

MINUTES

REDISTRICTING ADVISORY GROUP

December 17, 2021
Room 548-S—Statehouse

Members Present

Senator Ty Masterson, Chairperson
Representative Ron Ryckman, Vice-chairperson
Senator Dinah Sykes
Senator Rick Wilborn
Representative Daniel Hawkins
Representative Tom Sawyer

Staff Present

Jordan Milholland, Kansas Legislative Research Department (KLRD)
Amy Deckard, KLRD
Jessa Farmer, KLRD
Andrew Finzen, KLRD
Melissa Renick, KLRD
J.G. Scott, KLRD
Jason Long, Office of Revisor of Statutes
Connie Burns, Committee Assistant

Others Attending

No other attendees present.

AFTERNOON SESSION

Welcome

Chairperson Masterson called the meeting to order at 2:05 p.m.

Committee Business – Approval of Minutes

Chairperson Masterson called the Committee's attention to minutes dated May 17, 2021, and July 7, 2021, and asked for a motion on the minutes.

Representative Ryckman moved to approve the Committee minutes for meetings of May 17, 2021, and July 17, 2021, as written. Senator Sykes seconded the motion. The motion carried.

Discussion on Mapmaking Process

Jordan Milholland, Kansas Legislative Research Department (KLRD), presented the mapmaking process and technical review chart for the Committee to review ([Attachment 1](#)). Mr. Milholland discussed the decision points contained in the grid. Each decision made, listed after the decision point, was made without objection from the Committee.

- Who can contact staff to schedule map drawing appointments? Who may submit maps?
 - A legislative sponsor is required to submit a map.
- Procedures for map drawing.
 - No individual district maps may be submitted; each map must contain districts for the entire state.
- Which maps drawn with KLRD staff and caucus staff will undergo technical review?
 - All maps must undergo technical review before consideration by a committee.
- Redistricting plans as a public record. All redistricting plans submitted to any committee of the Legislature and any plan submitted in any form to KLRD from a non-legislator are public record.
 - Redistricting plans and other related records from individual members of the Legislature are exempt from the Kansas Open Records Act and are not subject to public disclosure (KSA 2020 Supp. 45-221(a)(22)). Plans submitted to committees will be public records and available (similar to other committee public records, such as testimony and bills) pursuant to KSA 2020 Supp. 45-221(a)(22).
- Should submission of State Board of Education (SBOE) districts be required to accompany Senate maps?
 - SBOE districts must comprise four contiguous Senate districts and be built upon Senate district maps for ease of reference.
- Available data layers: home seat; population; voter registration; election results; demographic information.
 - All listed layers should be available to legislators.

- Are redistricting laptops required to stay on-site? If not, local installation of the database on these and additional software will be required.
 - Caucus redistricting staff members are responsible for the caucus's laptop, and machines may be taken off-site.

Legislative Process

- Amendments.
 - Amendments will need to be “gut-and-go” to avoid mapping issues and will be required to undergo KLRD technical review prior to being offered.
- How will legislators access maps?
 - Digital access will be available on the Legislature website.

Equal Protection

- Allowable deviation from absolute equality.
 - Congressional districts should be as numerically equal as possible;
 - State legislative districts should be within a range of plus or minus 5.0 percent of the ideal district population.

Discussion on Redistricting Legal Guidelines

Jason Long, Office of Revisor of Statutes, provided an overview of the proposed guidelines and criteria for the 2022 Kansas congressional and state legislative redistricting process ([Attachment 2](#)).

Proposed State Legislative Redistricting

Mr. Long stated the guidelines are 2010 redistricting guidelines for which the numbers in terms of the deviations have been updated by KLRD. He presented the following:

- The basis for state legislative redistricting is the 2020 U.S. Decennial Census.
- The building blocks to be used for drawing district boundaries are Census blocks.
- Districts should be numerically as equal in population as practical within the limitations of Census geography and application of the guidelines set forth. Deviation should not exceed plus or minus 5.0 percent of the ideal population of 23,504 for each House district and 73,447 for each Senate district.
- Redistricting plans will have neither the purpose nor the effect of diluting minority voting strength.

