating Council.)

In Phase 3 of the Redistricting Data Program, the Legislature will receive the 2010 Decennial Census 2010 redistricting data by April 1, 2011. Once those Census results are received, the Secretary of State can begin making adjustments based on data collected from colleges, universities, and military installations in the State.

During the Fall of 2009, the Legislative Coordinating Council appointed a special committee, the Redistricting Advisory Group, to assist with preparations for the redistricting effort. The Advisory Group is composed of three Senators and three Representatives. The Advisory Group is staffed by the Legislative Research Department and the Office of the Revisor of Statutes. Among the decisions that the Advisory Group may make are the following:

- Who should take the lead in the organization and planning for redistricting;
- The type of staff and technical support the Legislature will need for redistricting;

Kansas Legislative Research Department

- How the work for redistricting will be organized in 2011 and 2012; and
- Any statutory or constitutional changes that might be necessary to facilitate timely completion of redistricting.

For more information, please contact:

Alan Conroy, Director
Alan.Conroy@klrd.ks.gov

Corey Carnahan, Research Analyst
Corey.Carnahan@klrd.ks.gov

Kansas Legislative Research Department
300 SW 10th Ave., Room 68-West, Statehouse
Topeka, Kansas 66612
Phone: (785) 296-3181
Fax: (785) 296-3824



Redistricting

**S-2
Redistricting Time
Line**

**Other Redistricting
Reports**

**S-1
Redistricting
Frequently Asked
Questions**

**S-3
Population Trends in
Kansas
2000-2008**

**Mary Galligan,
Assistant Director for
Information Management
785-296-3181
Mary.Galligan@klrd.ks.gov**

**Kansas Legislator
Briefing Book
2010**

Redistricting

S-2 Redistricting Time Line

**What is the time line for the 2012 round of
redistricting in Kansas?**

The *Kansas Constitution* requires that new legislative and State Board of Education districts be enacted during the regular legislative session in the year ending in 2. Actual plan drawing will occur in the prior year after adjournment of the 2011 Legislature. The redistricting process, including the constitutionally mandated automatic review by the State Supreme Court of legislative plans, must be completed relatively quickly because of the June filing deadline for the August primary election in 2012.

The decennial federal census will be conducted in 2010 with the results available to the Legislature in the spring of 2011. The *Kansas Constitution* requires that those Census results be adjusted for purposes of developing legislative districts. The Secretary of State performs the adjustment and is required to provide the recalculated population figures to the Legislature by the end of July 2011. New district plans will be developed during the interim of 2011 and the session of 2012.

After passage through the legislative process, legislative redistricting bills are published in the *Kansas Register* immediately after they are passed by the Legislature and signed by the Governor. Within 15 days of publication, the Attorney General must petition the Kansas Supreme Court to determine the redistricting act's validity. The Court has 30 days from the filing of the petition to render its judgement on the initial plan for each legislative chamber.

If the Court finds that the first legislative redistricting plan is invalid, the Legislature is required to enact a second plan within 15 days. That plan must conform to the judgement of the Court and also is subject to review by the Court. The Court has 10 days from the time the Attorney General applies for review of the second plan to issue its opinion.

If the second legislative redistricting plan is invalidated by the Court, the Legislature would be required to enact a third 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 additional plans would be needed to satisfy the Court (three plans in total), the first redistricting plan would have to be through both chambers of the Legislature by mid-February.

Congressional and State Board of Education district plans are not subject to automatic court review. However, challenges to those plans may be brought via a lawsuit. Historically, Kansas Congressional district plans have been challenged in court.

What was time line for the last round of redistricting activities?

Major events in the 2002 Redistricting process are outlined below.

1995 - 1999	<p>Kansas participated in the Census Bureau 2000 Redistricting Data Program by submitting census block boundary suggestions and precinct boundaries to the Bureau for use during tabulation of the 2000 Census results and for use during redistricting.</p> <p>Legislative Research Department staff was designated as the Kansas liaison to the Census Bureau for the Redistricting Data Program.</p>
1997	<p>HCR 5005 recommended by the House Committee on Governmental Organization and Elections proposed an amendment to the Kansas Constitution that would have eliminated the requirement for use of adjusted Census results for legislative redistricting. The resolution was not adopted by the 1997 Legislature.</p>
August 1998	<p>Redistricting Advisory Group recommendation to the 1999 Legislature:</p> <ul style="list-style-type: none"> • Introduction of SCR 1601 proposing an amendment to the Kansas Constitution eliminating¹ the requirement for use of adjusted Census results for legislative redistricting. The resolution was not adopted by the 1999 Legislature.
December 1999	<p>In its report to the 2000 Legislature, the Redistricting Advisory Group requested LCC action to direct:</p> <ul style="list-style-type: none"> • Legislative staff to negotiate a contract for software and services with Public Systems Associates, Inc. and to develop a memorandum of understanding between the LCC and the Secretary of State for coordination of contract management and payment for services. • Legislative Research and Legislative Services staff to prepare a detailed multi-year budget for the entire redistricting project for consideration by the 2000 Legislature. • Legislative Research, Legislative Services, and caucus staff who participated in the vendor selection process to develop plans for staffing and workspace needs for redistricting. Any such plans will be reviewed by the Advisory Group.
April 1, 2000	<p>Census Day</p>

A-6

December 2000	The U.S. Census Bureau provided the President with census results for apportioning Congressional seats among the states
	The Redistricting Advisory Group recommended to the 2001 Legislature that:
	<ul style="list-style-type: none"> The Advisory Group be authorized to meet until the end of the 2001 Session to provide continuity of Legislative involvement in the areas of contract management and other administrative preparations for redistricting.
	<ul style="list-style-type: none"> The House and the Senate establish standing redistricting committees at the beginning of the 2001 Session to facilitate preparation for redistricting activities that will take place during the 2001 Interim.
	<ul style="list-style-type: none"> The Special Committee on Redistricting, appointed by the Legislative Coordinating Council (LCC) after the 2001 Session, hold statewide hearings during the 2001 Interim prior to the formal start of plan-drawing.
	<ul style="list-style-type: none"> KLRD and the Revisor's staff continue developing plans to provide public education and information about redistricting including public hearings, public access to proposed plans, and related activities.
	<ul style="list-style-type: none"> KLRD and other technical support staff ensure that the related issues of data integrity and confidentiality of legislative work product be addressed in redistricting system security policies that will be prepared for the LCC's consideration.
	<ul style="list-style-type: none"> The LCC authorize caucus staff and any nonpartisan staff to attend the National Conference of State Legislatures (NCSL) Redistricting Seminar in Dallas in January 2001 if necessary.
<ul style="list-style-type: none"> New legislative leadership promptly determine caucus redistricting workroom locations so necessary arrangements can be made prior to the start of the 2001 Session. 	
March 2001	U.S. Census Bureau provided federal Census results to Legislative leaders.
May 2001	LCC appointed the Special Committee on Redistricting composed of the House Special Committee on Redistricting and Senate Committee on Apportionment, approved seven meeting days in Topeka for the Special Committee, authorized hearings outside of Topeka to be conducted by 9 to 13 members of the Special Committee, authorized compensation and expenses for each member of the Legislature to attend one of the hearings, and approved compensation and expenses for each member of the Special Committee to participate in five working days in Topeka,
May - June 2001	The Special Committee on Redistricting conducted town hall meetings in Lawrence, Overland Park, Wichita, Hutchinson, Leavenworth, Kansas City, Manhattan, Independence, Fort Hays, and Garden City – ten meetings over the course of seven days.

July 2001	The Kansas Secretary of State released the state's adjusted Census data to the Legislature.
November 2001	The Special Committee on Redistricting held its final meeting and made recommendations to the 2002 Legislature. The Committee recommended introduction of bills (SB 378, SB 379, and HB 2625) that would enact new districts for Kansas representatives in Congress and the Kansas Legislature. A proposed redistricting plan for the State Board of Education was to be developed during the 2002 legislative Session.
	A minority report was prepared and submitted by Democrat Committee members. That report address the Committee's recommendations for State Senate and congressional districts.
February 14, 2002	House passed HB 2625 (House districts)
March 7, 2002	Senate passed HB 2625 (House Districts)
March 11, 2002	Governor signed HB 2625
April 2, 2002	Senate passed SB 256 (Senate districts)
April 4, 2002	House passed SB 256 (Senate districts)
April 8, 2002	Governor signed SB 256
April 11, 2002	Senate passed SB 663 (State Board of Education districts)
April 12, 2002	House passed SB 663 (State Board of Education districts)
April 23, 2002	Governor signed SB 663
April 26, 2002	Kansas Supreme Court upheld the House plan
May 9, 2002	Kansas Supreme Court upheld the Senate plan
May 14, 2002	House passed SB 152 (Congressional districts)
May 16, 2002	Senate passed SB 152 (Congressional districts)
May 31, 2002	Governor signed SB 152
June 5, 2002	The Attorney General brought suit in federal court to find Congressional districts unconstitutional.
June 24, 2002	Filing deadline for primary elections for legislative and State Board of Education seats.
July 3, 2002	The federal district court upheld the Congressional plan.
July 9, 2002	Filing deadline for primary election for congressional seats (Statutory deadline would have been July 12. The Federal Court set the deadline for July 9 in its order upholding the Congressional plan.)
August 6, 2002	Primary election

4-8

For more information, please contact:

Alan Conroy, Director
Alan.Conroy@klrd.ks.gov

Corey Carnahan, Research Analyst
Corey.Carnahan@klrd.ks.gov

Kansas Legislative Research Department
300 SW 10th Ave., Room 68-West, Statehouse
Topeka, Kansas 66612
Phone: (785) 296-3181
Fax: (785) 296-3824

THIS PAGE INTENTIONALLY BLANK



Redistricting

**S-3
Population Trends in
Kansas
2000-2008**

**Other Redistricting
Reports**

**S-1
Redistricting
Frequently Asked
Questions**

**S-2
Redistricting Time
Line**

**Mary Galligan,
Assistant Director for
Information Management
785-296-3181
Mary.Galligan@klrd.ks.gov**

Redistricting

S-3 Population Trends in Kansas 2000 - 2008

As of July 1, 2008, the total population of Kansas was estimated to be 2,802,134, an increase of 113,318 people since Census Day 2000. The increase resulted from more births than the combination of deaths and net out-migration since the Census was tallied. Only 22 Kansas counties are estimated to have experienced growth between 2000 and 2008. The magnitude of estimated population increase ranged from 37 people in Clay and Waubunsee counties to 83,000 in Johnson County.

Four of the five largest counties, Johnson, Sedgwick, Douglas and Shawnee, in total experienced a population increase that exceeded that of the state from 2000-2008. The growth of those counties continues a long-term trend of growth in the largest urban areas of the state and population declines in smaller counties. However, not all of the largest counties are growing. Wyandotte County is estimated to have lost over 3,500 people from 2000 to 2008.

Table 1: Five Largest Kansas Counties Population Change – 2000 to 2008

County	2008 Estimate (July 1)	2000 Census	Population Change
Wyandotte	154,287	157,882	(3,595)
Shawnee	174,709	169,871	4,838
Douglas	114,748	99,962	14,786
Sedgwick	482,863	452,869	29,994
Johnson	534,093	451,086	83,007

Several counties with medium sized cities also have experienced growth as shown in Table 2. The estimate of Leavenworth county's population increased despite a slight decline in the estimated population of the city of Leavenworth.

Table 2: Selected Kansas Counties Population Change—2000 to 2008

County (City)	2008 Estimate (July 1)	2000 Census	Population Change
Ellis (Hays)	27,801	27,507	294
Finney (Garden City)	40,998	40,523	475
Seward (Liberal)	23,016	22,510	506
Crawford (Pittsburg)	38,868	38,242	626
Harvey (Newton)	33,675	32,869	806
Ford (Dodge City)	33,293	32,458	835
Saline (Salina)	54,657	53,597	1,060
Geary (Junction City)	31,171	27,947	3,224
Leavenworth (Leavenworth)	74,276	68,691	5,585
Riley (Manhattan)	71,069	62,843	8,226

Not all counties containing a growing city experience overall growth. Populations of Reno and Barton counties declined, despite the growth of Hutchinson and Great Bend, respectively. In two instances, the population of a city and the surrounding county declined. In addition to Kansas City and Wyandotte County, Emporia and Lyon County both lost population from 2000 to 2008. Kansas City is estimated to have lost approximately 1,000 more people than the county as a whole, while virtually all the estimated population loss in Lyon County was in Emporia.

Population Shifts By Region of the State

Table 3 below shows that population in four of the six regions of the state is estimated to be declining. The population increased in the Northeast and South Central regions which contain the five largest counties. Four of those large counties are located in the Northeast region (Johnson, Shawnee, Douglas, and Wyandotte). The estimated growth of Johnson, Douglas, and Shawnee counties accounts for 86 percent of the region's population increase. Sedgwick County is located in the South Central region. The estimated 30,000 person increase in Sedgwick County more than offset population declines in other counties in that region. Counties included in each region are displayed in Table 5 and on the maps at the end of this article.

Table 3: Population Change by Region—2000 to 2008

Region	Population Estimate – July 2008	Population – Census 2000	Population Change – 2000-2008
Southeast	251,643	261,618	-9,975
North Central	180,493	186,889	-6,396
Northwest	41,346	47,437	-6,091
Southwest	152,375	156,077	-3,702
South Central	829,198	808,558	20,640
Northeast	1,347,079	1,227,839	119,240

A-11

Impact of Population Change on Representation

Late each decade as the Legislature prepares for the next round of redistricting, questions arise regarding the impact of population change on representation in Congress and in the Statehouse. Any discussion of changes in representation must be accompanied by the caveats that redistricting is not based on population estimates (which are the only "new" figures available at this point in the decade), but are based only on the decennial Census results; federal estimates of population do not reflect the adjustment of Census figures required for legislative districts in Kansas; and legislative districts are virtually never drawn to be the ideal population size. Notwithstanding those limitations, a comparison of the number of ideal districts in 2000 and 2008 provides a perspective on changes that might be anticipated in the upcoming redistricting. The maps at the end of this article and Table 5 provide a glimpse of the population shifts estimated to have occurred over the last eight years and that will have an impact on the creation of new districts.

Twenty-five counties in Kansas have sufficient estimated population to create one or more House districts. Seven counties are large enough to wholly contain one or more Senate districts. In order to "gain" representation in the Kansas House, the estimated population increase in a county must exceed the 910 person increase in the 2008 ideal House district size, 22,417. In order to gain Senate representation, the population increase must exceed the 2,843 increase in the 2008 ideal Senate district size, 67,210. Thus, while it is counterintuitive that a county could gain population and "lose" representation, where the population increase per existing district is less than 910 or less than 2,843, the county will "lose" representation in the House or Senate, respectively.

Only four counties would gain relatively significant representation based on the 2008 population estimates, Riley, Douglas, Sedgwick and Johnson. Of those four, only Johnson County would gain full seats, nearly three House and one Senate, if the current estimates were used to draw new districts. The other three counties would gain between a quarter and one-half of a House seat and 0.07 to 0.15 of a Senate seat each. Although other counties may have estimated growth, the number of additional people is not sufficient to add more than a fraction of State House and Senate seats (See Table 5). Wyandotte County is the only county that would lose relatively significant representation if districts were based on the 2008 estimates of population. That loss would be 0.46 of a House seat and 0.15 of a Senate Seat. Shawnee County also would lose 0.11 of a House seat and 0.04 of a Senate seat despite an estimated population increase.

