

SESSION OF 2003

**SUPPLEMENTAL NOTE ON
SENATE CONCURRENT RESOLUTION NO. 1607**

As Amended by Senate Committee on
Elections and Local Government

Brief*

SCR 1607 proposes an amendment to Article 10 of the *Kansas Constitution* dealing with redistricting of Kansas Legislative, State Board of Education, and US Congressional Districts. Specifically, the resolution would provide for a commission to prepare and submit redistricting plans to the Legislature. The resolution would retain the provision currently in the *Kansas Constitution* that requires adjustment of federal census results for purposes of drawing Kansas legislative districts. The resolution also would retain the existing constitutional requirement that new districts be enacted every 10 years in the year ending in two.

The Redistricting Commission would consist of the Secretary of State and seven members appointed from 25 qualified voters nominated by the Supreme Court Nominating Commission. Those seven members would be appointed by the Governor, the Chief Justice of the Supreme Court, the Chief Judge of the Court of Appeals, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House, and the Minority Leader of the House. Each house of the Legislature would be required to approve appointments made by the leadership of the respective chamber. All other appointments would have to be approved by the Legislature. Not more than four Commission members could be from the same political party and at least one Commission member would have to be a resident of each Kansas Congressional District.

The Legislature would be required to provide for Commission expenses, staff, and office space. The Redistricting Commission would be established each decade no later than February 15 of the year prior

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/klrd>

to redistricting, and cease to exist with the expiration of members' terms on July 1 of the year during which redistricting is done.

The Commission would be required to recommend to the Legislature, in bill form, plans for Legislative, State Board of Education and Kansas Congressional Districts. The Commission would submit to the Legislature a maximum of two plans for each type of district. A second plan would be submitted only if the Legislature failed to enact, the Governor vetoed, or the Supreme Court rejected the first plan. Those first two proposals for each body would not be subject to legislative amendment. If both of the first two redistricting plans are rejected by the Legislature, vetoed, or found to be invalid by the State Supreme Court, the Commission would be required to submit a third plan. The Legislature could amend the third submission. The resolution imposes time limits on the Legislature's consideration of each set of redistricting plans and on the Commission's submission of subsequent plans. If no redistricting plan is adopted by May 1 of the redistricting year, the Supreme Court would draw new districts.

The resolution would establish criteria for redistricting. The resolution also would provide for each enacted redistricting bill to be approved by the Supreme Court.

The resolution would authorize the Legislature to enact implementing legislation.

Background

SCR 1607 was sponsored by Senator Schmidt and other legislators. Senators Schmidt and Downey presented testimony in support of the bill at the Senate Committee's hearing. Testimony in opposition to the bill was presented by an individual.

The Chairman of the Supreme Court Nominating Commission submitted written testimony to the Committee. He stated that the designation of the Supreme Court Nominating Commission as the body to nominate individuals to serve on the redistricting commission would jeopardize to some degree the public perception of the Commission's independence from the political arena.

Article 10 of the *Kansas Constitution* authorizes the Legislature to reapportion the state representative districts and the state senatorial districts every 10 years in the year ending in 2. The current constitu-

tional provision also requires Supreme Court review and determination of validity of legislative redistricting plans.

The Senate Committee amended the resolution to retain the current requirement for use of adjusted census figures as the basis for legislative districts.