

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **House Substitute for SB 102**, on page 216, before line 1, by inserting the following:

"Sec. 186. As used in sections 186 through 191, and amendments thereto, unless the context requires otherwise:

(a) "Adjusted federal census data" means the population data based on the most recent federal census adjusted by the secretary of state as required by article 10, section 1 of the Kansas constitution.

(b) "Commission" means the temporary redistricting advisory commission established pursuant to section 190, and amendments thereto.

(c) "Congressional redistricting plan" means a plan for congressional reapportionment drawn up pursuant to the requirements of sections 186 through 191, and amendments thereto.

(d) "Federal census" means the decennial census required by federal law to be conducted by the United States bureau of the census in every year ending in zero.

(e) "House redistricting plan" means a plan for legislative reapportionment of the house of representatives drawn up pursuant to the requirements of sections 186 through 191, and amendments thereto.

(f) "Partisan public office" means:

(1) An elective or appointive office in the executive or legislative branch of the United States government;

(2) an elective or appointive office in the executive or legislative branch of this state; and

(3) an elective office in any county, city or municipal government which is filled by an

election process involving nomination and election of candidates on a partisan basis.

(g) "Political party" means a party which, at the last preceding general election, cast for its candidate for president of the United States or for governor, as the case may be, at least 5% of the total vote cast for all candidates for that office at that election.

(h) "Political party office" means an elective office in the national or state organization of a political party.

(i) "Relative" means an individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

(j) "Senate redistricting plan" means a plan for legislative reapportionment of the senate drawn up pursuant to the requirements of sections 186 through 191, and amendments thereto.

(k) "State board of education redistricting plan" means a plan for state board of education reapportionment drawn up pursuant to the requirements of sections 186 through 191, and amendments thereto, and in accordance with article 6, section 3 of the Kansas constitution.

Sec. 187. (a) The legislative research department shall acquire appropriate information, review and evaluate available facilities, and develop programs and procedures in preparation for drawing congressional redistricting plans on the basis of the most recent federal census, and house, senate and state board of education redistricting plans on the basis of adjusted federal census data.

(b) By December 31 of each year ending in zero, or as soon thereafter as possible, the legislative research department shall obtain from the United States bureau of the census information regarding geographic and political units in this state for which federal census population data has been gathered and will be tabulated. The legislative research department shall use the data so obtained to:

(1) Prepare necessary descriptions of geographic and political units for which census data will

be reported, and which are suitable for use as components of congressional and legislative districts; and

(2) prepare maps of counties, cities and other geographic units within the state, which may be used to illustrate the locations of congressional and legislative district boundaries proposed in plans drawn in accordance with section 189, and amendments thereto.

(c) On January 1 of each year ending in one, or as soon thereafter as possible, the legislative research department shall obtain from the United States bureau of the census the population data needed for congressional redistricting, which the United States bureau of the census is required to provide under United States Pub. L. No. 94-171, and shall use such data to assign a population figure based upon certified federal census data to each geographic or political unit described under subsection (b). Upon completing such task, the legislative research department shall begin the preparation of a congressional redistricting plan as required by section 188, and amendments thereto.

(d) As soon as possible after the secretary of state delivers the adjusted federal census data to the legislative research department in accordance with K.S.A. 11-304, and amendments thereto, the legislative research department shall use the adjusted federal census data to assign a population figure to each geographic or political unit described under subsection (b). Upon completing such task, the legislative research department shall begin the preparation of a house, senate and state board of education redistricting plan as required by section 188, and amendments thereto.

(e) Upon the introduction of a bill embodying a congressional, house, senate or state board of education redistricting plan, the legislative research department shall make the following information available to the public as soon as reasonably feasible:

- (1) Maps illustrating such plan;
- (2) a summary of the standards prescribed by section 189, and amendments thereto, governing the development of such plan; and
- (3) a statement of the population of each district included in such plan, and the relative

deviation of each district population from the ideal district population.

Sec. 188. (a) (1) On the first day of the legislative session of each year ending in two, bills embodying the congressional, house, senate and state board of education redistricting plans prepared in accordance with section 189, and amendments thereto, shall be introduced in the legislature. Action on such bills shall be taken by the chamber of origin not less than three days nor more than seven days after the report of the redistricting advisory commission is received and made available to the members of the legislature. Such action shall be taken under a procedure or rule permitting no amendments except those of a purely corrective nature.

(2) If a bill is passed by the first chamber in which it is considered, it shall be brought to a vote in the second chamber not more than seven days after receipt of the bill by such chamber under a procedure or rule permitting no amendments except those of a purely corrective nature.