Calculating Representation Change

The number of "new" districts for a county cannot be determined by simply dividing the incremental population increase by the new ideal population size. As an example, when the 2000 Census population of Seward County (22,510) is divided by the 2000 unadjusted ideal district population (21,507), the result is 1.05 districts. The population of Seward County is estimated to have increased by 506 people between 2000 and 2008. When the resulting 2008 county population (23,016) is divided by the new ideal House district size (22,417), the result is 1.03 districts.

Thus, despite the estimated increase in population, the number of ideal-sized districts in the county goes down.

Another example: The population increase between 2000 and 2008 in Sedgwick county is nearly 30,000. If the total state population had not increased so that the ideal House district size in 2008 remained the same as in 2000, Sedgwick county would have gained 1.34 House seats ($30,000/21,507$). In fact, the estimated 30,000 new residents of Sedgwick County are distributed across the 6.7 districts which encompass the 2000 population. The "new" House representation is for the 10,760 new residents remaining after each of the existing districts' population is increased to the new ideal -- a net gain of nearly one-half a district.

Table 4: 2000 to 2008 Kansas Legislature Representation Change

County	2000-2008 Number of House Districts – Change	2000-2008 Number of Senate Districts – Change
Riley	0.25	0.07
Douglas	0.47	0.15
Sedgwick	0.48	0.15
Johnson	2.86	0.91

Impact of Population Shifts on Congressional Representation

The state's total population and the rate of population growth, relative to other states, is key to determining whether the number of Kansas representatives in Congress will change after the 2010 Census. Based on the 2008 estimates, Kansas will continue to be represented by four members in the US House of Representatives after the 2012 round of redistricting. If the districts were based on those 2008 estimates, each member of the Kansas congressional delegation would represent slightly over 700,000 people. Shifting population within the State impacts the location of congressional district lines, but does not impact the number of districts which are apportioned to the state based on a formula established in federal law.

Additional information about Kansas population can be obtained from the following resources:

- *Kansas Statistical Abstract 2008* <http://www.ipsr.ku.edu/ksdata/ksah/KSA43.pdf>
- Institute for Policy and Social Research, University of Kansas <http://www.ipsr.ku.edu/ksdata/county.shtml>
- Kansas Population Center, Kansas State University http://www.ksu.edu/sasw/kpc/Resources/Resources_KPC_KS_Stats.html
- Spring 2006 issue of the *Kansas Policy Review* <http://www.ipsr.ku.edu/publicat/kpr/kprV28N1/kprv28n1.pdf>
- "Baby Boomers and Immigrants on the Range: Population Trends in Kansas" – a 2006 presentation by Laszlo Kulcsar, Kansas Population Center, Kansas State University http://www.ipsr.ku.edu/conferen/kepc06/Kulcsar_handout.pdf

For more information, please contact:

Alan Conroy, Director
Alan.Conroy@klrd.ks.gov

Corey Carnahan, Research Analyst
Corey.Carnahan@klrd.ks.gov

Kansas Legislative Research Department
300 SW 10th Ave., Room 68-West, Statehouse
Topeka, Kansas 66612
Phone: (785) 296-3181
Fax: (785) 296-3824

4-13

**Table 5: Legislative Representation by County Based on 2008 Estimates of Population
Five Largest Counties Included in Regional Totals**

Note that the 2008 population used in this table is an estimate. Kansas House and Senate districts are not based solely on US Census population figures. Instead, Kansas legislative districts are based on the US Census enumeration adjusted to subtract non-resident students and military personnel and to reallocate resident students and member of the military to their permanent residences. Thus, this table illustrates trends only.

Regoin/County	Estimated Population July 1, 2008	2008 House Members	2008 Senators	2000 Census	2000 no. House Members	2000 no. Senators	2000-2008 House Change	2000-2008 Senate Change
Kansas	2,802,134	22,417	70,053	2,688,418	21,507	67,210	910	2,843
North Central								
Jewell 3,	142	0.14	0.04	3,791	0.18	0.06	(0.04)	(0.02)
Lincoln 3,	261	0.15	0.05	3,578	0.17	0.05	(0.02)	0.00
Osborne 3,	804	0.17	0.05	4,452	0.21	0.07	(0.04)	(0.02)
Smith 3,	901	0.17	0.06	4,536	0.21	0.07	(0.04)	(0.01)
Republic 4,	812	0.21	0.07	5,835	0.27	0.09	(0.06)	(0.02)
Rooks 5,	136	0.23	0.07	5,685	0.26	0.08	(0.03)	(0.01)
Phillips 5	,339	0.24	0.08	6,001	0.28	0.09	(0.04)	(0.01)
Washington 5,	791	0.26	0.08	6,483	0.30	0.10	(0.04)	(0.02)
Ottawa 6,	026	0.27	0.09	6,163	0.29	0.09	(0.02)	0.00
Ellsworth 6,	250	0.28	0.09	6,525	0.30	0.10	(0.02)	(0.01)
Mitchell 6,	292	0.28	0.09	6,932	0.32	0.10	(0.04)	(0.01)
Russell 6,	641	0.30	0.09	7,370	0.34	0.11	(0.04)	(0.02)
Clay 8,	859	0.40	0.13	8,822	0.41	0.13	(0.01)	0.00
Cloud 9,	453	0.42	0.13	10,268	0.48	0.15	(0.06)	(0.02)
Dickinson 19,	328	0.86	0.28	19,344	0.90	0.29	(0.04)	(0.01)
Ellis 2	7,801	1.24	0.40	27,507	1.28	0.41	(0.04)	(0.01)
Saline 54,	657	2.44	0.78	53,597	2.49	0.80	(0.05)	(0.02)
NC REGION (totals have been rounded)	180,493	8.1	2.6	186,889	8.7	2.8	(0.6)	(0.2)
Northeast								
Morris 6,	037	0.27	0.09	6,104	0.28	0.09	(0.01)	0.00
Wabaunsee 6,	922	0.31	0.10	6,885	0.32	0.10	(0.01)	0.00
Doniphan 7,	753	0.35	0.11	8,249	0.38	0.12	(0.03)	(0.01)
Brown 10,	009	0.45	0.14	10,724	0.50	0.16	(0.05)	(0.02)
Nemaha 10,	112	0.45	0.14	10,717	0.50	0.16	(0.05)	(0.02)
Marshall 10,	178	0.45	0.15	10,965	0.51	0.16	(0.06)	(0.01)
Jackson 13,	240	0.59	0.19	12,657	0.59	0.19	0.00	0.00
Osage 16,	327	0.73	0.23	16,712	0.78	0.25	(0.05)	(0.02)
Atchison 16,	481	0.74	0.24	16,774	0.78	0.25	(0.04)	(0.01)
Jefferson 18,	421	0.82	0.26	18,426	0.86	0.27	(0.04)	(0.01)
Pottawatomie	19,695	0.88	0.28	18,209	0.85	0.27	0.03	0.01
Franklin 26,	562	1.18	0.38	24,784	1.15	0.37	0.03	0.01
Miami 30,	989	1.38	0.44	28,351	1.32	0.42	0.06	0.02
Geary 31,	171	1.39	0.44	27,947	1.30	0.42	0.09	0.02
Riley 71,	069	3.17	1.01	62,843	2.92	0.94	0.25	0.07
Leavenworth 74,	276	3.31	1.06	68,691	3.19	1.02	0.12	0.04
Douglas 114,	748	5.12	1.64	99,962	4.65	1.49	0.47	0.15
Wyandotte 154,	287	6.88	2.20	157,882	7.34	2.35	(0.46)	(0.15)
Shawnee 174,	709	7.79	2.49	169,871	7.90	2.53	(0.11)	(0.04)
Johnson 534,	093	23.83	7.62	451,086	20.97	6.71	2.86	0.91
NE REGION (totals have been rounded)	1,347,079	60.1	19.2	1,227,839	57.1	18.3	3.0	0.9
Northwest								
Wallace 1,	404	0.06	0.02	1,749	0.08	0.03	(0.02)	(0.01)
Rawlins 2,	503	0.11	0.04	2,966	0.14	0.04	(0.03)	0.00
Sheridan 2,	510	0.11	0.04	2,813	0.13	0.04	(0.02)	0.00
Gove 2,	548	0.11	0.04	3,068	0.14	0.05	(0.03)	(0.01)
Graham 2,	592	0.12	0.04	2,946	0.14	0.04	(0.02)	0.00
Logan 2,	593	0.12	0.04	3,046	0.14	0.05	(0.02)	(0.01)
Cheyenne 2,	742	0.12	0.04	3,165	0.15	0.05	(0.03)	(0.01)
Trego 2,	882	0.13	0.04	3,319	0.15	0.05	(0.02)	(0.01)
Decatur 2,	912	0.13	0.04	3,472	0.16	0.05	(0.03)	(0.01)
Norton 5,	370	0.24	0.08	5,953	0.28	0.09	(0.04)	(0.01)
Sherman 6,	013	0.27	0.09	6,760	0.31	0.10	(0.04)	(0.01)
Thomas 7,	277	0.32	0.10	8,180	0.38	0.12	(0.06)	(0.02)
NW REGION (totals have been rounded)	41,346	1.8	0.6	47,437	2.2	0.7	(0.4)	(0.1)

4-14

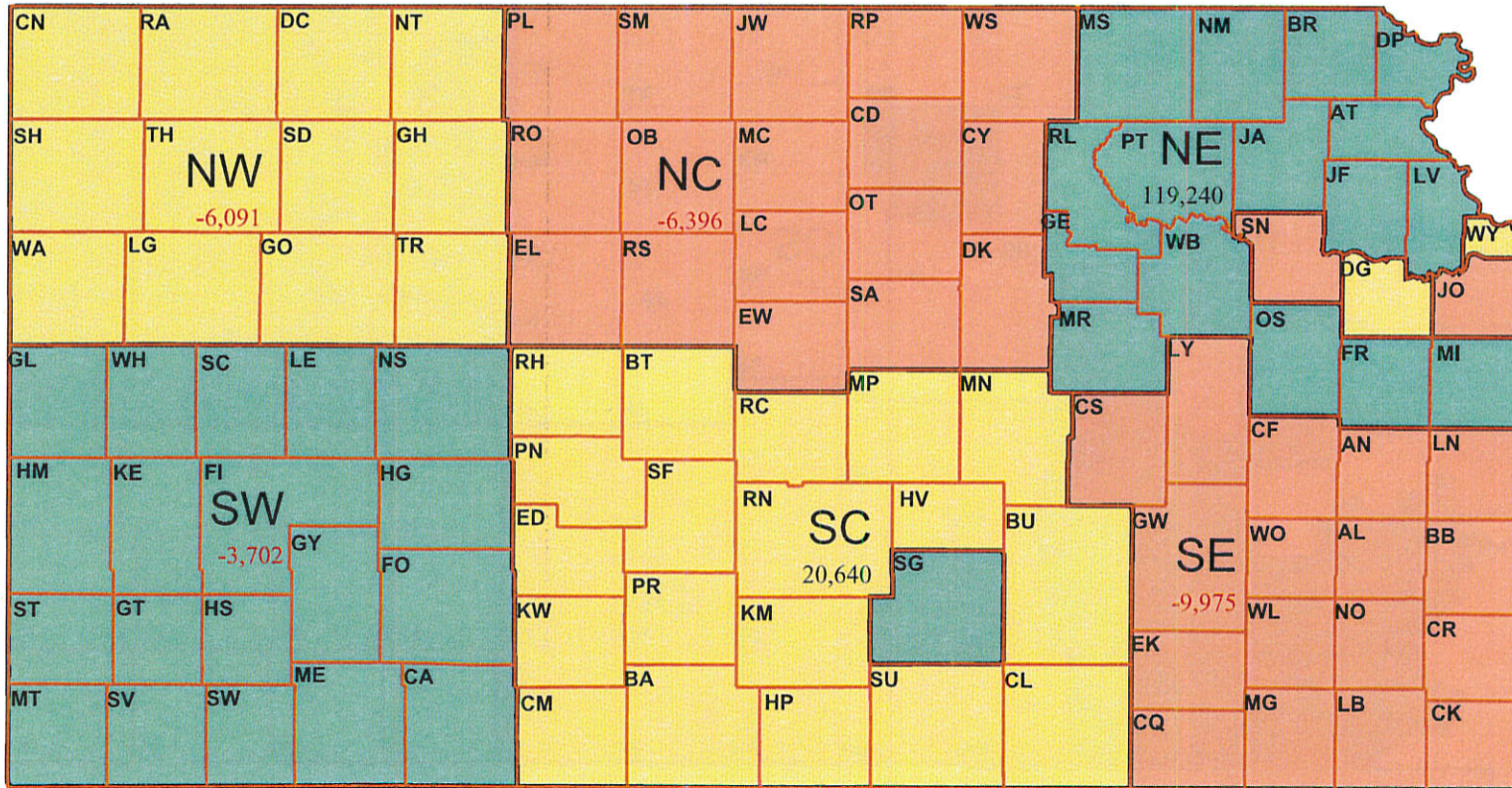
Table 5: Legislative Representation by County Based on 2008 Estimates of Population Five Largest Counties Included in Regional Totals								
Note that the 2008 population used in this table is an estimate. Kansas House and Senate districts are not based solely on US Census population figures. Instead, Kansas legislative districts are based on the US Census enumeration adjusted to subtract non-resident students and military personnel and to reallocate resident students and member of the military to their permanent residences. Thus, this table illustrates trends only.								
Reigin/County	Estimated Population July 1, 2008	2008 House Members	2008 Senators	2000 Census	2000 no. House Members	2000 no. Senators	2000-2008 House Change	2000-2008 Senate Change
South Central								
Comanche 1,	950	0.09	0.03	1,967	0.09	0.03	0.00	0.00
Kiowa 2,	541	0.11	0.04	3,278	0.15	0.05	(0.04)	(0.01)
Edwards 3,	082	0.14	0.04	3,449	0.16	0.05	(0.02)	(0.01)
Rush 3,	232	0.14	0.05	3,551	0.17	0.05	(0.03)	0.00
Stafford 4,	326	0.19	0.06	4,789	0.22	0.07	(0.03)	(0.01)
Barber 4,	674	0.21	0.07	5,307	0.25	0.08	(0.04)	(0.01)
Harper 5,	857	0.26	0.08	6,536	0.30	0.10	(0.04)	(0.02)
Pawnee 6,	291	0.28	0.09	7,233	0.34	0.11	(0.06)	(0.02)
Kingman 7,	719	0.34	0.11	8,673	0.40	0.13	(0.06)	(0.02)
Pratt 9,	411	0.42	0.13	9,647	0.45	0.14	(0.03)	(0.01)
Rice 10,	060	0.45	0.14	10,761	0.50	0.16	(0.05)	(0.02)
Marion 12,	100	0.54	0.17	13,361	0.62	0.20	(0.08)	(0.03)
Sumner 23,	616	1.05	0.34	25,946	1.21	0.39	(0.16)	(0.05)
Barton 27,	703	1.24	0.40	28,205	1.31	0.42	(0.07)	(0.02)
McPherson 29,	044	1.30	0.41	29,554	1.37	0.44	(0.07)	(0.03)
Harvey 33,	675	1.50	0.48	32,869	1.53	0.49	(0.03)	(0.01)
Cowley 34,	065	1.52	0.49	36,291	1.69	0.54	(0.17)	(0.05)
Reno 63,	427	2.83	0.91	64,790	3.01	0.96	(0.18)	(0.05)
Butler 63,	562	2.84	0.91	59,482	2.77	0.89	0.07	0.02
Sedgwick 482,	863	21.54	6.89	452,869	21.06	6.74	0.48	0.15
SC REGION (totals have been rounded)	829,198	37.0	11.8	808,558	37.6	12.0	(0.6)	(0.2)
Southeast								
Chase 2,	804	0.13	0.04	3,030	0.14	0.05	(0.01)	(0.01)
Elk 3,	047	0.14	0.04	3,261	0.15	0.05	(0.01)	(0.01)
Woodson 3,	285	0.15	0.05	3,788	0.18	0.06	(0.03)	(0.01)
Chautauqua 3,	768	0.17	0.05	4,359	0.20	0.06	(0.03)	(0.01)
Greenwood 6,	861	0.31	0.10	7,673	0.36	0.11	(0.05)	(0.01)
Anderson 7,	984	0.36	0.11	8,110	0.38	0.12	(0.02)	(0.01)
Coffey 8,	409	0.38	0.12	8,865	0.41	0.13	(0.03)	(0.01)
Linn 9,	616	0.43	0.14	9,570	0.44	0.14	(0.01)	0.00
Wilson	9,698	0.43	0.14	10,332	0.48	0.15	(0.05)	(0.01)
Allen 13,	319	0.59	0.19	14,385	0.67	0.21	(0.08)	(0.02)
Bourbon 14,	851	0.66	0.21	15,379	0.72	0.23	(0.06)	(0.02)
Neosho 16,	223	0.72	0.23	16,997	0.79	0.25	(0.07)	(0.02)
Cherokee 21,	082	0.94	0.30	22,605	1.05	0.34	(0.11)	(0.04)
Labette 21,	871	0.98	0.31	22,835	1.06	0.34	(0.08)	(0.03)
Montgomery 34,	395	1.53	0.49	36,252	1.69	0.54	(0.16)	(0.05)
Lyon 35,	562	1.59	0.51	35,935	1.67	0.53	(0.08)	(0.02)
Crawford 38,	868	1.73	0.55	38,242	1.78	0.57	(0.05)	(0.02)
SE REGION (totals have been rounded)	251,643	11.2	3.6	261,618	12.2	3.9	(1.0)	(0.3)
Southwest								
Greeley 1,	266	0.06	0.02	1,534	0.07	0.02	(0.01)	0.00
Lane 1,	743	0.08	0.02	2,155	0.10	0.03	(0.02)	(0.01)
Hodgeman 1,	948	0.09	0.03	2,085	0.10	0.03	(0.01)	0.00
Clark 2,	108	0.09	0.03	2,390	0.11	0.04	(0.02)	(0.01)
Stanton 2,	148	0.10	0.03	2,406	0.11	0.04	(0.01)	(0.01)
Wichita 2,	148	0.10	0.03	2,531	0.12	0.04	(0.02)	(0.01)
Hamilton 2,	631	0.12	0.04	2,670	0.12	0.04	0.00	0.00
Ness 2,	945	0.13	0.04	3,454	0.16	0.05	(0.03)	(0.01)
Morton 2,	978	0.13	0.04	3,496	0.16	0.05	(0.03)	(0.01)
Haskell 3,	919	0.17	0.06	4,307	0.20	0.06	(0.03)	0.00
Keamy 4,	159	0.19	0.06	4,531	0.21	0.07	(0.02)	(0.01)
Meade 4,	359	0.19	0.06	4,631	0.22	0.07	(0.03)	(0.01)
Scott 4,	577	0.20	0.07	5,120	0.24	0.08	(0.04)	(0.01)
Stevens 5,	056	0.23	0.07	5,463	0.25	0.08	(0.02)	(0.01)
Gray 5,	688	0.25	0.08	5,904	0.27	0.09	(0.02)	(0.01)
Grant 7,	395	0.33	0.11	7,909	0.37	0.12	(0.04)	(0.01)
Seward 23,	016	1.03	0.33	22,510	1.05	0.33	(0.02)	0.00
Ford 33,	293	1.49	0.48	32,458	1.51	0.48	(0.02)	0.00
Finney 40,	998	1.83	0.59	40,523	1.88	0.60	(0.05)	(0.01)
SW REGION (totals have been rounded)	152,375	6.8	2.2	156,077	7.3	2.3	(0.5)	(0.1)

