

House Concurrent Resolution No. 5011

By Representatives Parker, Bishop, Brim, Carlin, Clayton, Crum, Curtis, Deere, Finney, Gallagher, Gartner, Good, Highberger, Hodge, Holscher, Koesten, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Pittman, Rooker, Stogsdill, Terrell, Trimmer, Whipple and Wolfe Moore

2-23

1 A PROPOSITION to revise article 10 of the constitution of the state of
2 Kansas; relating to reapportionment of congressional districts,
3 legislative districts and state board of education member districts.
4

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

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

13 **"Article 10.—APPORTIONMENT OF**
14 **CONGRESSIONAL, LEGISLATIVE AND STATE**
15 **BOARD OF EDUCATION MEMBER DISTRICTS**

16 **"§ 1. Reapportionment of districts required.** At its
17 regular session in 2022, and at its regular session every 10th year
18 thereafter, the legislature shall by law reapportion the United
19 States congressional districts, the state senatorial districts, the
20 state representative districts and the state board of education
21 member districts as provided by this article. Reapportionment
22 of such districts shall be on the basis of the population of the
23 state as established by the most recent census of population
24 taken and published by the United States bureau of the census.
25 Senatorial, representative and state board of education member
26 districts shall be reapportioned upon the basis of the population
27 of the state adjusted: (a) To exclude nonresident military
28 personnel stationed within the state and nonresident students
29 attending colleges and universities within the state; and (b) to
30 include military personnel stationed within the state who are
31 residents of the state and students attending colleges and
32 universities within the state who are residents of the state in the
33 district of their permanent residence.

1 **"§ 4. Establishment of redistricting commission.** (a) Not
2 later than February 15 of each year ending in one, a redistricting
3 commission shall be established to recommend to the legislature
4 redistricting plans for United States congressional districts, state
5 representative districts, state senatorial districts and state board
6 of education member districts.

7 (b) The redistricting commission shall consist of the
8 following members:

9 (1) One shall be appointed by the majority leader of the
10 senate;

11 (2) one shall be appointed by the majority leader of the
12 house of representatives;

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

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

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

23 (c) Any vacancy in the membership of the redistricting
24 commission shall be filled in the same manner as the original
25 appointment or selection.

26 (d) No person, while a member of the commission, shall:

27 (1) Hold any federal, state or local office; or

28 (2) be an employee of the Kansas legislature, state board
29 of education or United States congress.

30 (e) No person who has been a member of the redistricting
31 commission shall be eligible, within two years after being a
32 member of the commission, to:

33 (1) Be a member or employee of the Kansas legislature or
34 state board of education; or

35 (2) hold any appointive state or federal office.

36 (f) The legislature shall provide by law for payment of
37 compensation and expenses of members of the redistricting
38 commission and for adequate staff, office space, equipment and
39 materials for the commission.

40 (g) The terms of members of the redistricting commission
41 shall expire on July 1 of each year ending in two, and the
42 commission shall be inactive until reestablishment of the
43 commission pursuant to this section.

1 **"§ 5. Commission procedure and recommendations.** (a)

2 The redistricting commission shall establish rules and
3 procedures as necessary to carry out the commission's
4 functions. The rules and procedures shall include rules requiring
5 formal submission to the commission of all communications
6 with commission members. Ex parte communications with
7 members of the commission in relation to the merits of matters
8 before the commission shall be prohibited. Members of the
9 commission shall report any violations of this prohibition to the
10 attorney general and the legislature shall provide by law
11 criminal penalties for such violations.

12 (b) The redistricting commission shall conduct public
13 hearings throughout the state, including at least one public
14 hearing in each state board of education member district.

15 (c) In recommending redistricting plans, the redistricting
16 commission shall consider only the requirements of the
17 constitution of the state of Kansas and the constitution of the
18 United States, preservation of political subdivisions and
19 preservation of communities of interest. The commission shall
20 avoid placing more than one incumbent in a district except
21 when necessary due to changes in the population of the state.
22 Except as expressly provided in this subsection, the commission
23 shall not intentionally develop redistricting plans that favor or
24 discriminate against any individual, political party or group.

25 **"§ 6. Legislative action; court review and action.** (a) On

26 or before the first day of the regular legislative session in each
27 year ending in two, the redistricting commission shall introduce
28 in the house of representatives a bill reapportioning the state
29 representative districts and a bill reapportioning the United
30 States congressional districts, and shall introduce in the senate a
31 bill reapportioning the state senatorial districts and a bill
32 reapportioning the state board of education member districts.
33 The bills shall not be subject to amendment by either chamber
34 of the legislature and each such bill shall be acted upon by each
35 chamber within seven days after the bill is introduced in the
36 chamber.

