

House Concurrent Resolution No. 5005

By Committee on Elections

2-7

1 A PROPOSITION to amend section 1 of article 10 of the constitution of
2 the state of Kansas; relating to reapportionment of senatorial and
3 representative 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: Section 1 of article 10 of the constitution
12 of the state of Kansas is hereby amended to read as follows:

13 **"§ 1. Reapportionment of senatorial and representative**
14 **districts.** (a) ~~At its regular session in 1989, the legislature shall by~~
15 ~~law reapportion the state representative districts, the state~~
16 ~~senatorial districts or both the state representative and senatorial~~
17 ~~districts upon the basis of the latest census of the inhabitants of the~~
18 ~~state taken by authority of chapter 61 of the 1987 Session Laws of~~
19 ~~Kansas. At its regular session in 1992, and at its regular session~~
20 ~~every tenth year thereafter, the legislature shall by law reapportion~~
21 ~~the state senatorial districts and representative districts on the basis~~
22 ~~of the population of the state as established by the most recent~~
23 ~~census of population taken and published by the United States~~
24 ~~census bureau of the census. Senatorial and representative districts~~
25 ~~shall be reapportioned upon the basis of the population of the state~~
26 ~~adjusted: (1) To exclude nonresident military personnel stationed~~
27 ~~within the state and nonresident students attending colleges and~~
28 ~~universities within the state; and (2) to include military personnel~~
29 ~~stationed within the state who are residents of the state and~~
30 ~~students attending colleges and universities within the state who~~
31 ~~are residents of the state in the district of their permanent~~
32 ~~residence. Bills reapportioning legislative districts shall be~~
33 ~~published in the Kansas register immediately upon final passage~~
34 ~~and shall be effective for the next following election of legislators~~
35 ~~and thereafter until again reapportioned.~~

36 (b) Within 15 days after the publication of an act

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

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

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

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

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

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

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

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

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 2019, 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.