Table 1: Annual Estimates of the Resident Population for Counties of Kansas: April 1, 2000 to July 1, 2008 (CO-EST2008-01-20)
Source: Population Division, US Census Bureau. Release Date: March 19, 2009

4-15

H-16

Regional Population Shifts in Kansas: 2000 Census - 2008 Population Estimates

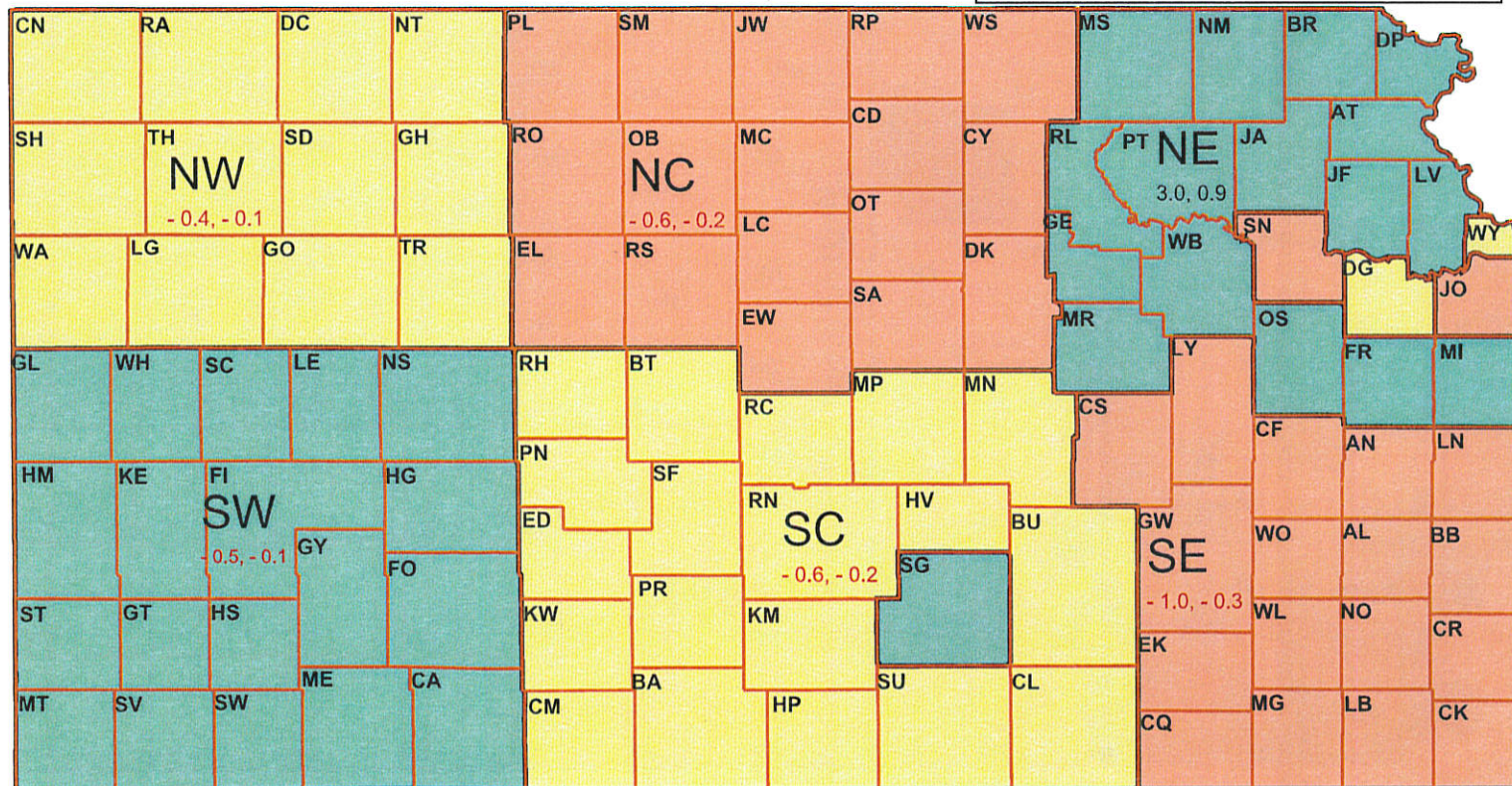


Data Source: Annual Estimates of the Resident Population for Counties of Kansas:
 April 1, 2000 to July 1, 2008.
 US Census Bureau. Release Date: March 19, 2009
 Calculations and regional designations made by Legislative Research.

Key
 NW = Region
 6,393 = Estimated population change 2000
 to 2009 (Black = increase, Red =
 Decrease)

Regional Shifts in Legislative Representation: 2000 - 2008 Population Estimates

Note that the 2008 population used in this map is an estimate. The Kansas House and Senate districts are not based solely on US Census population figures. Instead, Kansas legislative districts are based on the US Census enumeration adjusted to subtract non resident students and military personnel and to reallocate resident students and member of the military to their permanent residences. Thus, this table illustrates trends only. See accompanying text and table for more detail.

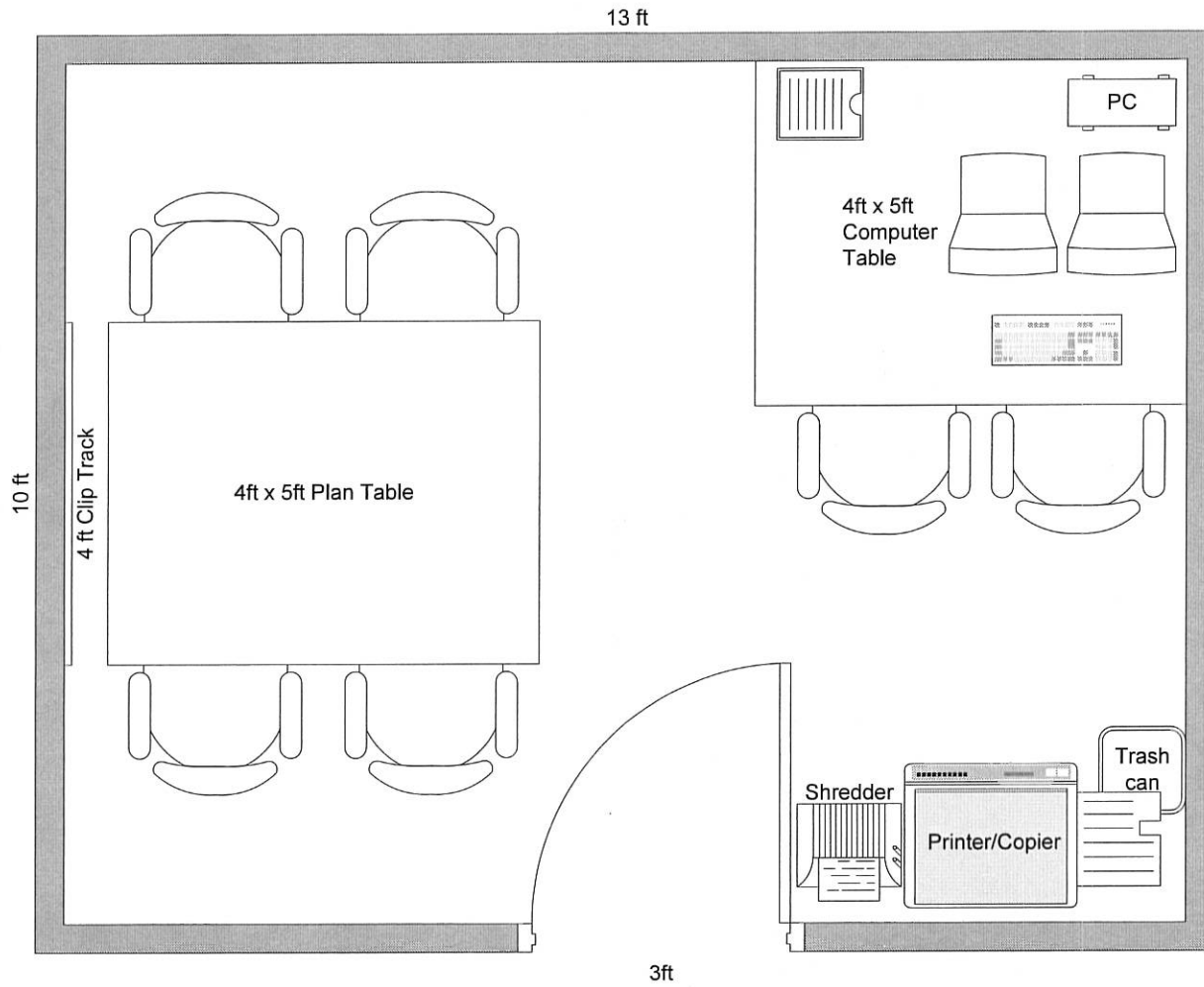


Data Source: Annual Estimates of the Resident Population for Counties of Kansas:
April 1, 2000 to July 1, 2008.
US Census Bureau. Release Date: March 19, 2009
Calculations and regional designations made by Legislative Research.

Five Most Populous Counties		
	House	Senate
Douglas	0.47	0.15
Wyandotte	(0.46)	(0.15)
Shawnee	(0.11)	(0.04)
Sedgwick	0.48	0.15
Johnson	2.86	0.91

Large counties' shift included in regional total.

Key
 NW = Region
 -0.4, -0.1 = House, Senate seat change
 (Black = increase, Red = Decrease)



Example Layout for Redistricting Caucus Office – 2011-2012



FRONTIER

International Electoral Consulting, LLC

VOTING PATTERNS BY RACE/ETHNICITY IN KANSAS STATEWIDE AND LEGISLATIVE ELECTIONS, 1998 – 2000

Prepared by Dr. Lisa Handley

I was retained by the Kansas Legislative Research Department to determine the extent of racially polarized voting, if any, in Kansas statewide and legislative elections since 1998. This report outlines the results of my analysis of primary and general elections in 1998 and 2000. A brief summary of my findings follows:

- ?? Any conclusions drawn regarding the extent of racially polarized voting in recent Kansas statewide and legislative contests must necessarily be tentative because reliable estimates of black and Hispanic voting behavior could not be produced in over 60% of the contests that included minority candidates.
- ?? Voting was polarized in about one-third of the election contests for which reliable estimates could be obtained. In the other two-thirds of the contests for which reliable estimates could be produced, voting was not polarized.

Introduction: Defining and Measuring Racial Bloc Voting

In *Thornburg v. Gingles* (1986), the first U.S. Supreme Court case to consider the 1982 Amendments to the Voting Rights Act, the Supreme Court made it clear that the evidentiary "linchpin" of a vote dilution suit is racially polarized voting. The Court identified racial bloc voting as the foundation of two of the three elements of the "results test": one, a racial bloc voting analysis is needed to determine whether the minority group is politically cohesive; and two, the analysis is required to determine if whites are voting sufficiently as a bloc to usually defeat minority-preferred candidates.¹

¹ The "results test" as interpreted by the Supreme Court in *Thornburg v. Gingles* requires plaintiffs to demonstrate three threshold factors to establish a §2 violation:

- ?? The minority group must be sufficiently large and geographically compact to constitute a majority in a single member district;
- ?? The minority group must be politically cohesive;
- ?? The minority group must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it – in the absence of special circumstances, such as the minority candidate running unopposed – usually to defeat the minority's preferred candidate.