(3) If no bill embodying a redistricting plan is passed by a constitutional majority in either the senate or the house of representatives, within seven days after the date the bill failed to receive a constitutional majority, the secretary of the senate or the chief clerk of the house of representatives, as the case may be, shall transmit to the legislative research department information, which the senate or house of representatives may direct by resolution, regarding reasons why the bill was not passed.

(4) If a bill embodying a redistricting plan is passed by the legislature, and subsequently vetoed by the governor, then the reasons for such veto shall be stated in the governor's veto message.

(b) (1) If no bill embodying one of the redistricting plans introduced under subsection (a) is enacted, the legislative research department shall prepare a second congressional, house, senate or state board of education redistricting plan, as the case may be, in accordance with section 189, and amendments thereto, and, insofar as it is possible to do so within the requirements of section 189, and amendments thereto, with the reasons cited by the senate or house of representatives by resolution, or by the governor in the veto message, for the failure to pass the first redistricting plan. A second bill

embodying such redistricting plan shall be introduced in the legislature not later than 35 days after the date of the vote by which the senate or the house of representatives fails to pass the bill introduced under subsection (a), or the date the governor vetoes or fails to approve the bill. If it is necessary to introduce a bill under this subsection, the bill shall be brought to a vote not less than seven days after the bill is introduced, under a procedure or rule permitting no amendments except those of a purely corrective nature.

(2) If the bill is passed by the first chamber in which it is considered, it shall be brought to a vote in the second chamber not more than seven days after receipt of the bill by such chamber under a procedure or rule permitting no amendments except those of a purely corrective nature.

(3) If such bill fails to be passed by a constitutional majority in either the senate or the house of representatives, within seven days after the date the bill failed to receive a constitutional majority, the secretary of the senate or the chief clerk of the house, as the case may be, shall transmit to the legislative research department information, which the senate or house may direct by resolution, regarding reasons why the bill was not passed.

(c) If the bill introduced under subsection (b) fails to be enacted, a third bill embodying a redistricting plan shall be introduced and shall be acted upon in the same manner and under the same procedures as prescribed in subsection (b).

(d) Any bill embodying a senate redistricting plan shall be introduced first in the senate. Any bill embodying a house redistricting plan shall be introduced first in the house of representatives. Any bill embodying either a congressional redistricting plan or a state board of education redistricting plan shall be introduced first in such chamber as determined by agreement between the president of the senate and the speaker of the house of representatives.

Sec. 189. (a) (1) Legislative and congressional districts shall be established on the basis of population as established pursuant to K.S.A. 11-301 *et seq.*, and amendments thereto.

(2) Senatorial and representative districts, respectively, shall each have a population as nearly equal as practicable to the ideal population for such districts, determined by dividing the number of districts to be established into the population of the state reported in the most recent federal census as adjusted by the secretary of state pursuant to K.S.A. 11-301 *et seq.*, and amendments thereto. Senatorial districts and representative districts shall not vary in population from the respective ideal district populations except as necessary to comply with one of the other standards enumerated in this section. In no case shall the quotient, obtained by dividing the total of the absolute values of the deviations of all district populations from the applicable ideal district population by the number of districts established, exceed 1% of the applicable ideal district population. No senatorial district shall have a population which exceeds that of any other senatorial district by more than 5%, and no representative district shall have a population which exceeds that of any other representative district by more than 5%.

(3) Congressional districts shall each have a population as nearly equal as practicable to the ideal district population for such districts, determined by dividing the number of districts to be established into the population of the state reported in the most recent federal census. No congressional district shall have a population which varies by more than 1% from the applicable ideal district population.

(4) If a cause of action is brought alleging excessive population variance among districts established in a plan adopted by the legislature, the legislature has the burden of justifying any variance in excess of 1% between the population of a district and the applicable ideal district population.

(b) To the extent consistent with subsection (a), district boundaries shall coincide with the boundaries of political subdivisions of the state. The number of counties and cities divided among more than one district shall be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions shall be divided before the less populous, but this statement does not apply to a legislative district boundary drawn along a county line which passes

through a city that lies in more than one county.

(c) Districts shall be composed of convenient contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous.

(d) Districts shall be reasonably compact in form, to the extent consistent with the standards established by subsections (a), (b) and (c). In general, reasonably compact districts are those which are square, rectangular or hexagonal in shape, and not irregularly shaped, to the extent permitted by natural or political boundaries. If it is necessary to compare the relative compactness of two or more districts, or of two or more alternative redistricting plans, the following tests shall be used:

(1) The compactness of a district is greatest when the length of the district and the width of the district are equal. The measure of a district's compactness is the absolute value of the difference between the length and the width of the district. In general, the length-width compactness of a district is calculated by measuring the distance from the northernmost point or portion of the boundary of a district to the southernmost point or portion of the boundary of the same district and the distance from the westernmost point or portion of the boundary of the district to the easternmost point or portion of the boundary of the same district. The aggregate of the absolute values computed for individual districts under this paragraph may be computed in order to compare the overall compactness of two or more alternative redistricting plans for the state, or for a portion of the state.