37 (b) If a bill introduced pursuant to subsection (a) is not
38 enacted, the redistricting commission, within 10 days after
39 rejection of the bill by either chamber of the legislature or veto
40 of the bill by the governor, shall introduce another bill
41 reapportioning such districts. If the Kansas supreme court enters
42 a judgment that a bill introduced pursuant to subsection (a) is
43 invalid, the redistricting commission, within 10 days after entry

1 of the judgment, shall introduce another bill reapportioning
2 such districts. Introduction of a bill pursuant to this section shall
3 be in the same chamber as introduction of the original bill
4 pursuant to subsection (a). The bill shall not be subject to
5 amendment by either chamber and shall be acted upon by each
6 chamber within seven days after the bill is introduced in the
7 chamber.

8 (c) If a bill introduced pursuant to subsection (b) is not
9 enacted, the redistricting commission, within 10 days after
10 rejection of the bill by either chamber of the legislature or veto
11 of the bill by the governor, shall introduce another bill
12 reapportioning such districts. If the Kansas supreme court enters
13 a judgment that a bill introduced pursuant to subsection (b) is
14 invalid, the redistricting commission, within 10 days after entry
15 of the judgment, shall introduce another bill reapportioning
16 such districts. Introduction of a bill pursuant to this section shall
17 be in the same chamber as introduction of the original bill
18 pursuant to subsection (a). The bill shall be subject to
19 amendment by either chamber and shall be acted upon by each
20 chamber within 14 days after the bill is introduced in such
21 chamber. When a bill is introduced pursuant to this subsection,
22 the commission shall make the commission's staff and technical
23 resources available to the legislature for use in preparation and
24 consideration of amendments to the bill.

25 (d) If either chamber of the legislature rejects a bill
26 introduced pursuant to this section, or the governor vetoes the
27 bill, the chamber that rejects the bill, or the governor in the case
28 of a veto, shall transmit to the commission a letter stating the
29 reasons why the bill was not enacted, and the commission shall
30 take such reasons into consideration in introducing a bill
31 pursuant to this section, subject to the requirements of section
32 6(c). Any such letter shall be signed by both the speaker of the
33 house of representatives and the minority leader of the house of
34 representatives or both the president of the senate and the
35 minority leader of the senate.

36 (e) Reapportionment bills shall be published in the Kansas
37 register immediately upon final passage and approval by the
38 governor. The districts enacted shall be effective for the next
39 following regular election of legislators and thereafter until
40 again the districts are reapportioned, except that the senatorial
41 districts shall be effective for the next following regular election
42 at which all senators are elected.

43 (f) Within 15 days after publication of any

1 reapportionment bills enacted pursuant to this article, the
2 attorney general shall petition the Kansas supreme court to
3 determine the validity of the bill. The Kansas supreme court, in
4 accordance with its rules, shall permit interested persons to
5 present their views. Within 30 days after the filing of the
6 petition, the Kansas supreme court shall enter its judgment. A
7 judgment of the Kansas supreme court determining the bill to be
8 valid shall be final until reapportionment of the districts is again
9 required by this article.

10 **"§ 7. Implementing legislation.** The legislature may enact
11 legislation, not in conflict with the provisions of this article, as
12 reasonably necessary to implement such provisions."

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

15 *"Explanatory statement.* Current article 10 of the constitution of
16 the state of Kansas governs reapportionment of state
17 legislative districts. It provides for reapportionment by the
18 legislature and requires that it be based on the most recent
19 census taken by the United States bureau of the census,
20 adjusted to exclude certain military personnel and certain
21 students residing at colleges and universities. The revision of
22 article 10 would govern reapportionment of the United
23 States congressional districts, state legislative districts and
24 the state board of education member districts. Under the
25 revision, a redistricting commission would be established to
26 recommend redistricting plans to the legislature. The
27 legislature would enact a plan which would be subject to
28 review by the Kansas supreme court. There would be strict
29 deadlines for legislative action. Reapportionment of
30 congressional districts, state legislative districts and state
31 board of education member districts would be based on the
32 most recent census taken by the United States bureau of the
33 census, adjusted to exclude certain military personnel and
34 certain students residing at colleges and universities.

35 "A vote for this proposition would change the procedure for
36 reapportionment of United States congressional, state
37 legislative and state board of education member districts.

38 "A vote against this proposition would continue the current
39 procedures and basis for reapportionment."

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

1 The secretary of state shall cause this resolution to be published as
2 provided by law and shall cause the proposed amendment to be submitted
3 to the electors of the state at the general election in November in the year
4 2018 unless a special election is called at a sooner date by concurrent
5 resolution of the legislature, in which case it shall be submitted to the
6 electors of the state at the special election.