The *Gingles* Court held that racially polarized voting exists when there is “a consistent relationship between race of the voter and the way in which the voter votes” or, phrased another way, “if minorities and whites, considered separately, would have elected different candidates” (this is referred to as the “separate electorates test”). The Court made a distinction between racial polarization per se and polarization that is of legal significance – for racially polarized voting to rise to the level of legal significance, it must be shown not only that minorities and whites are voting differently, but that minority-preferred candidates are usually defeated as a result of white bloc voting.

The voting patterns of white and minority voters must be estimated using statistical techniques because direct information about how individuals have voted is simply not available – the race of the voter is not, of course, obtainable from the ballot. I used two complementary statistical methods to measure the extent of racial bloc voting in primary and general elections in Kansas: homogeneous precinct analysis and bivariate ecological regression. These two analytic procedures were employed by the expert in *Thornburg v. Gingles* and have the benefit of the Supreme Court’s stamp of approval in this, as well as many subsequent cases. A description of the methodology used to produce estimates of voting patterns by race can be found in the appendix to this report. (See Appendix: Methodology for Analyzing Voting Patterns by Race.)

I examined 1998 and 2000 primary and general election contests in the State of Kansas. As is standard for this type of inquiry, I analyzed only contests that included minority candidates.² The analysis compared the voting behavior of the minority population (black and Hispanic) to the voting behavior of the white population, since blacks and Hispanics are the only groups covered under the Voting Rights Act of sufficient size and geographic concentration in Kansas to be of potential concern under the Act.³

The results of my racial bloc voting analysis can be found in the two tables that accompany this report: “Kansas 2000 Primary and General Elections: Statewide and Legislative Elections that Included a Minority Candidate” and “Kansas 1998 Primary and General Elections: Statewide and Legislative Elections that Included a Minority Candidate.” A description of my findings follows, beginning with the 2000 elections (since the 2000 elections are the most recent and therefore the most probative).

Racial Bloc Voting Analysis: 2000 Elections

2000 Primary Election

There were five primaries in 2000 in which one or more minorities competed. All of the primaries that included a minority candidate were for state legislative office, and all were Democratic primaries. A list of the seven candidates competing in these five contests can be found below in Table 1.

² If white voters are willing to vote only for minority-preferred candidates who are white – and not for minority-preferred candidates who are minority – we cannot conclude that voting is *not* polarized by race. Only evidence that white voters are willing to support minority candidates who are the choice of the minority community allows us to conclude that voting is not polarized.

³ Four minority groups are protected under the Voting Rights Act: blacks, Hispanics, Native Americans and Asians.

TABLE 1: Minority Candidates Competing for Office in the 2000 Primary Election

Name	Office	Nominated
Davis (Black Democrat)	State Senate District 4	No
Haley (Black Democrat)	State Senate District 4	Yes
Hernandez (Hispanic Democrat)	State Senate District 16	Yes
Sanders (Black Democrat)	State House District 32	No
Winn (Black Democrat)	State House District 34	Yes
Ellington (Black Democrat)	State House District 34	No
De la Cruz (Hispanic Democrat)	State House District 92	No

Minorities won the party nomination in three of the five contests: Senate Districts 4 and 16, and House District 34. Two of these contests took place in majority black districts: Senate District 4 and House District 34.

Voting patterns by race/ethnicity could be determined for only two of these contests: Senate District 4 and House District 32. In the other three contests reliable estimates could not be produced – the regression analysis produced estimates clearly outside the bounds of possibility (the estimates were either far in excess of 100% or less than 0%).⁴

Voting in Senate District 4 was polarized; the vast majority of black voters supported Haley, and the vast majority of white voters supported the white candidate, Ellis.⁵ Haley won this contest because the district is majority black and blacks turned out at higher rates than whites.

Voting in House District 32 does not appear to be particularly polarized between white and Hispanic voters (estimates could not be derived for black voters). Whites voted overwhelmingly for Rehorn, and Hispanic voters divided their votes between Rehorn and Dillon (both candidates are white). Neither group supported the African American candidate, Sanders. Sanders was defeated in this 30% Hispanic district.

2000 General Election

There were thirteen contests in the 2000 general election in which one or more minorities competed. All of these contests were for state legislative office. A list of the fourteen minority candidates who ran in these thirteen contests can be found below in Table 2.

TABLE 2: Minority Candidates Competing for Office in the 2000 General Election

Name	Office	Winner
Haley (Black Democrat)	State Senate District 4	Yes
Sheldon (Black Democrat)	State Senate District 15	No
Hernandez (Hispanic Democrat)	State Senate District 16	No
Martin (Black Republican)	State Senate District 19	No
Clark (Native American Democrat)	State Senate District 20	No

⁴ A variety of circumstances can lead to regression estimates that are not reliable, the most common condition (and certainly the one that applies most frequently to the Kansas contests analyzed) being that there are too few precincts with sufficient numbers of minority voters to estimate minority voting behavior with any degree of accuracy.

⁵ No estimates could be derived for Hispanic voters in this contest.

Feleciano (Hispanic Democrat)	State Senate District 28	Yes
Aguilar (Hispanic Republican)	State House District 37	No
Ballard (Black Democrat)	State House District 44	Yes
Kruger (Hispanic Democrat)	State House District 50	No
Collazo (Hispanic Republican)	State House District 56	No
Bonilla (Hispanic Democrat)	State House District 69	No
Wells (Black Democrat)	State House District 84	Yes
Gilbert (Black Democrat)	State House District 89	Yes
Martinez (Hispanic Republican)	State House District 89	No

Minorities won five of the thirteen contests: Senate Districts 4 and 28, and House Districts 44, 84 and 89. Only three of these districts are majority minority – the other two districts (Senate District 28 and House District 44) are majority white districts.

Voting patterns by race/ethnicity could be determined for only five of these thirteen contests: Senate District 4 and House Districts 37, 44, 84 and 89. In the other eight contests, reliable estimates of black and Hispanic voting behavior could not be produced.⁶

Voting in Senate District 4 was not polarized; the vast majority of black voters supported Haley and the majority of white voters also supported Haley.⁷ Haley won this contest. Voting in House Districts 37 and 44 was not polarized either: in House District 37 a strong majority of both whites and blacks voted for the Democrat rather than the Hispanic Republican (Aguilar), who lost; in House District 44 the overwhelming majority of blacks and a majority of whites voted for the black Democrat (Ballard), who won.⁸

The contest in State House District 84 was not particularly polarized; black voters voted overwhelming for the black Democrat and whites appeared to have split their vote evenly between the black Democrat and the white Republican.⁹ The black Democrat, Wells, won the election.

Voting in House District 89 was polarized; blacks voted overwhelmingly for the black Democrat, Gilbert, and a majority of white voters supported the Hispanic Republican.¹⁰ The black Democrat won this contest because the district is majority black in composition.

Racial Bloc Voting Analysis: 1998 Elections

1998 Primary Election

There were five primaries in 2000 in which one or more minorities competed. Three of these primaries were statewide elections: U.S. Senate (Democratic primary), Governor (Democratic primary) and Commissioner of Insurance (Republican primary). In addition, there were two state legislative primaries, both Republican, that included minority candidates: State House Districts

⁶ See footnote 4 above.

⁷ No estimates could be derived for Hispanic voters in this contest.

⁸ No estimates could be derived for Hispanic voters in either of these contests.

⁹ No estimates could be derived for Hispanic voters in this contest.

¹⁰ No estimates could be derived for Hispanic voters in this contest.

51 and 56. A list of the five candidates competing in these five contests can be found below in Table 3.

TABLE 3: Minority Candidates Competing for Office in the 1998 Primary Election

Name	Office	Nominated
Feleciano (Hispanic Democrat)	U.S. Senate	Yes
Sawyer (Hispanic Democrat)	Governor	Yes
Martinez (Hispanic Republican)	Commissioner of Insurance	No
Van Etten (Asian Republican)	State House District 51	No
Collazo (Hispanic Republican)	State House District 56	No

Minorities won the party nomination in two of the five contests, both of them statewide: U.S. Senate and Governor.

Voting patterns by race/ethnicity could be determined for only two of these contests: U.S. Senate and the gubernatorial contests. It was impossible to derive reliable estimates of black and Hispanic voting behavior in the other three contests.¹¹

Neither of these two contests were polarized; whites, blacks and Hispanics all supported the minority candidates, and both of the minority candidates, of course, won.

1998 General Election

There were eight contests in the 1998 general election in which one or more minorities competed. Two of these contests were for statewide office: U.S. Senate and Governor. The other six contests were state house contests. A list of the eight minority candidates who ran in these eight contests can be found below in Table 4.

TABLE 4: Minority Candidates Competing for Office in the 1998 General Election

Name	Office	Winner
Feleciano (Hispanic Democrat)	U.S. Senate	No
Sawyer (Hispanic Democrat)	Governor	No
Alvarado (Hispanic Republican)	State House District 22	No
Bettis (Black Democrat)	State House District 23	No
Brown-Henderson (Black Republican)	State House District 55	No
Wells (Black Democrat)	State House District 84	Yes
Finney (Black Democrat)	State House District 85	No
Casados (Hispanic Democrat)	State House District 91	No

Minorities won only one of the eight contests: State House District 84, which is a majority minority district.

Voting patterns by race/ethnicity could be determined for only three of these eight contests: U.S. Senate, Governor and State House District 84. In the other five contests no reliable estimates of black or Hispanic voting behavior could be derived.¹²

¹¹ See footnote 4 above.

Voting in both the U.S. Senate and the gubernatorial contests was probably polarized, but only homogeneous black estimates could be derived – it was not possible to produce reliable regression estimates of either black or Hispanic voting behavior in these two contests. According to the homogenous black estimates, however, the vast majority of black voters supported Feleciano, the Hispanic Democrat, in the U.S. Senate race but the majority of white voters supported Brownback, a white Republican, who won. In the race for Governor, the majority of blacks supported the Democratic candidate (Sawyer, who is Hispanic), but the large majority of whites voted for the white Republican, Graves, who won the election.

The contest in House District 84 was not polarized; black voters voted overwhelming for the black Democrat (Wells) and the majority of whites also voted for Wells.¹³ The black Democrat, Wells, won the election in this majority black district.

Conclusion: Some Racial Bloc Voting in Kansas Elections

My conclusion regarding the degree of racial bloc voting in recent Kansas elections is necessarily tentative because reliable estimates of black and Hispanic voting behavior could not be produced in many instances. In fact, reliable estimates of minority voting behavior could be derived in only 12 (39%) of the 31 statewide and legislative contests that included minority candidates in 1998 and 2000.

For those primary and general election contests in 1998 and 2000 in which I was able to produce estimates, I found that racially polarized voting does exist in some contests, but by no means all of them. Approximately one-third of the 12 contests (4 contests) were polarized – minority and white voters supported different candidates. The other two-thirds of the contest (8 contests) were not polarized, however.

¹² See footnote 4 above.

¹³ No estimates could be derived for Hispanic voters in this contest.

Appendix: Methodology for Analyzing Voting Patterns by Race

A racial bloc voting analysis entails comparing the voting patterns of whites and minorities. Because direct information about how individuals have voted is generally not available, some statistical techniques are required. Two widely used, standard analytic procedures for estimating the extent to which minorities and whites have voted differently are homogeneous precinct analysis (also called extreme case analysis) and bivariate ecological regression. A description of these two statistical methods follows.

Homogeneous Precinct or Extreme Case Analysis

The simplest method for estimating voting behavior by race is to examine "homogeneous" precincts within a particular jurisdiction. In a voting unit that is entirely of one race or ethnic group, all of the votes cast in that precinct can be attributed to that racial or ethnic group. For example, if there is a precinct with only black residents and voters in that precinct cast 80 percent of their ballots for the African American candidate and 20 percent for the white candidate in a given election contest, then we know that 80 percent of the black voters voted for the African American candidate.

It is not often the case that voting precincts are composed entirely of one race or ethnic group. For this reason, precincts are generally considered homogeneous if over 90 percent of the voting age population residing in the precinct are members of the same race/ethnic group.

After identifying precincts that are overwhelmingly one-race, the level of participation and the votes cast for different candidates in the precinct or a group of precincts where all of the voters are white are compared to precincts in which all or almost all of the voters are members of a specific minority group. The figures derived from these homogeneous voting units serve as estimates of the behavior of all the respective group members in that political jurisdiction.

One problem sometimes encountered when attempting to conduct a homogeneous precinct analysis is a practical one: in many political jurisdictions there may be an absence of precincts that can be considered homogeneous.¹⁴ A second disadvantage of homogeneous precinct analysis is that estimates are normally based on a small, possibly unrepresentative sample of the electorate: only the behavior of the voters (or potential voters) residing in homogeneous areas is examined. The electoral behavior of those residing in heterogeneous, or more "integrated" areas is ignored. It is possible that voters who do not live in racially homogeneous precincts vote differently than voters who live in segregated areas. For example, blacks in overwhelmingly black precincts may be, on average, lower in income and/or education than blacks living in more integrated areas and those differences may affect voting behavior. Of course, if the jurisdiction is highly segregated, and most voters reside in precincts that are roughly 90 to 100 percent one race, homogeneous precinct analysis provides a very accurate picture of voting behavior by race. In most political jurisdictions, however, only a small percentage of the precincts will be homogeneous.

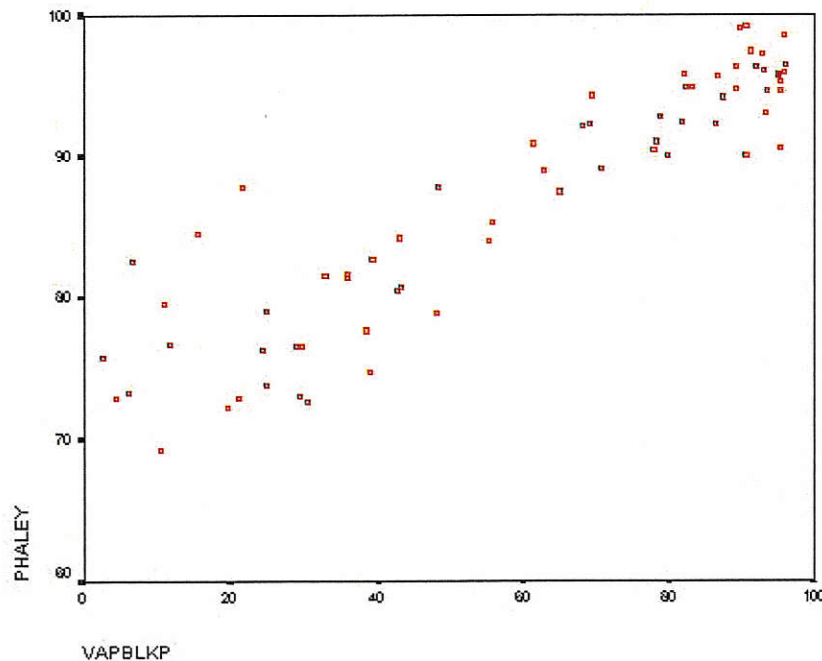
¹⁴ In Kansas, for example, there are only about 20 homogeneous black precincts (precincts with 90% or more black voting age population) and no homogeneous Hispanic precincts.