(2) The compactness of a district is greatest when the distance needed to traverse the perimeter boundary of a district is as short as possible. The aggregate of the perimeter distances computed for individual districts under this paragraph may be computed in order to compare the overall compactness of two or more alternative redistricting plans for the state, or for a portion of the state.

(e) No district shall be drawn for the purpose of favoring or disfavoring a political party, incumbent legislator or member of congress, or other person or group, or for the purpose of augmenting or diluting the voting strength of a language or racial minority group. In establishing

districts, no use shall be made of any of the following data:

- (1) Except as provided in subsection (h), addresses of incumbent legislators, members of congress or of any other individual;
- (2) political affiliations of registered voters;
- (3) previous election results; or
- (4) demographic information, other than population head counts, except as required by the United States constitution and the laws of the United States.

(f) In order to minimize electoral disputes and confusion, proposed districts shall, so far as possible, retain the geographical composition of existing districts and shall minimize the number of voters who shall be moved from one district to another as a consequence of reapportionment.

(g) In order to minimize electoral confusion and to facilitate communication, so far as possible, each representative and each senatorial district shall be included within a single congressional district. However, the standards established by subsections (a) through (e) shall take precedence where a conflict arises between these standards and the requirement, so far as possible, of including a senatorial or representative district within a single congressional district.

(h) In order to minimize electoral disputes and confusion, proposed districts shall, so far as possible, avoid creating election contests between persons who are incumbent members of the body to which the proposed districts would apply.

Sec. 190. (a) Not later than February 15 of each year ending in one, a redistricting advisory commission shall be established as provided by this section. The commission's duties and functions shall consist solely of those duties and functions prescribed by section 191, and amendments thereto.

- (b) The commission shall consist of five members, who shall be appointed as follows:
  - (1) One shall be appointed by the majority leader of the senate;
  - (2) one shall be appointed by the majority leader of the house of representatives;



(3) one shall be appointed by the minority leader of the senate;

(4) one shall be appointed by the minority leader of the house of representatives; and

(5) within 30 days after the appointments described in paragraphs (1) through (4) have been made, but not later than February 15 of the year in which the commission is established, the four commission members so appointed shall select, by a vote of at least three members, the fifth commission member, who shall serve as chairperson.

(c) Any vacancy on the commission shall be filled pursuant to this section within 15 days after such vacancy occurs.

(d) Members of the commission are entitled to compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(e) No person shall be appointed to the commission who:

- (1) Is not an eligible elector of the state at the time of appointment;
- (2) holds partisan public office or political party office;
- (3) is a relative of or is employed by a member of the legislature or of the United States congress, or is employed directly by the state of Kansas or by the United States congress; or
- (4) is a registered lobbyist.

Sec. 191. The duties and functions of the redistricting advisory commission established pursuant to section 190, and amendments thereto, shall be as follows:

(a) If, in preparation of redistricting plans as required by sections 186 through 191, and amendments thereto, the legislative research department is confronted with the necessity to make any decision for which no clearly applicable guideline is provided by section 189, and amendments thereto, the legislative research department may submit a written request to the commission asking for direction and guidance in making such decision.

(b) Prior to the introduction of any bill embodying a redistricting plan, the legislative research

department shall provide information regarding such plan only as may be required or permitted by policies agreed upon by the commission. This subsection shall not apply to:

(1) Population data furnished to the legislative research department by the United States bureau of the census or by the secretary of state; or

(2) any information provided to staff of the legislative research department or the office of the revisor of statutes.

(c) Upon introduction of a bill embodying a redistricting plan, as required by subsection (a) of section 188, and amendments thereto, the commission shall:

(1) As soon as reasonably possible, schedule and conduct at least three public hearings, in different geographic regions of the state, on the plan embodied in the bill introduced;

(2) following such hearings, promptly prepare and submit to the secretary of the senate and the chief clerk of the house a report summarizing information and testimony received by the commission in the course of such hearings. The commission's report shall include any comments and conclusions which its members deem appropriate on the information and testimony received at the hearings, or otherwise presented to the commission. The report shall be submitted no later than 14 days after the date the bill is introduced."

And renumbering the remaining sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "establishing procedures for the preparation and enactment of reapportionment plans;"

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\_\_\_\_\_ District.