

MINUTES

SPECIAL COMMITTEE ON REDISTRICTING

October 20, 2011
Colby and Hays Public Hearings

Colby Community College and Fort Hays State University

Members Present

Senator Tim Owens, Co-chairperson
Representative Mike O'Neal, Co-chairperson (Colby Only)
Representative Clay Aurand, Vice-Co-chairperson
Senator Anthony Hensley, Co-Ranking Minority Member
Representative Paul Davis, Co-Ranking Minority Member
Senator Ralph Ostmeyer
Senator Ruth Teichman (Hays Only)
Senator Susan Wagle (Colby Only)
Representative Bob Grant
Representative Forrest Knox
Representative Jan Pauls
Representative Larry Powell
Representative Don Schroeder
Representative Jim Ward
Representative Brian Weber

Staff Present

Corey Carnahan, Kansas Legislative Research Department
Reed Holwegner, Kansas Legislative Research Department
Craig Callahan, Kansas Legislative Research Department
Theresa Kiernan, Senate Committee Assistant
Cindy O'Neal, House Committee Assistant (Colby Only)

Conferees-Colby

Senator Anthony Hensley
Bob Strevey, Citizen
Sheila Frahm, Former United States Senator

Conferees-Hays

Senator Anthony Hensley
Senator Allen Schmidt
Tim Graham, Chief of Staff for Senator Hensley
Dan Johnson, Former Member of Kansas House of Representatives
Glen Diehl, Ellis County Commissioner

Colby Public Hearing

Co-chairperson Mike O'Neal called the meeting to order and welcomed the members of the Committee, other members of the Legislature who were in the audience, legislative staff and members of the public.

Co-chairperson O'Neal explained the public hearings were being held to give members of the public an opportunity to be involved in the redistricting process by allowing them to ask questions about the process, and to voice opinions on and make suggestions relating to the drawing of Congressional Districts, State Senate and House of Representative (Legislative) districts, and State Board of Education (SBOE) districts.

Co-chairperson O'Neal gave an overview of the 2012 redistricting process. He also explained, while the acceptable deviation from the ideal population is very small for Congressional Districts at almost zero percent, the courts allow for more flexibility on Legislative and SBOE Districts and has approved deviations of five percent above or below the ideal population of such districts. Once the maps or plans designating or defining the Legislative and SBOE Districts have been enacted, they are submitted to the Kansas Supreme Court for a determination of compliance with federal and state law. The map or plan designating or describing Congressional Districts is not subject to a mandatory court review. The Congressional District map or plan that was enacted in 2002 was challenged, but upheld by the court. Four counties were divided in the 2002 Congressional District map in order to meet the deviation standard.

Co-chairperson O'Neal stated the Legislature will attempt to follow the guidelines of the redistricting process and will try to avoid breaking up geographical areas, but it may become unavoidable in order to meet the acceptable deviation standard of almost zero. The most important factor the court considers when determining whether a Congressional District map or plan is constitutional is whether the population of each district is within the acceptable range of deviation from an ideally sized district. Other factors considered by the court include: dilution or preservation of minority voting strength; gerrymandering; recognition of similar communities of interest; and preservation of the integrity of political subdivisions (splitting cities and counties between or among districts only when necessary to meet the acceptable population deviation).

Co-chairperson Owens extended his appreciation to members of the Legislature in the audience for their attendance at the meeting. He concurred with the opening comments of Co-chairperson O'Neal and gave an overview of the redistricting guidelines. He stated meeting the acceptable deviation in population is a very important factor when determining the validity of district boundaries. He stated neither he nor the Court look favorably on the process of drawing districts by gerrymandering. He stressed it is very early in the process of redistricting and no decisions have been made on any map or plan. He urged the citizens of Kansas not to jump to any conclusions and stated the Legislature is striving to make this a transparent process.

Corey Carnahan, Kansas Legislative Research Department (KLRD), informed those in attendance Kansas is the only state that adjusts census numbers for college students and military personnel. The process involved in the adjustment of numbers causes Kansas to start the redistricting process later than almost all other states. Mr. Carnahan said the response from college students was fairly high compared to previous years, because colleges did a better job making sure the adjustment forms were distributed.

