

Report of the Redistricting Advisory Group to the 2022 Kansas Legislature

CHAIRPERSON: Senator Ty Masterson

VICE-CHAIRPERSON: Representative Ron Ryckman

OTHER MEMBERS: Senators Dinah Sykes and Rick Wilborn; and Representatives Daniel Hawkins and Tom Sawyer

STUDY TOPIC

Appointed by the Legislative Coordinating Council, this Advisory Group works with legislative staff and conducts initial planning in the years leading up to redistricting. In the 2002, 2012, and 2022 cycles, this group has been designated the Redistricting Advisory Group.

Among its duties, the Redistricting Advisory Group will make recommendations concerning:

- Meeting dates and scope for this Advisory Group;
- Guidelines and rules;
- Designation of the staff agency responsible for leading the organizing and planning for redistricting (the Kansas Legislative Research Department);
- Approval of training, software, and other technical items;
- Constitutional or statutory changes that might be considered prior to redistricting; and
- Any relevant budgetary recommendations.

Redistricting Advisory Group

REPORT

Conclusions and Recommendations

The Redistricting Advisory Group (Advisory Group) adopted the following recommendations.

Redistricting Town Hall Meetings

The Advisory Group recommends:

- Fourteen in-person town hall meetings be held at the same locations as the 2011 redistricting town hall meetings [*Note: These meetings occurred in August 2021*];
- Online streaming of the meetings be provided;
- Allowing members to participate remotely; and
- The Advisory Group receive in-person and written testimony.

Mapmaking Process

The Advisory Group recommends:

- Requiring a legislative sponsor for maps submitted by outside individuals and organizations;
- Requiring submitted maps to include districts for the entire state rather than allowing maps to be drawn of individual districts;
- Requiring maps submitted for review to undergo technical review by the Kansas Legislative Research Department (KLRD) before being considered by a standing committee;
- Placing all redistricting plans submitted to any legislative committee and any plans submitted to KLRD from a non-legislator on the public record;
- Requiring plans for the State Board of Education districts to be built upon state Senate districts enacted during the 2022 Legislative Session, with four contiguous state Senate districts comprising each State Board of Education district;
- Allowing the following data layers to be available to legislators and staff: home seat, population, voter registration, election results, and demographic information;

- Designating caucus redistricting staff members as responsible for the caucus’s redistricting laptop, and allowing those staff members to take laptops off-site;
- Requiring all amendments to be a “gut and go” to avoid mapping issues;
- Providing digital access to maps on the Legislature’s website;
- Setting the allowable deviations for Congressional maps to be as numerically equal in population as practicable; and
- Setting the allowable deviations for state House or Senate districts to be within a range of plus or minus five percent of the ideal district population.

Redistricting Guidelines

The Advisory Group adopted the Proposed Guidelines and Criteria for the 2022 Congressional and State Legislative Redistricting, as presented.

Technical Committee Rules

The Advisory Group adopted the Technical Committee Rules, as presented.

Proposed Legislation: None.

BACKGROUND

Every ten years, states redraw their representative districts to comply with state law and to maintain equal population within the districts, as required by the *U.S. Constitution*.

In Kansas, the redrawing of legislative, congressional, and State Board of Education districts (“redistricting”) occurs two years after the U.S. Census Bureau has completed its decennial Census. Once results of the federal Census are published, the new “ideal” population of districts can be calculated—*i.e.*, the state population divided by the number of districts.—and any imbalance in population among districts can be determined. The Kansas Legislature is responsible for drawing districts for the Legislature and State Board of Education as well as districts from which the state’s members of U.S. Congress are elected.

Each decade in the year ending in “2,” the Legislature drafts, considers, and passes bills describing the new legislative districts utilizing its

usual procedure for consideration of any bill. After those bills creating new districts have been passed by the Legislature and signed by the Governor, the Kansas Supreme Court must review the new districts to verify their compliance with current law. The requirement for Supreme Court review of legislative district plans is established by the *Kansas Constitution*.

Once the state Senate districts are established, the State Board of Education districts, each one of which is composed of four state Senate districts, are also drawn by the Legislature. Those districts are enacted into law, but are not subject to automatic review by the Kansas Supreme Court.

Seats in Congress are apportioned to the states based on the decennial Census utilizing a formula established in federal law. The Kansas Legislature is responsible for establishing the boundaries of the number of congressional districts apportioned to the state.

Population Base. Kansas Congressional districts are based on decennial population counts provided by the U.S. Census Bureau as required by the *U.S. Constitution* and the *Kansas Constitution*.

Prior to 2019, the *Kansas Constitution* required districts to be based on adjusted population data. The Secretary of State would adjust population data by subtracting nonresident college and university students and military personnel from the federal Census results and then allocate resident students and members of the military to the place in Kansas they identified as their permanent residence.

In 2019, the Kansas Legislature passed SCR 1605, submitting to electors at the general election in November 2019 an amendment to Article 10, Section 1 of the *Kansas Constitution* to remove the Census adjustment for military personnel and students for the purpose of reapportionment of state senatorial and representative districts. On the November 2019 general election ballot, voters approved of the constitutional amendment removing the adjustment.

