

Redistricting

I-1 Introduction to Redistricting

Redistricting is the process of drawing electoral district boundaries in the United States. The Kansas Legislature is responsible for drawing the boundaries of the four congressional districts of the state, the state legislative districts (House and Senate), and the State Board of Education districts.

Why Does the Legislature Redistrict?

The *U.S. Constitution* and federal law require a Census to be conducted every ten years and congressional districts to be reapportioned based on the population information obtained in the Census. (See *U.S. Constitution* Art. I, §2, cl. 3 and 2 USC §2a(a).) Similarly, the *Kansas Constitution* requires boundaries for the State's House and Senate districts to be redrawn every ten years in coordination with, and using population information provided by, the federal Census. (See *Kansas Constitution* Art. 10, §1.) The *Kansas Constitution* also requires the Legislature to determine the boundaries for the ten State Board of Education (SBOE) districts. SBOE districts are each composed of four contiguous Senate districts. (See *Kansas Constitution* Art. 6, §3(a).)

When Does the Legislature Redistrict?

The redistricting process begins with and centers on the Census. Official Census information will be provided to all states by April 1, 2021. However, the Census is an ongoing project, and the groundwork for the 2020 Census began in 2012 after the most recent redistricting process was completed. Preparations for the Census are being made through a program called the 2020 Census Redistricting Data Program (Program). Kansas has participated in the Program since the mid-1980s and has used the resulting information to build congressional, state legislative, and SBOE districts using election precincts and census blocks. Federal law requires all state participation in the Program to be through a nonpartisan liaison. The Kansas Legislative Research Department serves as this nonpartisan liaison for the State of Kansas. The phases and timeline for the Program are outlined as follows.

**Phase 1: Block Boundary Suggestion
Project (BBSP)
June 2015 – May 2017**

BBSP was an optional phase of the redistricting process, and the State of Kansas chose to participate in the project. The goal of the BBSP is to allow the State to provide input into and verify where block boundaries are drawn to produce more meaningful and useful information to the State during the 2020 redistricting process. Block boundaries are important in redistricting because blocks are the smallest unit of geography for which the Census collects population and demographic information, rather than providing statistical samples. Blocks are formed by visible features, such as streets, roads, railroads, streams and other bodies of water, and legal boundaries. In urban areas, census blocks frequently align with traditional city blocks, but are often more expansive in rural areas. Voting districts (or precincts) are made up of groups of census blocks. Additionally, district lines cannot break block boundaries when drawing new lines during redistricting, so verifying the location of and population in blocks is important to the redistricting effort.

**Phase 2: Voting District Project (VTDP)
June 2017 – April 2020**

The second phase of the Program is also optional and Kansas again chose to participate. VTDP allows states to provide the U.S. Census Bureau (Bureau) with the location of current voting district (precinct) boundaries by updating precinct boundary information provided to the Bureau during the 2010 redistricting cycle. During the 2010 redistricting cycle, precincts were the basis for legislative and congressional districts proposed by the Kansas Legislature. If Kansas chose not to participate in VTDP, the State would not receive precinct-level population data at any time during the upcoming redistricting cycle.

**Phase 3: Delivery of 2020 Census
Redistricting Data Files and Geographic
Products**

The official Census Day is April 1, 2020, while national and state population information is scheduled to be released to the President by December 31, 2020. Information for all census tabulation areas (state, congressional district, state legislative districts, American Indian areas, counties, cities, towns, census tracts, census block groups, and census blocks) will be provided to the Governor and state legislative leaders of all states by April 1, 2021.

Kansas Population Adjustments

The *Kansas Constitution* requires the Office of the Secretary of State adjust the population information provided by the Bureau to count members of the military and college students in the following ways:

- Exclude nonresident military personnel and college students residing in Kansas; and
- Count resident military personnel and college students in the state in the district of their permanent residence. (See *Kansas Constitution* Art. 10, §1.)

This adjusted data must be certified by the Office of the Secretary of State no later than July 31, 2021. (See KSA 11-304.)

The 2019 Legislature passed SCR 1605, which proposed an amendment to the *Kansas Constitution* removing the language requiring the population adjustments. The amendment was ratified by voters at the election held on November 6, 2019. As a result, the population adjustments described above are no longer required and the redistricting process will use total population, as certified by the Bureau, to establish the boundaries of political districts.

Phase 4: Collection of Post-2020 Redistricting Plans

The Bureau is scheduled to collect final redistricting plans from the states through April 2022.