Corey Carnahan stated Maptitude software would be used for drawing district lines. Those wanting to participate in drawing their own maps should contact KLRD or one of the four caucus offices.

KLRD has launched redistricting.ks.gov. This website provides notice of upcoming meetings and maps technically approved to be released to the public and those under consideration by the Legislature.

Co-chairperson O'Neal explained that the First Congressional District needs to pick up 50,000 citizens while the Third District needs to lose 50,000, but the problem is the two districts are not contiguous.

Senator Anthony Hensley provided a PowerPoint presentation similar to the presentation provided at previous town hall meetings. (See Attachment 8 of Wichita and Hutchinson Public Hearings)

Bob Strevey, resident of Decatur County, asked when the maps would be drawn and approved, and whether there was a priority of order in the preparation of the maps. Co-chairperson O'Neal stated they must be adopted before the next election cycle begins, so by the end of the 2012 Session. He would like the maps drawn and approved early in the Legislative Session, so it does not affect the filing deadline. He stated there is no statutory requirement for the order in which the maps are prepared and approved.

Mr. Strevey suggested expanding the 120th House District, which includes Decatur County, to the east. He stated the counties to the east share a community of interest with Decatur County.

Sheila Frahm, former United States Senator, expressed her appreciation to the Committee for holding a meeting in Colby.

Hays Public Hearing

Following the introduction of the members of the Committee, other members of the Legislature in attendance, other elected officials, and legislative and caucus staff, Co-chairperson Owens expressed his thanks to Fort Hays State University (FHSU) and Deborah Prideaux for hosting the town hall meeting and for the hospitality extended to the Committee.

Co-chairperson Owens provided a review of the rules adopted to guide the Legislature during the 2012 redistricting process. He stated the 2010 Census figures are the basis for Congressional redistricting, but adjusted figures are used in Legislative and SBOE redistricting. He stressed the key consideration in redistricting is the one person, one vote requirement. He explained, in the case of Congressional Districts, the courts allow little, if any, deviation from the ideal population of a district. He added, in the case of Legislative and SBOE Districts, the Courts have allowed a deviation of five percent above, or below, the ideal population of a district. He stated other factors considered by the court include: dilution or preservation of minority voting strength; gerrymandering; recognition of similar communities of interest; and preservation of the integrity of political subdivisions (splitting cities and counties between or among districts only when necessary to meet the acceptable population deviation).

Co-chairperson Owens stated counties should be divided only when necessary to remain within the acceptable deviation from the ideal population. He stated neither he nor the courts look favorably on the process of drawing districts by gerrymandering.

Co-chairperson Owens reminded the audience it is very early in the redistricting process and no decisions have been made on any map or plan. He urged the audience to not jump to any conclusions and stated the Legislature is striving to make this a transparent process. Co-chairperson Owens then covered the population numbers of importance to the redistricting process.

Co-chairperson Owens recognized Corey Carnahan, KLRD, to provide information relating to the adjustment of census numbers and the drawing of maps. Mr. Carnahan stated Kansas is the only state that adjusts its federal census numbers for postsecondary students and military personnel. He added Maryland adjusts its federal census numbers for the prison population. The redistricting process in Kansas cannot begin until the Secretary of State completes the adjustment.

Mr. Carnahan explained the 2010 Census showed a majority of Kansas counties lost population and experienced a shift of people from rural areas to urban areas. Mr. Carnahan stated the population of the state had increased by 164,700 and noted the state would keep its four Congressional Districts.

Mr. Carnahan stated Maptitude software would be used for drawing district boundaries. He announced any person who desired to use the software to draw maps should contact KLRD or one of the four caucus offices. Mr. Carnahan stated at least three hours should be allocated for the drawing of one map.

KLRD has launched redistricting.ks.gov. Information concerning upcoming meetings and maps that have been technically approved for release to the public and maps under consideration by the Legislature may be found on the website.