Bivariate Ecological Regression Analysis

The second standard method for determining voter behavior, bivariate ecological regression analysis, is available to supplement homogeneous precinct analysis. A major advantage of bivariate ecological regression analysis is that information about voting behavior in all of the precincts, not simply homogeneous precincts, in a political jurisdiction is incorporated into the database from which the estimates of voting behavior by race will be derived. Furthermore, estimates of voting patterns by race can be produced even when no homogeneous precincts are available for analysis.

The adjective "ecological" refers to the type of data employed in the analysis. When the data reflects aggregates of individuals, such as precincts, rather than observations of separate individuals, the analysis is called "ecological." The technique is called "bivariate" ecological regression analysis because only two variables are used: the racial composition of the precincts and the votes cast for particular candidates (*Gingles* identifies the two variables as "the race of the voter" and "the way in which the voter votes").

The first step of the regression analysis is to plot points on a graph. The horizontal, or X axis, of the graph represents the percentage minority population in each precinct (the independent variable) and the vertical axis, or the Y axis, represents the percentage of voters in each precinct casting ballots for a given candidate (the dependent variable). Every precinct in the jurisdiction is placed within the graph (called a scattergram or scatterplot) according to its scores on these two coordinates. An example of a scattergram of the 2000 general election in Senate District 4 follows:



Each point on this scatterplot represents a precinct in Senate District 4. The precinct is placed on the scatterplot according to the percent black vap (VAPBLKP) of the precinct (horizontal axis) and the

percent of votes cast for Haley (PHALEY) from that precinct (vertical axis). This scatterplot suggests a relationship between percent black VAP and votes for Haley: the higher the percentage black VAP, the greater the percent votes cast for Haley.

Regression analysis provides a statistical means of describing and summarizing the relationship depicted on the graph between the two variables by calculating the formula for the line that best fits these data points. The "regression line" is the straight line that fits the points the "best," meaning no other straight line could be drawn such that the combined distances (or deviations) between each of these points and the line would be less than they are for this regression line.

It is possible to use the regression line to provide estimates of, for example, the percentages of black and white voters supporting any given candidate. These estimates are based on the "intercept," the point at which the line crosses the Y axis, and the "slope." The intercept is the point at which X (percent black VAP) = 0, that is, the point at which there are no blacks in a precinct. The value of Y (votes for a given candidate) at this point represents the percent of whites that supported the candidate. The other point that is of interest to us is the point at which X = 100, that is, the point at which 100% of the precinct is black. The value of Y at this point will be our estimate of the percentage of blacks that supported the candidate being considered. We find the value of the "right intercept" by adding the "left intercept" to 100 times the slope of the line.¹⁵

One way of measuring just how well the line fits the points is the correlation coefficient. The correlation coefficient, which is reported as "r," is a measure of how consistently the scores for the dependent variable (the percentage of voters supporting a given candidate) vary with the independent variable (the black proportion of the VAP). As such the coefficient is a measure of the degree of linear association between the variables; it indicates the extent to which data points fall on a straight line. The correlation coefficient varies in size from 0 to 1.0: the closer the points fall to the line, the closer r is to 1.0 and, conversely, the greater the distance the points are from the line (i.e., the less linear the relationship), the closer the value of r will be to 0. When r is 0, there is no relationship between the variables; the points on the scattergram form a vague cloud. When r is 1.0, the relationship is perfect, all the points fall on a perfect straight line.

Correlation coefficients will be either positive or negative. If the percentage of voters supporting a candidate in the various precincts increase as the black percentage of the VAP in these precincts increases, then there is a positive relationship between the two variables. (A positive correlation coefficient indicates that the relationship is a direct linear relationship: as the percentage blacks increases, the percentage of votes cast for a given candidate also increases.) If the percentage of voters supporting a candidate tends to decrease as the black percentage of the VAP increases, then the relationship is negative. (A negative correlation signifies an inverse linear relationship: the higher the percentage blacks in the precinct, the less votes that precinct cast for a given candidate.) Although a high value of r is a necessary prerequisite for us to have confidence in our estimates, it is important to recognize that high correlations are possible even though very few blacks voted for the African American candidate. A high r merely indicates that the observed relationship between race and voting patterns is **consistent** across precincts (and linear in nature).

¹⁵ The slope coefficient indicates how much the support for a given candidate varies with the racial composition of the precinct – that is, the extent the scores for a dependent variable can be expected to change in response to changes in the scores for an independent variable.

Two-equation Technique for Estimating Voting Behavior by Race The method described above for producing estimates of voting behavior by race is actually a simplified example of the analysis conducted in this case (as well as the analysis conducted by the expert in *Thornburg v. Gingles*). In the analysis described above, two different denominators for the variables plotted are used: the denominator of the independent variable (the racial composition of the precinct – i.e., percent Native voting age population) is total voting age population; the denominator of the dependent variable (percent of the vote received by a given candidate) is total votes cast. Doing the analysis using different denominators can result in erroneous estimates because this approach assumes that the turnout rates of minorities and whites are essentially identical. In Kansas, minorities tend to turn out at lower rates than whites so a statistical approach referred to as the “two-equation technique” or “double regression” was used to produce more accurate estimates of minority and white voting behavior.

The two equation method produces two regressions and combining the results. The independent variable for both regressions is the black percentage of the voting age population of the precinct. The dependent variable for the first regression is the percentage of the voting age population that cast a ballot for a given candidate, Candidate A. The dependent variable for the second regression is the percentage of the voting age population who cast a ballot for any of the other candidates other than Candidate A. The two equations would yield estimates of (a) the percentage of black voting age population voting for Candidate A and (b) the percentage of black voting age population voting for candidates other than Candidate A. The percentage of *black voters* voting for Candidate A can then be calculated as (a) divided by (a) plus (b).

**GUIDELINES AND CRITERIA FOR 2002
KANSAS CONGRESSIONAL AND LEGISLATIVE REDISTRICTING**

**Adopted by the House Select Committee on Redistricting April 25, 2001
Adopted by the Senate Committee on Reapportionment April 26, 2001**

Legislative Redistricting

1. The basis for legislative redistricting is the 2000 U.S. Decennial Census as recalculated by the Kansas Secretary of State pursuant to Article 10, Section 1 of the *Constitution of the State of Kansas* and KSA 11-301 *et seq.*
2. Districts should be numerically as equal in population as practical within the limitations of Census geography and application of guidelines set out below. Deviations should not exceed plus or minus 5 percent of the ideal population of 21,378 for each House district and 66,806 for each Senate district, except in unusual circumstances. (The range of deviation for House districts could be plus or minus 1,069 persons, for districts that could range in population from 20,309 to 22,447. The overall deviation for House districts could be 2,138 persons. The range of deviation for Senate districts could be plus or minus 3,340 persons, for districts that could range in population from 63,466 to 70,147. The overall deviation for Senate districts could be 6,681 persons.)
3. Redistricting plans will have neither the purpose nor the effect of diluting minority voting strength.
4. Subject to the requirement of guideline No. 2:
 - a. The "building blocks" to be used for drawing district boundaries shall be voting districts (VTDs) as described on official 2000 Redistricting U.S. Census maps.
 - b. Districts should be as compact as possible and contiguous.
 - c. The integrity and priority of existing political subdivisions should be preserved to the extent possible.
 - d. There should be recognition of similarities of interest. Social, cultural, racial, ethnic, and economic interests common to the population of the area, which are probable subjects of legislation (generally termed "communities of interest"), should be considered. While some communities of interest lend themselves more readily than others to being embodied in legislative districts, the Committee will attempt to accommodate interests articulated by residents.
 - e. Contests between incumbent members of the Legislature or the State Board of Education will be avoided whenever possible.
 - f. Districts should be easily identifiable and understandable by voters.

Congressional Redistricting

1. The basis for congressional redistricting is the 2000 U.S. Decennial Census as published by the U.S. Department of Commerce, Bureau of the Census. The "building blocks" to be used for drawing district boundaries shall be Kansas counties and voting districts (VTDs) as their population is reported in the 2000 U.S. Decennial Census.
2. Districts are to be as nearly equal to 672,105 population as practicable.
3. Redistricting plans will have neither the purpose nor the effect of diluting minority voting strength.
4. Districts should attempt to recognize "community of interests" when that can be done in compliance with the requirement of guideline No. 2.
 - a. Social, cultural, racial, ethnic, and economic interests common to the population of the area, which are probable subjects of legislation (generally termed "communities of interest"), should be considered.
 - b. If possible, preserving the core of the existing districts should be undertaken when considering the "community of interests" in establishing districts.
 - c. Whole counties should be in the same congressional district to the extent possible while achieving population equality among districts. County lines are meaningful in Kansas and Kansas counties have historically been significant political units. Many officials are elected on a countywide basis, and political parties have been organized in county units. Election of the Kansas members of Congress is a political process requiring political organizations which in Kansas are developed in county units. To a considerable degree most counties in Kansas are economic, social, and cultural units, or parts of a larger socioeconomic unit. These interests common to the population of the area, generally termed "community of interests" should be considered during the creation of congressional districts.
5. Districts should be as compact as possible and contiguous, subject to the requirement of guideline No. 2.

NOTICE TO CONFEREES

It is the policy of the House Select Committee on Redistricting to ensure and promote free and open discussion of matters coming before the committee. Because of the important issues that are to be discussed certain rules are necessary. Just as there are rules relating to the conduct of committee business when matters are debated among committee members, the following rules apply to the hearing process itself. Any questions about these rules should be directed to the committee chairman.

By appearing before the committee each conferee is presumed to have read the attached rules and to have agreed to be bound by said rules.

We thank you for your understanding of and compliance with these rules.

I. RULES FOR CONFEREES APPEARING BEFORE THE HOUSE SELECT COMMITTEE ON REDISTRICTING

1. The chair shall determine the committee agenda, including scheduling and the order of business.
2. Individuals wishing to appear and provide verbal testimony before the committee **must** notify the committee secretary (during the legislative session) or the Legislative Research Department (during the interim) **24 hours** in advance of the hearing. The Committee secretary's statehouse phone number is 785-296-7679. The Research Department's phone number is 785-296-3181.
3. Testimony, other than proposed district plans, **must** be in written form and 30 copies made available to staff prior to testifying. Technical specifications that apply to submission of proposed district plans can be found in section III below.
4. Conferees shall **not** read their testimony. Rather, testimony should be presented in summary fashion. Conferees shall introduce themselves, identify on whose behalf they appear, identify whether they appear as an opponent, proponent or interested neutral party if addressing a specific district plan under consideration by the committee, and shall, as briefly as possible, state the reasons for their position. If suggestions for amendment(s) are to be offered, a proposed draft of the amendment(s) should be included in the written testimony. Any suggested amendment(s) to a district plan under consideration by the committee must comply with the technical specifications found in section III below.
5. Conferees shall address their remarks during testimony to committee members and staff only.
6. Where the number of hearings and/or conferees scheduled warrant time limitations, the Chairman may limit testimony to a specific number of minutes. The Chairman reserves the right to limit testimony that is cumulative in nature.
7. Testimony shall relate to the subject matter of the measure under consideration. Conferees testifying on unrelated subjects will be admonished and if unrelated testimony persists, the Chairman may terminate that conferee's testimony.
8. While the taking of testimony in committee is not preceded with the formality of an oath, by appearing before the committee every conferee hereby certifies that his or her testimony is truthful, based upon facts that are capable of verification and offered in good faith. Conferees shall bring to the committee's attention any qualifications or corrections in their testimony.
9. The Chairman reserves the right to take such action as may be necessary to prevent disruptive behavior in the committee room during hearings and deliberations.
10. The Committee reserves the right to take such action as may be necessary when a violation of the previous rule is suspected.

11. Cellular phones and pagers with audible ringers are prohibited in the Committee room, unless those ringers are disabled, during committee meetings and hearings.
12. Committee members shall not be approached during committee hearings or deliberation by anyone other than fellow legislators or legislative staff.
13. There shall be no recording, audibly, photographically or otherwise, of committee voting except by the committee secretary.

II. COMMITTEE RULES

1. All powers, duties and responsibilities not addressed herein are reserved to the chair.
2. The chair shall determine the committee agenda, including scheduling and the order of business.
3. The chair reserves the right to limit testimony that is cumulative in nature and may limit testimony, when necessary, to a specific number of minutes.
4. Committee members shall not address conferees until and unless permission is granted by the chair.
5. The chair reserves the right to limit questioning of conferees by committee members in the interest of time and in the interest of fairness to conferees and other committee members.
6. Committee members shall not be approached during committee hearings or deliberation by anyone other than fellow legislators or legislative staff.
7. No conferee shall be interrupted during presentation of testimony, except with the permission of the chair.
8. Questioning of a conferee shall be limited to the subject matter of the agenda item for the day, except as may otherwise be allowed by the chair.
9. No bill or resolution shall be taken up for a committee vote unless it is announced by the chair.
10. Amendments to motions are not in order.
11. A substitute motion is in order, but no additional substitute motion shall be in order until the prior substitute motion is disposed of.
12. A motion requires a second to be in order and cannot be withdrawn except upon consent of the member making the motion and his or her second.
13. A motion to table or take from the table shall be in order only when such item is on the agenda or is taken up by the chair. The motion requires a simple majority and is, unless otherwise determined by the chair, non-debatable.
14. A request from any member that the member's own vote be recorded shall be granted.

15. Granting excused absences is reserved to the chair.
16. The chair reserves the right to take such action as may be necessary to prevent disruptive behavior in the committee room during hearings and deliberations.
17. Adjournment is reserved to the chair.
18. Cellular phones and pagers with audible ringers are prohibited in the committee room, unless those ringers are disabled, during committee meetings and hearings.
19. There shall be no recording, audibly, photographically or otherwise, of committee voting, except the committee secretary shall, upon the request of a committee member, record for the minutes the member's vote on a particular measure.

III. Technical Committee Rules

1. All redistricting plans submitted to any committee of the Legislature will be made part of the public record and made available in the same manner as other committee public records. Any plan submitted in any form to the Research Department from a non-legislator is a public record.
 - a. Minutes of all Committee meetings, including public hearings held outside Topeka, shall be taken and maintained as part of the public record in accordance with rules of the House.
2. The House and Senate Committees will hold joint public hearings at several locations throughout the state. The purpose of those hearings is to inform members of the public about redistricting and to obtain information regarding communities of interest for consideration during district plan development. The requirement below for submission of plans to the Research Department prior to presentation to the Committee does not apply to any hearings held prior to August 1, 2001.
3. Notices of all Committee meetings and hearings will be published and posted in a manner consistent with House rules and the purpose for which the meeting is planned.
4. **Submission of plans prepared outside the Legislature.** All plans must be submitted for technical verification to the Research Department prior to presentation to the Committee. Any plan submitted must be a complete statewide plan. All pieces of census geography must be accounted for in some district.

Except as noted above, any plan submitted in electronic form during the 2001 interim or the 2002 Session must be submitted to the Legislative Research Department, 300 SW 10th Street, Rm. 545 N, Statehouse, Topeka, KS 66612 no later than 5:00 PM at least four business days prior to formal submission to the Committee. For plans that have not originated within the Legislature's redistricting system, the electronic submission of material for technical verification must be made in accordance with the following requirements:

- a. DOS formatted computer disk (floppy disk or CD ROM) shall be clearly labeled with name, telephone number, street address, and e-mail address (if

available) of the submitting person or organization. The label shall be securely affixed to each disk and the information included on the outside label should also be included on a "reademe" ASCII text file on the disk.

