

## House Concurrent Resolution No. 5008

By Committee on Elections

2-3

1 A PROPOSITION to amend section 1 of article 10 of the constitution of  
2 the state of Kansas, relating to the reapportionment of senatorial and  
3 representative districts.

4 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*  
5 *members elected (or appointed) and qualified to the House of*  
6 *Representatives and two-thirds of the members elected (or appointed)*  
7 *and qualified to the Senate concurring therein:*

8 Section 1. The following proposition to amend the constitution of  
9 the state of Kansas shall be submitted to the qualified electors of the state  
10 for their approval or rejection: Section 1 of article 10 of the constitution  
11 of the state of Kansas is hereby amended to read as follows:

12 **§ 1. Reapportionment of senatorial and representative**  
13 **districts.** (a) ~~At its regular session in 1989, the legislature shall by~~  
14 ~~law reapportion the state representative districts, the state~~  
15 ~~senatorial districts or both the state representative and senatorial~~  
16 ~~districts upon the basis of the latest census of the inhabitants of the~~  
17 ~~state taken by authority of chapter 61 of the 1987 Session Laws of~~  
18 ~~Kansas. At its regular session in 2022+992, and at its regular~~  
19 ~~session every tenth year thereafter, the legislature shall by law~~  
20 ~~shall~~ reapportion the state senatorial districts and representative  
21 districts on the basis of the population of the state as established by  
22 the most recent census of population taken and published by the  
23 United States bureau of the census. ~~Senatorial and representative~~  
24 ~~districts shall be reapportioned upon the basis of the population of~~  
25 ~~the state adjusted: (1) To exclude nonresident military personnel~~  
26 ~~stationed within the state and nonresident students attending~~  
27 ~~colleges and universities within the state; and (2) to include~~  
28 ~~military personnel stationed within the state who are residents of~~  
29 ~~the state and students attending colleges and universities within the~~  
30 ~~state who are residents of the state in the district of their permanent~~  
31 ~~residence. Bills reapportioning legislative districts shall be~~  
32 ~~published in the Kansas register immediately upon final passage~~  
33 ~~and shall be effective for the next following election of legislators~~  
34 ~~and thereafter until again reapportioned.~~

35 (b) Within 15 days after the publication of an act  
36 reapportioning the legislative districts within the time specified in

1 (a), the attorney general shall petition the supreme court of the state  
2 to determine the validity thereof. The supreme court, within 30  
3 days from the filing of the petition, shall enter its judgment. Should  
4 the supreme court determine that the reapportionment statute is  
5 invalid, the legislature shall enact a statute of reapportionment  
6 conforming to the judgment of the supreme court within 15 days.

7 (c) Upon enactment of a reapportionment to conform with a  
8 judgment under (b), the attorney general shall apply to the supreme  
9 court of the state to determine the validity thereof. The supreme  
10 court, within 10 days from the filing of such application, shall enter  
11 its judgment. Should the supreme court determine that the  
12 reapportionment statute is invalid, the legislature shall again enact  
13 a statute reapportioning the legislative districts in compliance with  
14 the direction of and conforming to the mandate of the supreme  
15 court within 15 days after entry thereof.

16 (d) Whenever a petition or application is filed under this  
17 section, the supreme court, in accordance with its rules, shall  
18 permit interested persons to present their views.

19 (e) A judgment of the supreme court of the state determining a  
20 reapportionment to be valid shall be final until the legislative  
21 districts are again reapportioned in accordance herewith.

22 Sec. 2. The following statement shall be printed on the ballot  
23 with the amendment as a whole:

24 *“Explanatory statement.* The purpose of this amendment is to  
25 eliminate the adjustment of census taken by the United States  
26 bureau of the census regarding nonresident military personnel  
27 and nonresident students when reapportioning the Kansas  
28 senate and house of representatives.

29 “A vote for this amendment would eliminate the adjustment of  
30 census taken by the United States bureau of the census  
31 regarding nonresident military personnel and nonresident  
32 students when reapportioning the Kansas senate and house of  
33 representatives.

34 “A vote against this amendment would continue in effect the  
35 requirement for the adjustment of census taken by the United  
36 States bureau of the census regarding nonresident military  
37 personnel and nonresident students when reapportioning the  
38 Kansas senate and house of representatives.”

39 Sec. 3. This resolution, if approved by two-thirds of the members  
40 elected (or appointed) and qualified to the House of Representatives, and  
41 two-thirds of the members elected (or appointed) and qualified to the  
42 Senate shall be entered on the journals, together with the yeas and nays.  
43 The secretary of state shall cause this resolution to be published as

1 provided by law and shall cause the proposed amendment to be submitted  
2 to the electors of the state at the general election in November in the year  
3 2012 unless a special election is called at a sooner date by concurrent  
4 resolution of the legislature, in which case it shall be submitted to the  
5 electors of the state at the special election.