In response to Co-chairperson Owens' invitation for comments from the members of the public attending the meeting, the following persons offered comments or information.

Dan Johnson, former member of the Kansas House of Representatives, stated when he served as a member of the House, he represented portions of five counties. He asked the Committee to abide by the rule, which directs the Legislature to not divide any city or county if at all possible, and then only when necessary to meet the population requirements.

Glen Diehl, Ellis County Commissioner, in response to rumors about collapsing Senator Allen Schmidt's district, stated both Republicans and Democrats in the area oppose the proposal.

Senator Owens took the opportunity to announce there is not an official map under consideration, at this time. He said he appreciates having the information offered by Mr. Diehl in case the proposal to collapse Senator's Schmidt's district is offered as part of a Senate redistricting plan.

Senator Ostmeyer concurred with the opinion expressed by Mr. Diehl and stressed the importance of maintaining representation of the area by the existing number of senators.

Senator Allen Schmidt stated representation of rural Kansas is very important and the survival of struggling rural communities is important to the entire state.

Aaron White, Ellis County Coalition, expressed opposition to any plan under which the First Congressional District would span the state and include Wyandotte County. Mr. White asked the Committee to preserve communities of interest and to avoid the division of cities and counties at all levels whenever possible.

Representative Aurand stated having more than one legislator representing a community might be of benefit to the community.

Representative Pauls stated in the prior redistricting, it was important to Reno County to have representation on the House Appropriations Committee, so the district was drawn in a manner to include a member whose district crossed county lines.

Co-chairperson Owens stated there could be three people in Congress representing the state's military interests if Ft. Riley is moved to the First Congressional District.

Senator Hensley stated in the case of legislative redistricting there is greater flexibility because the allowable deviation in population is greater than in Congressional redistricting. Senator Hensley emphasized the importance of not splitting cities and counties unless it is necessary to meet the population requirements. He stated the factor of greatest importance when drawing boundaries is meeting the one person, one vote requirement of the *Constitution*.

Senator Hensley provided a PowerPoint presentation concerning a Congressional redistricting plan that would extend the First Congressional District from the western border to the eastern border of the state and include Wyandotte County. The presentation was similar to the presentation provided at previous meetings. (See Attachment 8 of Wichita and Hutchinson Public Hearings.)

Tim Graham, Chief of Staff for Senator Hensley, was recognized to discuss the origins of the DC-Topeka plan. Mr. Graham stated the plan was based on rumors, from various sources, which were checked and rechecked. The rumors contained three basic premises:

- Keep Reno County in the First Congressional District and out of the Fourth Congressional District (rationale: Prevents a Democrat from being elected from the Fourth District);
- Keep Montgomery County in the Fourth Congressional District, not the Second Congressional District (rationale: Prevents a certain statewide office holder from Montgomery County from running for Congress in the Second District); and
- Place Wyandotte, Douglas, and Johnson Counties in different Congressional Districts (rationale: Dilute Democratic voting strength).

Co-chairperson Owens asked members of the Committee for any comments or questions on the process.

Representative Aurand, in response to the plan described in Senator Hensley's presentation, stated he believes a sense of fairness will be brought to the process. Members of

the Legislature will listen to anyone who wants to provide input, but there is only so much the Legislature can do and not everyone will be happy with the plan that is enacted.

Senator Ostmeyer emphasized the need to preserve the representation of rural Kansas.

In closing, Co-chairperson Owens expressed his thanks to all present, especially to the students in attendance. He also expressed his thanks to the members of the Committee who attended this meeting and the various town hall meetings held across the state. He said he believes the Legislature will develop a plan that will be in the best interest of the state for the next ten years. He assured those present he is cognizant of the needs of rural Kansas as well as the needs of urban Kansas.

The meeting was adjourned at 4:30 p.m.

Prepared by Cindy O'Neal and Theresa Kiernan
Edited by Corey Carnahan

Approved by the Committee on:

January 13, 2012

(Date)