- b. District plan data shall be a block equivalency file of comma delimited, fixed length ASCII text format. There must be a line feed and carriage return control after each record.
- c. This block equivalency file shall contain Block ID (15 digits) and District ID (3digits). Both block and district numbers should be zero filled. The following is a sample:

BlockID, DISTRICT

```
"20001950100101 ","008"  
"20001950100102 ","008"  
"20001950100103 ","008"  
"20001950100104 ","008"  
"20001950100105 ","008"  
"20001950100106 ","008"
```

- d. Any plan submitted in electronic form must be accompanied by a statewide paper map depicting districts comprising the plan and a written list of geographic units comprising each district (using the standard Census Bureau unique identification for each unit). Hard copy maps must contain sufficient detail to permit accurate identification of locations of district boundaries. In addition, electronic submissions must be accompanied by a report that includes an enumeration of the total population of each district, the absolute and relative deviation from the ideal population of each district (expressed as a percentage), the overall deviation of the plan (computed from the largest and smallest districts), the number and percentage of persons of each of the five single race categories, the number of persons of two or more races and of persons of Hispanic origin (all races) in each district and the number and percentage of voting age population for those same racial and ethnic groups.
- e. Plans or portions of plans that are not submitted electronically, must conform with the following requirements:
 - i. Hard-copy plans must be submitted at least 10 business days prior to presentation to the Committee.
 - ii. All plans, including portions of plans previously submitted, must be on clearly depicted maps that follow U.S. Census geographic boundaries and accompanied by a statistical report listing the census geography in each district. The statistical report must include a list of each unit of geography included in each district. The report must include enumeration of the total population of each district, the absolute and relative deviation from the ideal population of each district (expressed as a percentage), the overall

deviation of the plan (computed from the largest and smallest districts), the number and percentage of persons of each of the five single race categories, of the number of persons of two or more races and of persons of Hispanic origin (all races) in each district and the number and percentage of voting age population for those same racial and ethnic groups.

Plans that originate within the Legislature's redistricting system must be submitted in accordance with instructions provided by the Kansas Legislative Research Department.

5. **Staff Review of Plans.** Any plan submitted to the committee must be a complete statewide plan so that the proposal can be evaluated for technical compliance with committee guidelines. All pieces of census geography must be accounted for in some district.
 - a. Non-partisan staff review of any such plan will be to determine whether the plan complies with committee guidelines. The Research Department is not responsible for converting or translating electronic files that do not comply with the format and content requirements contained in these rules. The Research Department is not responsible for notifying the submitting individual or organization of errors or technical problems with a submission prior to notifying the committee of such matters. The Research Department is not responsible for providing technical support to persons or organizations that desire to prepare and submit a plan for consideration by the Committee.
 - b. **Technical Requirements for Plans.**
 - i. All plans submitted to the Committee must be based on the same population figures and U.S. Census TIGER® 2000 for Redistricting geography used for redistricting by the Kansas Legislature. In accordance with Kansas law, congressional districts must be based upon the 2000 decennial census from the actual enumeration conducted by the United States Bureau of the Census. Kansas State House, Senate and Board of Education districts must be based upon the 2000 decennial census as recalculated by the Secretary of State in accordance with the *Kansas Constitution*. Recalculated population data prepared for legislative redistricting can be obtained from the Secretary of State.
 - ii. The entire state must be included in the plan.
 - iii. All districts must be composed of contiguous geography. For purposes of determining contiguity, water bodies will be treated as if they were land.
 - iv. Plans for the state Senate must contain 40 single-member districts. Plans for the House of Representatives must contain 125 single-member districts. Plans for the United States House of Representatives must contain 4 districts. Plans for the State Board of Education (SBOE) must be built on Senate Districts enacted

during the 2002 Session with four contiguous Senate districts comprising each SBOE district.

- v. State Senate, House, or Board of Education districts must not exceed an overall range of deviation from the ideal district size of 10 percent (expressed as a percentage from the smallest to the largest district) unless accompanied by a detailed explanation of the proponents' understanding of the state's interest in a greater overall deviation.
- vi. Congressional districts must be as nearly equal in population as practicable. If plans contain districts that deviate from ideal population, the plan must be accompanied by a detailed explanation of the proponents' understanding of the state's interest that would be furthered by the deviation from ideal district size.

6. ROLE OF THE KANSAS LEGISLATIVE RESEARCH DEPARTMENT

- a. Research Department staff will be available to all members of the Legislature requesting assistance. Census data and hard copy redistricting work maps will be available to all members of the Legislature upon request.
- b. Redistricting plans and other records related to the provision of staff services to individual members of the Legislature will not be subject to public disclosure. This confidentiality provision does not apply to records related to the provision of staff services to any committee or subcommittee when the record is identified in an open meeting or in an agenda of an open meeting or when the record is distributed to a majority of a quorum of a legislative committee or subcommittee. (K.S.A. 45-221(a)(22))
- c. Research Department staff will be available to respond to requests for information from the public as time is available. Research Department staff has as its primary responsibility responding to requests from legislators and committees of the Legislature.

NOTICE TO CONFEREES

It is the policy of the Senate Committee on Reapportionment to ensure and promote free and open discussion of matters coming before the committee. Because of the important issues that are to be discussed certain rules are necessary. Just as there are rules relating to the conduct of committee business when matters are debated among committee members, the following rules apply to the hearing process itself. Any questions about these rules should be directed to the committee chairman.

By appearing before the committee each conferee is presumed to have read the attached rules and to have agreed to be bound by said rules.

We thank you for your understanding of and compliance with these rules.

I. RULES FOR CONFEREES APPEARING BEFORE THE SENATE COMMITTEE ON REAPPORTIONMENT

1. The chair shall determine the committee agenda, including scheduling and the order of business.
2. Individuals wishing to appear and provide verbal testimony before the committee **must** notify the committee secretary (during the legislative session) or the Legislative Research Department (during the interim) **24 hours** in advance of the hearing. The Committee secretary's statehouse phone number is 785-296-7679. The Research Department's phone number is 785-296-3181.
3. Testimony, other than proposed district plans, **must** be in written form and 30 copies made available to staff prior to testifying. Technical specifications that apply to submission of proposed district plans can be found in section III below.
4. Conferees shall **not** read their testimony. Rather, testimony should be presented in summary fashion. Conferees shall introduce themselves, identify on whose behalf they appear, identify whether they appear as an opponent, proponent or interested neutral party if addressing a specific district plan under consideration by the committee, and shall, as briefly as possible, state the reasons for their position. If suggestions for amendment(s) are to be offered, a proposed draft of the amendment(s) should be included in the written testimony. Any suggested amendment(s) to a district plan under consideration by the committee must comply with the technical specifications found in section III below.
5. Conferees shall address their remarks during testimony to committee members and staff only.
6. Where the number of hearings and/or conferees scheduled warrant time limitations, the Chairman may limit testimony to a specific number of minutes. The Chairman reserves the right to limit testimony that is cumulative in nature.
7. Testimony shall relate to the subject matter of the measure under consideration. Conferees testifying on unrelated subjects will be admonished and if unrelated testimony persists, the Chairman may terminate that conferee's testimony.
8. While the taking of testimony in committee is not preceded with the formality of an oath, by appearing before the committee every conferee hereby certifies that his or her testimony is truthful, based upon facts that are capable of verification and offered in good faith. Conferees shall bring to the committee's attention any qualifications or corrections in their testimony.
9. The Chairman reserves the right to take such action as may be necessary to prevent disruptive behavior in the committee room during hearings and deliberations.
10. The Committee reserves the right to take such action as may be necessary when a violation of the previous rule is suspected.
11. Cellular phones and pagers with audible ringers are prohibited in the Committee room, unless those ringers are disabled, during committee meetings and hearings.

12. Committee members shall not be approached during committee hearings or deliberation by anyone other than fellow legislators or legislative staff.
13. There shall be no recording, audibly, photographically or otherwise, of committee voting except by the committee secretary.

II. COMMITTEE RULES

1. All powers, duties and responsibilities not addressed herein are reserved to the chair.
2. The chair shall determine the committee agenda, including scheduling and the order of business.
3. The chair reserves the right to limit testimony that is cumulative in nature and may limit testimony, when necessary, to a specific number of minutes.
4. Committee members shall not address conferees until and unless permission is granted by the chair.
5. The chair reserves the right to limit questioning of conferees by committee members in the interest of time and in the interest of fairness to conferees and other committee members.
6. Committee members shall not be approached during committee hearings or deliberation by anyone other than fellow legislators or legislative staff.
7. No conferee shall be interrupted during presentation of testimony, except with the permission of the chair.
8. Questioning of a conferee shall be limited to the subject matter of the agenda item for the day, except as may otherwise be allowed by the chair.
9. No bill or resolution shall be taken up for a committee vote unless it is announced by the chair.
10. Amendments to motions are not in order.
11. A substitute motion is in order, but no additional substitute motion shall be in order until the prior substitute motion is disposed of.
12. A motion requires a second to be in order and cannot be withdrawn except upon consent of the member making the motion and his or her second.
13. A motion to table or take from the table shall be in order only when such item is on the agenda or is taken up by the chair. The motion requires a simple majority and is, unless otherwise determined by the chair, non-debatable.
14. A request from any member that the member's own vote be recorded shall be granted.
15. Granting excused absences is reserved to the chair.

16. The chair reserves the right to take such action as may be necessary to prevent disruptive behavior in the committee room during hearings and deliberations.
17. Adjournment is reserved to the chair.
18. Cellular phones and pagers with audible ringers are prohibited in the committee room, unless those ringers are disabled, during committee meetings and hearings.
19. There shall be no recording, audibly, photographically or otherwise, of committee voting, except the committee secretary shall, upon the request of a committee member, record for the minutes the member's vote on a particular measure.

III. Technical Committee Rules

1. All redistricting plans submitted to any committee of the Legislature will be made part of the public record and made available in the same manner as other committee public records. Any plan submitted in any form to the Research Department from a non-legislator is a public record.
 - a. Minutes of all Committee meetings, including public hearings held outside Topeka, shall be taken and maintained as part of the public record in accordance with rules of the Senate .
2. The House and Senate Committees will hold joint public hearings at several locations throughout the state. The purpose of those hearings is to inform members of the public about redistricting and to obtain information regarding communities of interest for consideration during district plan development. The requirement below for submission of plans to the Research Department prior to presentation to the Committee does not apply to any hearings held prior to August 1, 2001.
3. Notices of all Committee meetings and hearings will be published and posted in a manner consistent with Senaterules and the purpose for which the meeting is planned.
4. **Submission of plans prepared outside the Legislature.** All plans prepared outside the Kansas Legislative Research Department or a caucus office must be submitted for technical verification to the Research Department prior to presentation to a Committee. Any plan submitted must be a complete statewide plan. All pieces of census geography must be accounted for in some district.

Except as noted above, any plan submitted in electronic form during the 2001 interim or the 2002 Session must be submitted to the Legislative Research Department, 300 SW 10th Street, Rm. 545 N, Statehouse, Topeka, KS 66612 no later than 5:00 PM at least five business days prior to formal submission to the Committee. The electronic submission of material for technical verification must be made in accordance with the following requirements:

- a. DOS formatted computer disk (floppy disk or CD ROM) shall be clearly labeled with name, telephone number, street address, and e-mail address (if available) of the submitting person or organization. The label shall be securely affixed to each disk and the information included on the outside label should also be included on a "reademe" ASCII text file on the disk.

- b. District plan data shall be a block equivalency file of comma delimited, fixed length ASCII text format. There must be a line feed and carriage return control after each record.
- c. This block equivalency file shall contain Block ID (15 digits) and District ID (3digits). Both block and district numbers should be zero filled. The following is a sample:

BlockID, DISTRICT

```
"20001950100101 ","008"  
"20001950100102 ","008"  
"20001950100103 ","008"  
"20001950100104 ","008"  
"20001950100105 ","008"  
"20001950100106 ","008"
```

- d. Any plan submitted in electronic form must be accompanied by a statewide paper map depicting districts comprising the plan and a written list of geographic units comprising each district (using the standard Census Bureau unique identification for each unit). Hard copy maps must contain sufficient detail to permit accurate identification of locations of district boundaries. In addition, electronic submissions must be accompanied by a report that includes an enumeration of the total population of each district, the absolute and relative deviation from the ideal population of each district (expressed as a percentage), the overall deviation of the plan (computed from the largest and smallest districts), the number and percentage of persons of each of the five single race categories, of the number of persons of two or more races and of persons of Hispanic origin (all races) in each district and the number and percentage of voting age population for those same racial and ethnic groups.
- e. Plans or portions of plans that are not submitted electronically, must conform with the following requirements:
 - i. Hard-copy plans must be submitted at least 10 business days prior to presentation to the Committee.
 - ii. All plans, including portions of plans previously submitted, must be on clearly depicted maps that follow U.S. Census geographic boundaries and accompanied by a statistical report listing the census geography in each district. The statistical report must include a list of each unit of geography included in each district. The report must include enumeration of the total population of each district, the absolute and relative deviation from the ideal population of each district (expressed as a percentage), the overall deviation of the plan (computed from the largest and smallest districts), the number and percentage of persons of each of the five single race categories, of the number of persons of two or more races and of persons of Hispanic origin (all races) in each district and the number and percentage of voting age population for those same racial and ethnic groups.

5. **Staff Review of Plans.** Any plan submitted to the committee must be a complete statewide plan so that the proposal can be evaluated for technical compliance with committee guidelines. All pieces of census geography must be accounted for in some district.
- a. Non-partisan staff review of any such plan will be to determine whether the plan complies with committee guidelines. The Research Department is not responsible for converting or translating electronic files that do not comply with the format and content requirements contained in these rules. The Research Department is not responsible for notifying the submitting individual or organization of errors or technical problems with a submission prior to notifying the committee of such matters. The Research Department is not responsible for providing technical support to persons or organizations that desire to prepare and submit a plan for consideration by the Committee.
 - b. **Technical Requirements for Plans.**
 - i. All plans submitted to the Committee must be based on the same population figures and U.S. Census TIGER® 2000 for Redistricting geography used for redistricting by the Kansas Legislature. In accordance with Kansas law, congressional districts must be based upon the 2000 decennial census from the actual enumeration conducted by the United States Bureau of the Census. Kansas State House, Senate and Board of Education districts must be based upon the 2000 decennial census as recalculated by the Secretary of State in accordance with the *Kansas Constitution*. Recalculated population data prepared for legislative redistricting can be obtained from the Secretary of State.
 - ii. The entire state must be included in the plan.
 - iii. All districts must be composed of contiguous geography. For purposes of determining contiguity, water bodies will be treated as if they were land.
 - iv. Plans for the state Senate must contain 40 single-member districts. Plans for the House of Representatives must contain 125 single-member districts. Plans for Kansas congressional districts must contain 4 districts. Plans for the State Board of Education (SBOE) must be built on Senate Districts enacted during the 2002 Session with four contiguous Senate districts comprising each SBOE district.
 - v. State Senate, House, or Board of Education districts must not exceed an overall range of deviation from the ideal district size of 10 percent (expressed as a percentage from the smallest to the largest district) unless accompanied by a detailed explanation of the proponents' understanding of the state's interest in a greater overall deviation.
 - vi. Congressional districts must be as nearly equal in population as practicable. If plans contain districts that deviate from ideal population, the plan must be accompanied by a detailed explanation of the proponents' understanding of the state's interest that would be furthered by the deviation from ideal district size.