Timing. The redistricting process, including the constitutionally mandated automatic review by the Kansas Supreme Court, must be completed relatively quickly due to the statutorily established filing deadline for the August 2022 primary election. Redistricting bills are published in the *Kansas Register* immediately upon enactment. Within 15 days of the bill's publication, the Attorney General must petition the Kansas Supreme Court to determine the plan's validity. The Supreme Court has 30 days from the filing of the petition to render its judgment, and per Article 10 of *Kansas Constitution*: "Should the Supreme Court determine that the reapportionment statute is invalid, the Legislature shall enact a statute of reapportionment conforming to the judgment of the Supreme Court within 15 days."

A second redistricting bill also would be subject to Kansas Supreme Court review. In this instance, the Supreme Court would have to enter its judgment within ten days from the filing of the petition by the Attorney General. If the second redistricting bill is invalidated by the Supreme Court, the Legislature would be required to enact a third bill within 15 days of the Supreme Court's

decision. In order to be prepared for the possibility that two plans would be needed to satisfy the Supreme Court, the first plan would need to be passed by both legislative chambers by mid-February. The Supreme Court's judgment on the validity of a plan is final until the next scheduled redistricting.

New legislative districts are effective for the following legislative election and remain until again reapportioned. The June filing deadline for the August primary thus creates an effective end date for validation of new legislative districts.

Appointed by the Legislative Coordinating Council, the Redistricting Advisory Group (Advisory Group) works with legislative staff and conducts initial planning in the years leading up to redistricting. The Advisory Group met on three days during the 2021 Interim.

COMMITTEE ACTIVITIES

May 17, 2021, Meeting

The Advisory Group met on May 17, 2021, to hear informational presentations from legislative staff and to discuss possible future actions.

Town Hall Meetings

Kansas Legislative Research Department (KLRD) staff discussed the redistricting town hall meetings that were held in 2011 by the Special Committee on Redistricting. Staff stated the Advisory Group would need to consider whether to hold similar meetings, which committees would hold the meetings, which members would be paid to attend, where to hold those meetings, whether a virtual option would be offered, and how meetings would be implemented.

Redistricting Legal Guidelines

Office of Revisor of Statutes staff discussed proposed redistricting guidelines and criteria. The staff discussed the allowable deviations for state legislative and congressional districts and the reasons for the requirements.

KLRD staff discussed the 2020 population of Kansas as determined for congressional apportionment. The staff stated Kansas did not

gain or lose a congressional seat, and also noted the ideal population for state legislative and congressional districts.

Technical Guidelines

KLRD staff discussed technical committee rules and considerations for the Advisory Group. The staff explained the role of KLRD in the redistricting process and how maps become legislative bills. Staff stated the Advisory Group would need to consider metrics for creation of maps, including whether to make past election results and legislator home addresses available in the mapping software.

Mapmaking Process

Office of Revisor of Statutes staff discussed the basis of State Board of Education (State Board) maps being state Senate districts, with each State Board district being composed of four Senate districts.

KLRD staff stated the mapmaking software will be Maptitude by Caliper and noted the budget allows for one license and one dedicated computer per caucus.

Next Steps

Advisory Group members discussed the timing of potential town hall meetings with regard to the delivery of Census data.

July 7, 2021, Meeting

The Advisory Group met on July 7, 2021, to take action concerning redistricting town hall meetings.

During the meeting, a motion was adopted to approve 14 in-person town hall meetings to be held at the same locations as the 2011 redistricting town hall meetings; authorize the meetings to be streamed online; allow committee member participation remotely; and receive both in-person and written testimony.

A second motion was adopted to approve compensation for any member of the standing House and Senate redistricting committees, as well as for any leadership member of the Legislature

not on either standing committee, for any town hall meeting the member chose to attend.

The Chairperson stated the motions provided authority for the standing committees to move forward with planning the meetings.

December, 17, 2021, Meeting

The Advisory Group met on December 17, 2021, to take action on certain items related to the redistricting process.

Mapmaking Process

KLRD staff discussed various decision points with the Advisory Group concerning the mapmaking process. The Advisory Group made recommendations on the submission of maps, legislative sponsorship, map requirements, the timing of technical review of maps, submission of State Board maps, available data layers, amendments, public access of maps, and allowable deviation of maps.

Redistricting Guidelines

Office of Revisor of Statutes staff discussed proposed redistricting legal guidelines, including parameters for map construction and the allowable deviation for each type of map.

The Advisory Group recommended adoption of the guidelines as presented.

Technical Committee Rules

KLRD staff discussed proposed Technical Committee Rules, including parameters for submission of maps to KLRD.

The Advisory Group recommended adoption of the Technical Committee Rules as presented.

CONCLUSIONS AND RECOMMENDATIONS

The Advisory Group adopted the following recommendations.

Redistricting Town Hall Meetings

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- Requiring plans for the State Board districts to be built upon state Senate districts enacted during the 2022

Legislative Session with four contiguous state Senate districts comprising each State Board district;

- Allowing the following data layers to be available to legislators and staff: home seat, population, voter registration, election results, and demographic information;
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