- Additional guidelines that should be subservient to the population guideline are to make districts as compact and contiguous as possible, maintain the integrity of existing political subdivisions, recognize communities of interest, and avoid contests between incumbents. Districts should be easily identifiable and understandable by voters.

Congressional Redistricting

Mr. Long stated the standard for deviation in congressional districts based on case law is almost exactly equal population, and the courts will require justification if the Legislature deviates from that exact population standard with respect to these districts. Districts are to be as nearly equal to 734,470 in population as practicable. He also stated a standard for redistricting plans is neither the purpose of nor the effect of diluting minority voting strength, while recognizing communities of interest and preserving the core of existing congressional districts, and that whole counties should be in the same congressional district to the extent possible.

Mr. Long stated these guidelines, if adopted, would be put forth before the standing committees when session begins and each standing committee could then adopt them as formal committee guidelines for review of plans.

Discussion

Committee member discussion ensued concerning the guidelines.

Senator Sykes moved to strike everything in item 2 after the first sentence (concerning allowable state legislative deviations). Representative Sawyer seconded the motion.

Senator Masterson moved a substitute motion to retain the language of the proposed standards as presented. Representative Ryckman seconded the motion. The motion carried.

The Committee accepted the proposed guidelines and criteria for 2022 Kansas Congressional and State Legislative Redistricting.

Discussion on Technical Rules

Mr. Milholland presented the suggested technical committee rules for 2022 redistricting ([Attachment 3](#)). The first part notes the plans submitted from non-legislators are public record and, like minutes of all committee meetings and public hearings, shall be maintained as part of the public record. Notices of all committee meeting and hearings will be published and posted in a manner consistent with House and Senate rules and the purpose for which the meeting is planned. Regarding submission of plans prepared outside the Legislature, each plan prepared outside KLRD or a caucus office must be submitted for technical verification to KLRD at least five business days prior to presentation to a committee and have a legislative sponsor. All pieces of census geography must be accounted for and assigned to a district,.

Mr. Milholland reviewed standards for electronic submission of materials. The suggested rules state plans must be sponsored by a current member of the Legislature and require sponsorship information to accompany the submission. KLRD is asking that each plan be

submitted on a non-returnable flash drive containing the plan, with certain information on the label, and using certain types of files. KLRD is also requesting a PDF file of each map and other information regarding population numbers and certain demographic criteria. Nonpartisan staff will review any such plan to determine whether the plan complies with committee guidelines.

The suggested rules include that any plan submitted to the Committee must be a complete statewide plan so the proposal can be evaluated for technical compliance with committee guidelines. All pieces of Census geography must be assigned to a district, and KLRD is not responsible for converting or translating files that do not comply with the formats specified. Census data is required to be the basis of the plans. [Note: The Secretary of State is no longer required to reapportion the state population of students and military members for redistricting purposes.] The entire state must be included in the plan, and each district must be composed of contiguous geography. (For purposes of determining contiguity, water bodies will be treated as if they were land.) Plans for the Senate must contain 40 single-member districts; plans for the House of Representatives must contain 125 single-member districts; plans for U.S. House of Representatives must contain 4 districts. Plans for the SBOE must be built on Senate districts enacted during the 2022 Session with four contiguous Senate districts comprising each SBOE district. The deviation limit is the same as previously discussed.

Mr. Milholland reviewed the proposed role of KLRD. KLRD staff will be available to all members of the Legislature requesting assistance. Census data and hard copies of maps will be available upon request, with a limit of two large format prints (3 feet x 4 feet) per request. Redistricting plans and other records related to the provision of staff services to individual members of the Legislature will not be subject to public disclosure. This confidentiality provision does not apply to records related to the provision of staff services to any committee or subcommittee when the record is identified in an open meeting or in an agenda of an open meeting or when the record is distributed to a majority of a quorum of a legislative committee or subcommittee. KLRD staff will be available to respond to requests for information from the public, as time is available. KLRD staff's primary responsibility is to respond to requests of the legislators and committees.

The Committee without objection accepted the Technical Committee Rules.

Chairperson Masterson adjourned the meeting at 2:47 p.m.

Prepared by Connie Burns

Edited by Jordan Milholland

Approved by the Committee on:

March 18, 2022

(Date)