6. ROLE OF THE KANSAS LEGISLATIVE RESEARCH DEPARTMENT

- a. Research Department staff will be available to all members of the Legislature requesting assistance. Census data and hard copy redistricting work maps will be available to all members of the Legislature upon request.
- b. Redistricting plans and other records related to the provision of staff services to individual members of the Legislature will not be subject to public disclosure. This confidentiality provision does not apply to records related to the provision of staff services to any committee or subcommittee when the record is identified in an open meeting or in an agenda of an open meeting or when the record is distributed to a majority of a quorum of a legislative committee or subcommittee. (K.S.A. 45-221(a)(22))
- c. Research Department staff will be available to respond to requests for information from the public as time is available. Research Department staff has as its primary responsibility responding to requests from legislators and committees of the Legislature.

MARY ANN TORRENCE, ATTORNEY
REVISOR OF STATUTES
JAMES A. WILSON III, ATTORNEY
FIRST ASSISTANT REVISOR
GORDON L. SELF, ATTORNEY
FIRST ASSISTANT REVISOR



OFFICE OF REVISOR OF STATUTES
KANSAS LEGISLATURE

Legal Consultation—
Legislative Committees and Legislators
Legislative Bill Drafting
Legislative Committee Staff
Secretary—
Legislative Coordinating Council
Kansas Commission on
Interstate Cooperation
Kansas Statutes Annotated
Editing and Publication
Legislative Information System

A Brief Overview of the Law On Redistricting

Jason B. Long
Assistant Revisor
Office of Revisor of Statutes

December 10, 2009

The Census

Section 2 of article 1 of the United States Constitution requires that a census be conducted every ten years to determine the number of persons in the United States. Congress has delegated the duty of conducting the decennial census to the Bureau of Census, which is within the U.S. Department of Commerce. The U.S. Secretary of Commerce is required by law to prepare a report on the population of the United States and present this report to the President by December 31st of the census year. The census numbers are then reported to the states during the first months of the following year. The majority of states use the decennial census numbers tabulated by the Bureau as the basis for redrawing the representative districts within the state.

Kansas also uses the decennial census numbers, but makes an additional calculation. Section 1 of article 10 of the Kansas Constitution provides that the census numbers tabulated by the Bureau must be adjusted to: “(1) *exclude* nonresident military personnel stationed within the state and nonresident students attending colleges and universities within the state; and (2) *include* military personnel stationed within the state who are residents of the state and students attending colleges and universities within the state who are residents of the state in the district of their permanent residence.” (emphasis added) K.S.A. 11-301 requires the Secretary of State to use the

federal census numbers and then perform the adjustments in accordance with section 1 of article 10. The Kansas congressional and state legislative districts are then redrawn based on the adjusted population numbers.

Reapportionment of Legislative Seats

Section 2 of article 1 of the U.S. Constitution also mandates that the seats in the U.S. House of Representatives be apportioned among the states according to the number of persons residing in the state. The apportionment requirement for Kansas state representative and senatorial districts is found in K.S.A. 4-3,731, which establishes 125 single member representative districts and mandates reapportionment in accordance with section 1 of article 10 of the Kansas Constitution, and in K.S.A. 4-4,451, which establishes 40 single member senatorial districts and provides the same reapportionment mandate.

Redistricting plans for both congressional seats and state legislative seats must be validated pursuant to section 1 of article 10 of the Kansas Constitution. First, a redistricting plan is enacted the same as any other act. Then the attorney general has 15 days to petition the Kansas Supreme Court requesting the court's approval of the plan. If the court determines the plan is invalid, then the legislature must enact a new plan within 15 days after the court's judgement. This subsequent plan is again presented to the court by the attorney general for approval. Only after the court rules that the plan is valid does it become final and effective.

Equality Standards

One of the primary issues in drawing representative districts is whether the districts are equal in terms of the population included in each district. This issue is often litigated and the courts have developed two standards for determining equality depending on the type of district being drawn.

First, if the district is a congressional representative district, courts use a strict standard in measuring equality. The U.S. Supreme Court has held that the U.S. Constitution requires near absolute equality between the congressional districts within a state. Any deviation from exact equality must be justified by the state. A state may justify deviations from absolute equality if

such deviations were due to the state adhering to one or more of the following policies in drawing district boundaries: making districts compact; maintaining political subdivision boundaries; preserving the cores of prior districts; or avoiding contests between incumbents.

To successfully defend a congressional redistricting plan that deviates from absolute equality a state must show that each deviation is specifically tied to one of the above policies. In other words, the state must have a specific legitimate policy reason for *each* particular deviation. In determining the validity of a deviation the court also considers the size of the deviation, the state's interest in the stated policy, the consistency with which the policy is applied and possible alternative plans that may achieve more equality while still promoting the stated policy.

The second type of district is the state and local representative district. The courts have typically applied a less stringent standard to the equality of these types of districts. The U.S. Supreme Court has generally followed a 10% rule when determining the validity of these types of districts. If the total deviation between the largest and the smallest districts is less than 10% then the party challenging the validity of the plan must demonstrate some other reason why the plan is invalid, such as discriminatory intent. If the total deviation is above 10% then the state must justify the deviation. The same policies that may justify congressional district plans may also be used by a state to justify a state legislative district plan.

The Voting Rights Act

The other major legal concern when redrawing representative districts is the Voting Rights Act (VRA). This act, originally passed in the 1960s, is intended to prevent minority discrimination and underrepresentation through racially biased district gerrymandering. Section 2 of the act applies to all states and political subdivisions and prohibits discriminatory voting procedures and practices. Section 5 is only applicable to certain states with a history of discriminatory voting practices and requires those entities to obtain preclearance by the U.S. Justice Department or the U.S. District Court for the District of Columbia before any changes to voting laws or practices may become effective. Kansas is not subject to section 5; thus this memorandum will focus primarily on section 2 of the VRA.

A violation of section 2 occurs when

based on a totality of the circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of . . . [a racial, color, or language minority class] . . . in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. the extent to which members of a protected class have been elected . . . is one circumstance which may be considered: Provided, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population. 42 U.S.C. §1973.

Violations typically occur through the use of vote dilution practices, such as the use of multimember districts, packing of minorities into a single district, or fracturing minorities into several districts. Each of these practices can have the effect of diluting the vote of the minority group so that the group has less of an opportunity to participate in the political process.

A plaintiff challenging a proposed redistricting plan under a section 2 claim must demonstrate that the plan will have a discriminatory effect or result. The U.S. Supreme Court has articulated a three-part test a plaintiff must satisfy to prove a section 2 violation. The plaintiff must show that: (1) the minority population is relatively compact in size and geography; (2) the minority population is politically cohesive; and (3) the majority population usually votes as a bloc to defeat the minority group's preferred candidate.

In determining whether a plaintiff has met the test courts must look at the "totality of the circumstances" surrounding the drawing of the plan. This involves looking at the following factors which can assist the court in identifying the characteristics of the minority group in question and the voting history of the subject district:

1. The extent of the history of official discrimination touching on the minority group participation;
2. Racially polarized voting;
3. The extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, antisingle-shot provisions, or other voting practices that enhance the opportunity for discrimination;
4. Denial of access to the candidate slating process for members of the class;
5. The extent to which the members of the minority group bear the effects of discrimination in areas such as education, employment and health that hinder effective participation;
6. Whether political campaigns have been characterized by racial appeals;
7. The extent to which members of the protected class have been elected;

8. Whether there is a significant lack of responsiveness by elected officials to the particular needs of the group; and
9. Whether the policy underlying the use of the voting qualification, standard, practice or procedure is tenuous. *Thornburg v. Gingles*, 478 U.S. 30, 36-37 (1986).

To avoid a section 2 claim states generally rely on applying the many race-neutral policies available when drawing district boundaries, such as the contiguity and compactness of districts, and keeping political subdivisions and communities of interest together. Adherence to these and similar policies often negates the legal argument that race was the primary factor in drawing district boundaries and makes it difficult to prove a section 2 claim.

RON THORNBURGH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS

Redistricting Advisory Group

Secretary of State's Presentation

December 10, 2009

Kansas Census Adjustment Project

Project Description

SOS Methodology

Funding

Cost Saving Measures

Redistricting Project

Candidate Filing Deadlines

Military and Overseas Ballot Distribution Deadline

Redistricting Advisory Group
December 10, 2009
Attachment 11

1990 CENSUS


ADJUSTMENT


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 +72 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 +91 3,322	3,694 +80 3,774	26,004 -1,450 24,554	7,835 +109 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

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 -175 7,959	Doriphan
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	16,952 -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	Gearry	Wabausee	Shawnee	Douglas	Johnson
6,586 +142 6,728	49,301 +491 49,792	6,198 +48 6,246	6,198 +48 6,246	34,732 -1,939 32,793	15,248 +226 15,474	21,994 +42 22,036	355,054 +4,885 359,939
Ellsworth	Saline	Morris	Chase	Lyon	Osage	Franklin	Miami
10,610 -70 10,540	27,268 -456 26,812	12,888 -81 12,807	3,021 +41 3,062	8,404 +129 8,533	8,404 +129 8,533	7,803 +115 7,918	8,254 +99 8,353
Rice	McPherson	Marion	Lincoln	Coffey	Anderson	Lincoln	
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	10,289 +131 10,420	3,327 +50 3,377	10,289 +131 10,420	17,035 +134 17,169	35,568 -1,452 34,116	
Kingman	Sedgwick	Elk	Chautauqua	Wilson	Neosho	Crawford	
7,124 +105 7,229	25,841 +278 26,119	36,915 -96 36,819	4,407 +56 4,463	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

 Counties with net loss of population after adjustment

2000 Census Recalculation Kansas Counties

3,165 + 63 3,228 Cheyenne	2,966 + 74 3,040 Rawlins	3,472 ± 55 3,527 Decatur	5,953 ± 101 6,054 Norton	6,001 ± 87 6,088 Phillips	4,536 + 118 4,654 Smith
6,760 + 26 6,786 Sherman	6,760 + 26 6,786 Thomas	2,813 ± 75 2,888 Sheridan	2,946 ± 71 3,017 Graham	5,685 ± 80 5,765 Rooks	4,452 + 83 4,535 Osborne
1,749 + 33 1,782 Wallace	3,046 + 57 3,103 Logan	3,068 ± 84 3,152 Gove	3,319 ± 79 3,398 Trego	7,370 + 101 7,471 Ellis	7,370 + 101 7,471 Russell
1,534 + 42 1,576 Greeley	2,531 + 61 2,592 Wichita	5,120 ± 113 5,233 Scott	2,155 ± 61 2,216 Lane	3,454 ± 109 3,563 Ness	28,205 + 67 28,272 Barton
2,670 + 48 2,718 Hamilton	4,531 + 57 4,588 Kearny	2,085 + 39 2,124 Lincoln	2,085 + 39 2,124 Hodgeman	7,233 + 99 7,332 Pawnee	4,789 + 78 4,867 Stafford
2,406 + 43 2,449 Stanton	7,909 + 91 8,000 Grant	4,307 + 59 4,366 Haskell	5,904 ± 106 6,010 Gray	32,458 + 35 32,493 Ford	3,519 + 70 3,589 Edwards
3,496 + 45 3,541 Morton	5,463 + 56 5,519 Stevens	22,510 ± 1 22,511 Seward	4,631 + 63 4,694 Meade	2,390 + 51 2,441 Clark	1,967 + 37 2,004 Comanche
					5,307 + 108 5,415 Barber

Notes

- Map not drawn to scale.
- Denotes counties with net loss of population.

Legend

- 3,165 = U.S. Census Population
- + 63 = Net Kansas Adjustment
- 3,228 = Total Recalculated Population

2000 Census Recalculation Kansas Counties

3,791 + 78 3,869 Jewell	5,835 + 145 5,980 Republic	6,483 + 177 6,660 Washington	10,965 ± 234 11,199 Marshall	10,717 + 307 11,024 Nemaha	10,724 ± 177 10,901 Brown	157,882 + 178 158,060 Doniphan
8,822 + 151 8,973 Clay	18,209 + 202 18,411 Pottawatomie	12,657 ± 160 12,817 Jackson	169,871 + 676 170,547 Shawnee	18,426 + 183 18,609 Jefferson	451,086 + 2,569 453,655 Johnson	28,351 ± 261 28,612 Miami
3,578 + 85 3,663 Lincoln	6,163 + 107 6,270 Ottawa	19,344 ± 236 19,580 Dickinson	6,885 + 106 6,991 Wabaunsee	16,712 ± 144 16,856 Osage	8,865 ± 117 8,982 Coffey	9,570 + 72 9,642 Linn
6,525 + 112 6,637 Ellsworth	53,597 ± 186 53,783 Saline	6,104 + 79 6,183 Morris	3,030 + 30 3,060 Chase	8,110 ± 99 8,209 Anderson	8,110 ± 99 8,209 Anderson	9,642 + 72 9,714 Linn
64,790 + 81 64,871 Reno	59,482 + 176 59,658 Butler	7,673 ± 67 7,740 Greenwood	3,788 + 46 3,834 Woodson	10,332 ± 99 10,431 Wilson	22,835 + 82 22,917 Labette	22,605 ± 64 22,669 Cherokee
8,673 + 107 8,780 Kingman	25,946 ± 290 26,236 Sumner	3,261 + 30 3,291 Elk	4,359 + 26 4,385 Chautauqua			
6,536 + 85 6,621 Harper						

Notes

- Map not drawn to scale.
- Denotes counties with net loss of population.

Legend

- 3,165 = U.S. Census Population
- + 63 = Net Kansas Adjustment
- 3,228 = Total Recalculated

MARY ANN TORRENCE, ATTORNEY
REVISOR OF STATUTES
JAMES A. WILSON III, ATTORNEY
FIRST ASSISTANT REVISOR
GORDON L. SELF, ATTORNEY
FIRST ASSISTANT REVISOR



OFFICE OF REVISOR OF STATUTES
KANSAS LEGISLATURE

Legal Consultation—
Legislative Committees and Legislators
Legislative Bill Drafting
Legislative Committee Staff
Secretary—
Legislative Coordinating Council
Kansas Commission on
Interstate Cooperation
Kansas Statutes Annotated
Editing and Publication
Legislative Information System

Recommended Guidelines for 2012
Kansas Congressional and Legislative Redistricting

Jason B. Long
Assistant Revisor
Office of Revisor of Statutes

December 10, 2009

The following are general guidelines for redrawing congressional and legislative districts after the publication of the 2010 U.S. Decennial Census. These guidelines are taken from court opinions on the validity of past redistricting plans and provide some direction for drawing a constitutionally valid redistricting plan. The Redistricting Advisory Group should consider recommending that these guidelines be adopted by the special legislative committees that are appointed to oversee the redistricting process.

Congressional Redistricting

1. Redistricting plans must have neither the purpose, nor the effect of diluting minority voting strength.
2. Districts should be as nearly equal in population as possible.
3. While still following guideline No. 2, redistricting plans should attempt to recognize communities of interest whenever possible. This includes the following:
 - a. Social, cultural, racial, ethnic and economic interests common to the population of the area, which are probable subjects of legislation (generally termed “community of interest”), should be considered.