Phase 5: Evaluation and Recommendations

The Bureau will provide several opportunities for feedback on and evaluation of the Program. A report discussing the Program is set to be published in 2025.

By the time the Bureau's final report is published, preparation for the 2030 redistricting cycle will be underway. Redistricting is truly an ongoing process.

How Does the Legislature Redistrict?

The process of redistricting in Kansas involves all three branches of state government. The Legislature proposes maps drawing lines for congressional districts, state legislative districts, and SBOE districts. By passing the bills that contain the maps, the Legislature provides initial approval of those maps. The Governor then signs the bills, vetoes the bills, or allows them to become law without a signature, just like any other bill. Finally, the Kansas Supreme Court reviews the maps and gives them final approval. Each of these steps is discussed in more detail below. For comparison purposes, the processes used during the 2010 redistricting cycle are discussed. However, it must be noted legislative committees and procedures used during the 2010 cycle will not necessarily be the same during the 2020 cycle.

Legislature

During the 2010 redistricting cycle, the Legislative Coordinating Council created a Redistricting Advisory Group (Group) made up of three senators and three representatives. The Group was formed in 2009 and assisted with

preparations for the legislative portion of the redistricting process.

In 2011, the Joint Special Committee on Redistricting held public meetings in 14 different locations across Kansas. The Special Committee was made up of the members of the House Redistricting Committee and Senate Apportionment Committee and sought public input on what the citizens of Kansas wanted to see from the redistricting process. Public meetings were held in Chanute, Colby, Dodge City, Garden City, Hays, Hutchinson, Kansas City, Lawrence, Leavenworth, Manhattan, Overland Park, Pittsburg, Salina, and Wichita.

As specified in the *Kansas Constitution*, Kansas draws redistricting maps during the legislative session of the year ending in "2," which for this cycle will be the 2022 Legislative Session. The maps go through the legislative process like any other bill, and are subject to the same rules. During the 2010 redistricting cycle, the Legislature did not successfully pass redistricting bills in both chambers. Redistricting maps were ultimately drawn by the U.S. District Court for the District of Kansas in 2012.

Governor

Just like any other bill, redistricting maps require the approval of the Governor or a vote to override a Governor's veto to be passed into law and become effective.

Kansas Supreme Court

The *Kansas Constitution* provides a procedure for final approval of state legislative maps by the Kansas Supreme Court:

- The redistricting bills are published in the *Kansas Register* immediately upon passage;
- The Attorney General must petition the Kansas Supreme Court to determine the maps' validity within 15 days of the publication of an act reapportioning state legislative districts; and

- The Kansas Supreme Court has 30 days from the filing of that petition to enter a judgment. (See *Kansas Constitution* Art. 10, §1.)

If the Court determines the maps are valid, the redistricting process is complete. If, on the other hand, the Court says the maps are invalid:

- The Attorney General must petition the Court to determine validity of maps enacted in an attempt to conform with the Court's previous judgment; and
- The Court has ten days from the date of the Attorney General's filing to enter a judgment.

If the Court says the new maps are valid, redistricting is complete.

If the Court says the new maps are invalid, the Legislature has 15 days to pass new maps.

This repeats until the Legislature presents maps the Court determines are valid. (See *Kansas Constitution* Art. 10, §1.)

2012 Redistricting

During the 2012 redistricting process, the Kansas Legislature did not successfully pass redistricting maps into law. As a result, the maps currently in place were drawn by the U.S. District Court for the District of Kansas.

Additional Resources:

Kansas Redistricting:

- <http://www.kslegresearch.org/KLRD-web/Redistricting.html>

2020 Federal Census:

- <https://www.census.gov/programs-surveys/decennial-census/2020-census.html>
- <https://www.census.gov/programs-surveys/decennial-census/about/rdo/program-management.html>

Redistricting Data Program, U.S. Census Bureau:

- <https://www.census.gov/programs-surveys/decennial-census/about/rdo.html>

For more information, please contact:

Joanna Dolan, Principal Research Analyst
Joanna.Dolan@klrd.ks.gov

Jordan Milholland, Senior Research Analyst
Jordan.Milholland@klrd.ks.gov

James Fisher, Senior Research Analyst
James.Fisher@klrd.ks.gov

Kansas Legislative Research Department
300 SW 10th Ave., Room 68-West, Statehouse
Topeka, KS 66612
Phone: (785) 296-3181