- b. The core of existing districts should preserved when possible.
- c. Whole counties should be placed in the same congressional district to the extent possible. County lines are meaningful in Kansas and Kansas counties have historically been significant political units. Many officials are elected on a countywide basis, and political parties have been organized in county units.
4. Districts should be contiguous and as compact as possible while still following guideline No. 2.

Legislative Redistricting

1. Redistricting plans must have neither the purpose, nor the effect of diluting minority voting strength.
2. Districts should be as nearly equal in population as possible.
3. While still following guideline No. 2, the following should also be considered:
 - a. Districts should be contiguous and as compact as possible.
 - b. The integrity and priority of existing political subdivisions should be preserved to the extent possible.
 - c. Social, cultural, racial, ethnic and economic interests common to the population of the area, which are probable subjects of legislation (generally termed “community of interest”), should be considered.
 - d. Contests between incumbent members of the legislature and the state board of education should be avoided if possible.
 - e. Districts should be easily identifiable and understandable by the voters.

KANSAS GIS POLICY BOARD'S
DATA ACCESS & SUPPORT CENTER

**Statewide Election Geography
GIS Database Development for the
US Census Bureau's 2010 Redistricting
Program**

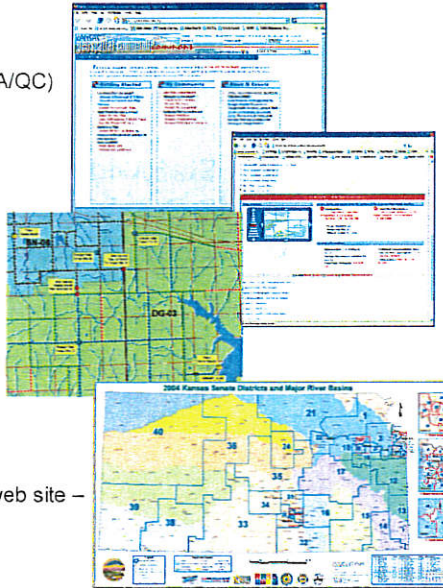


DATA ACCESS & SUPPORT CENTER (DASC)

- Established by the GIS Policy Board in 1991
- Central repository of GIS databases of statewide/regional importance
- Designated as an National Spatial Data Infrastructure (NSDI) clearinghouse node in 1997
- Located at the Kansas Geological Survey at the University of Kansas
- Web site – <http://www.kansasgis.org>

DASC SERVICES

- Database archival and distribution
- Database quality assurance/quality control (QA/QC)
- Database development & integration
- Technical assistance
- Geospatial metadata development assistance
- Web application development and hosting
- State & Local Government Coordination
- Cartographic development
- Promotion of the Kansas GIS Initiative
- Development and maintenance of the DASC web site – www.kansasgis.org



US CENSUS BUREAU - MAP MODERNIZATION

- In support of the 2010 Census, the US Census Bureau is undergoing a major initiative to update and improve the base geographic data that is used in the collection and tabulation of census information. This new mapping initiative is often referred to as 'map modernization.'
- The base geographic data layers include improved roads, incorporated areas, water features, railroads, major utility lines, and so forth
- In addition to these layers, the US Census Bureau also requires the collection of election geography - voting district and/or precinct boundaries
- Whereas many of the base geographic layers, such as roads, are developed through contracts with commercial vendors, the collection of election geography requires partnerships with state and local government

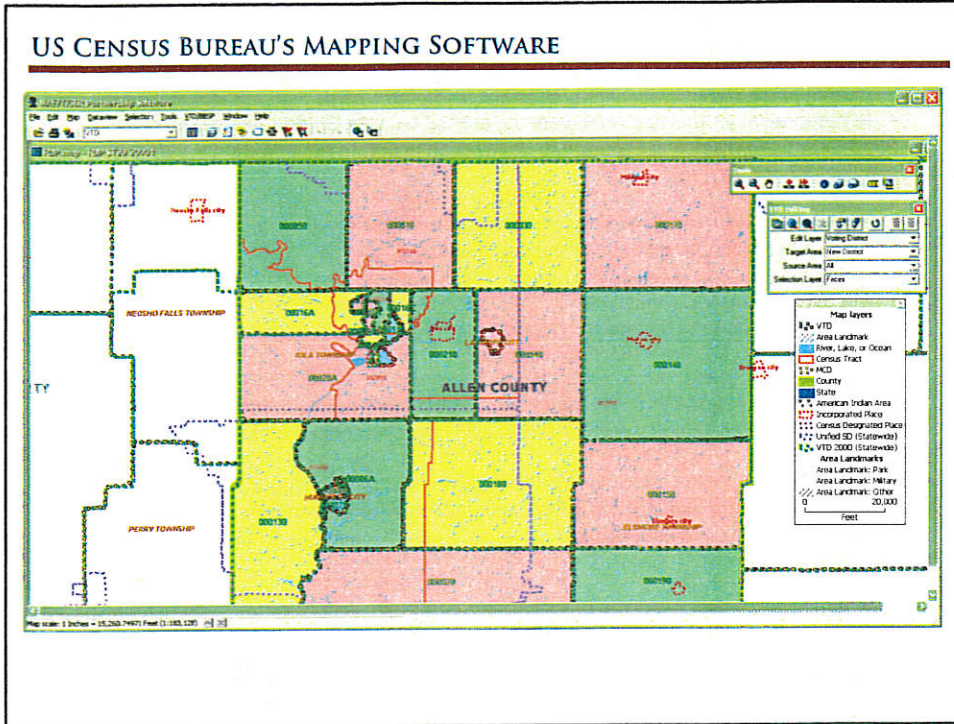
US CENSUS BUREAU – 2010 REDISTRICTING PROGRAM

- In preparation for the upcoming census, the US Census Bureau has developed the *2010 Census Redistricting Program* to develop an accurate nationwide database of election geography
- Precinct boundaries are usually defined by county commissions, and county clerks are typically responsible for managing and communicating this information to state and federal government, as well as the general public
- The Kansas Legislative Research Department (KLRD) serves as the state liaison to the US Census Bureau for election geography
- KLRD is responsible for communicating with local government for the acquisition of current boundary definitions and for processing the information into a standard format so that it can be integrated into the US Census Bureau's national databases
- DASC's role in the redistricting effort is to provide technical support KLRD, SOS, and the US Census Bureau in the collection and update of voting district boundaries in preparation for the 2010 Census

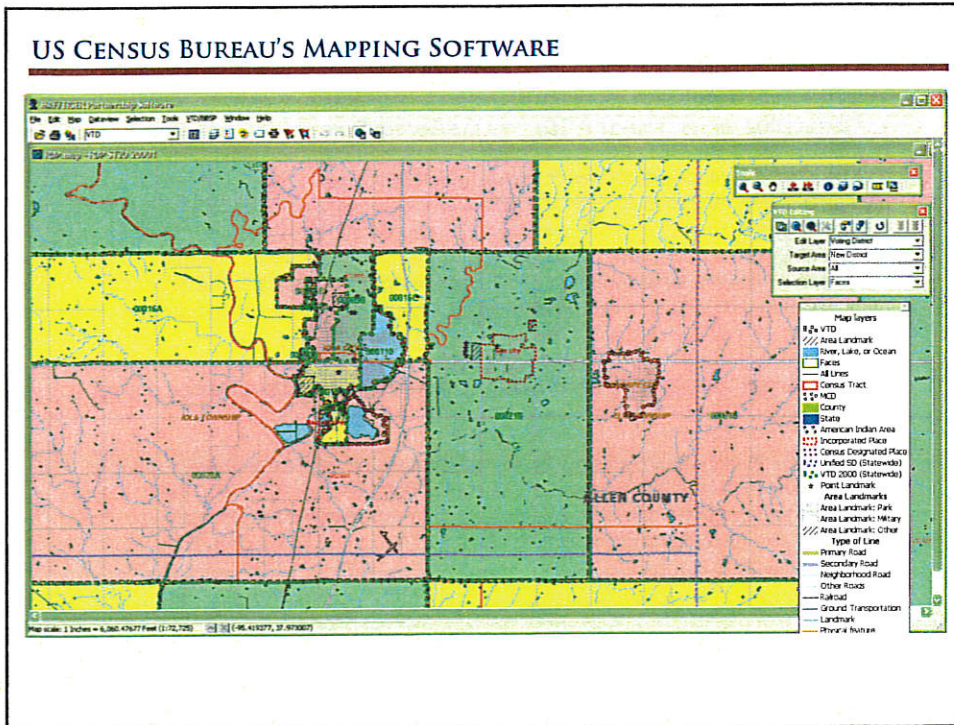
GENERAL UPDATE WORKFLOW

1. Obtain 2002 Voting Districts (VTD) from the Census Bureau
2. Make initial contact with the county clerk to determine how they would like to provide boundary updates - paper or digital:
 - If digital, make contact with GIS Department or appropriate party to obtain the digital data.
 - If paper, produce a large-format paper map showing the 2002 VTDs, aerial photography, and miscellaneous basemap features. Send the map to the county clerk, along with editing (red-lining) instructions and postage-paid return envelope.
3. Upon receipt of the revised local data (digital or paper), updates are incorporated into the database using specialized software provided by the Census Bureau
4. Upon completion of the editing process, the revised digital files are sent electronically to the Census Bureau for review. If they are approved, then the county is marked as complete and awaits the final verification phase. If the edits aren't approved, further communication with the Census Bureau, KLRD, and the county may be required to correct the map.

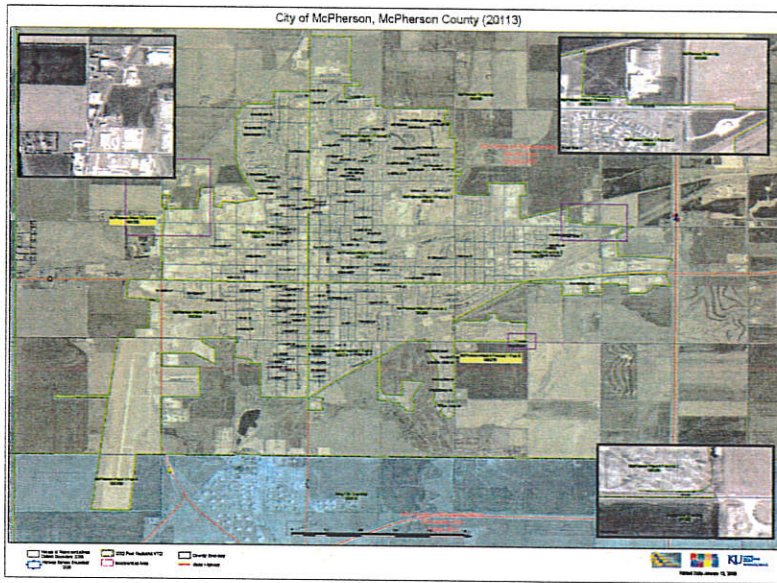
US CENSUS BUREAU'S MAPPING SOFTWARE



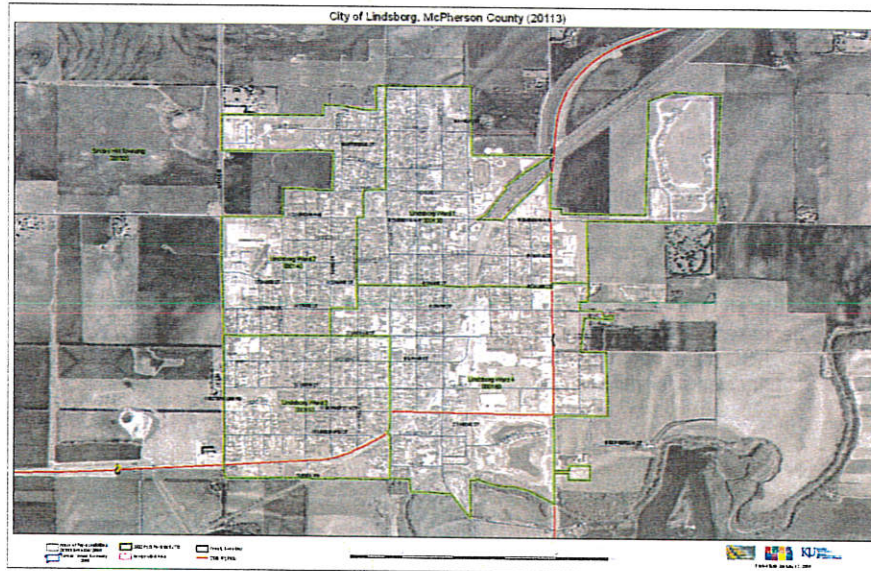
US CENSUS BUREAU'S MAPPING SOFTWARE



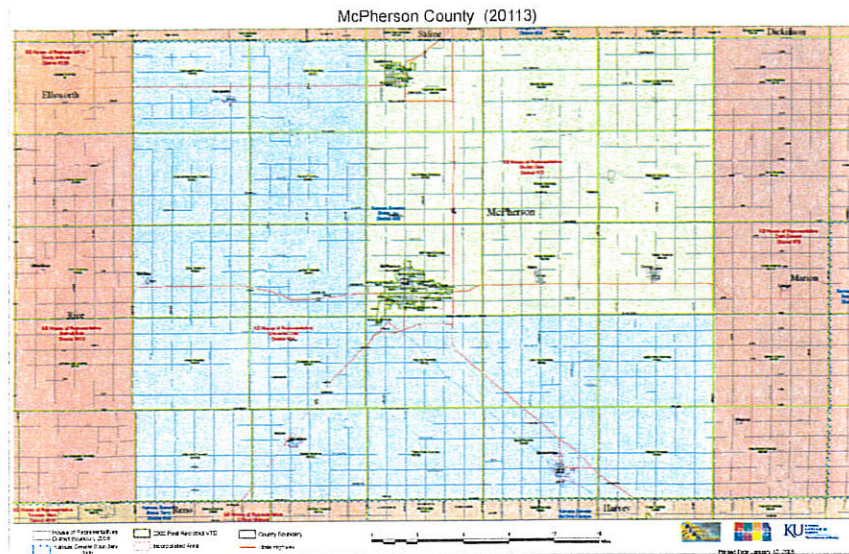
EXAMPLE OF PAPER MAP (MCPHERSON COUNTY)



EXAMPLE OF PAPER MAP (MCPHERSON COUNTY)



EXAMPLE OF PAPER MAP (MCPHERSON COUNTY)



CURRENT STATUS & NEXT STEPS

- DASC was able to meet the initial filing deadline of Spring, 2009 and obtain participation from all 105 counties
- 71 were paper counties, and 34 were digital counties
- Data is currently being reviewed by the US Census Bureau and KLRD
- Final verification phase will be conducted February-March, 2010:
 - Revised data will be provided by the Census Bureau to the states
 - State/Local Government will have 30 days to review the data and make any necessary changes
 - DASC plans one more round of providing digital and/or paper maps to the county clerks for review

Questions?

Ken Nelson

KGS GIS Coordinator/DASC Manager
Kansas Geological Survey
785-864-2164
nelson@kgs.ku.edu

Eileen Battles

GIS Analyst/Local Government Liaison
Data Access & Support Center
Kansas Geological Survey
785-864-2000
battles@kgs.ku.edu