

**MINUTES**

**SPECIAL COMMITTEE ON REDISTRICTING**

October 19, 2011

Dodge City and Garden City Public Hearings

**Dodge City Public Library and Garden City Community College**

**Members Present**

Senator Tim Owens, Co-chairperson  
Representative Mike O'Neal, Co-chairperson  
Representative Paul Davis, Co-Ranking Minority Member  
Senator Anthony Hensley, Co-Ranking Minority Member  
Senator Ralph Ostmeyer  
Senator Mike Petersen  
Senator Ruth Teichman (Dodge City only)  
Senator Susan Wagle  
Representative Forrest Knox  
Representative Janice Pauls  
Representative Larry Powell  
Representative Don Schroeder  
Representative Sharon Schwartz  
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

**Conferees-Dodge City**

Jay Dill, City Manager, City of Kinsley  
Senator Anthony Hensley  
Ethel Peterson, former Representative  
Mike Weber  
Representative Don Hineman  
Nancy Blake

**Conferees-Garden City**

John Doll, Mayor, Garden City  
Matt Allen, City Manager, Garden City

Consuelo Sandoval, Executive Director, Finney County United Way  
Sam Henderson, Garden City  
Verna Weber, Executive Director of the Finney County Community Health Coalition, Inc.  
Senator Anthony Hensley  
Dave Jones, Finney County Commissioner

### **Dodge City Public Hearing**

Co-chairperson Mike O'Neal called the meeting to order and welcomed the members of the Committee, other members of the Legislature in attendance, staff, and members of the public attending the public hearing.

Co-chairperson O'Neal explained 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, to voice opinions on and make suggestions relating to the drawing of Congressional Districts, State Senate and House of Representative districts (legislative districts), and State Board of Education (SBOE) Districts.

Co-chairperson O'Neal gave an overview of the 2012 redistricting process. He explained, though the acceptable deviation from the ideal population is very small for Congressional Districts, at almost zero percent, the courts allow more flexibility for legislative and SBOE districts, and has approved deviations of 5 percent above or below the ideal population. 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 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 in 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 courts look favorably on the process of drawing districts by gerrymandering. He stressed it is early in the process of redistricting and no official 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), stated Kansas is the only state that adjusts census numbers for college students and military personnel, while Maryland adjusts their numbers for their prison population. The process involved in the adjustment of numbers causes Kansas to start the redistricting process later than most other

states. He stressed the adjusted numbers could still change due to Garden City filing an appeal, because they believe there was an undercount of Garden City residents. If the challenge succeeds, the numbers would change. However, the success rate of past census challenges is extremely low. The Committee and staff reviewed population figures of importance to the redistricting process.

Mr. Carnahan went on to explain the 2010 Census showed a majority of Kansas counties lost population while only 28 counties actually gained population. The census also showed citizens have moved from rural areas to more populated urban areas. Overall, the state grew by 164,700 citizens allowing the state to keep four congressional districts.

Mr. Carnahan stated Maptitude software would be used for drawing district lines. Those wanting to participate in drawing their own maps should contact KLRD or any of the four caucus offices. KLRD has launched [redistricting.ks.gov](http://redistricting.ks.gov). This website provides notice of upcoming meetings and maps that have been technically approved to be released to the public, and those under consideration by the Legislature.

Jay Dill, City Manager, City of Kinsley, provided testimony regarding communities of interest. Kinsley is 85 miles away from Garden City and shares a greater community of interest with Dodge City and Larned. He hoped the Committee would consider moving Kinsley into the same district as Dodge City and Larned.

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.)

Mr. Dill asked whether the First Congressional District could be extended toward the Wichita area (but not split the city of Wichita) instead of extending the First District across the State to include Wyandotte County. Senator Hensley responded that a swap between the First and Second Congressional Districts would seem most logical by including Pottawatomie and Riley Counties in the First District. Kansas State University is the state's largest agricultural school and the First Congressional District is a strong agricultural community of interest. Senator Hensley stated such a plan also makes minimal changes in the existing districts to achieve the population requirement.

Mr. Dill expressed his preference would be to extend the First District into Wichita rather than including Manhattan, but added including Manhattan in the First District would be better than including Wyandotte County.

Demonstrating the countless ways to draw maps, Co-chairperson O'Neal stated the Legislature could actually move the state capitol, Topeka, into the First Congressional District, because it is the biggest district in the state. The drawing of the congressional map is going to be a unique challenge for the Committee.

Former Representative Ethel Peterson stated, under either of the proposals discussed above, anyone interested in running for the congressional seat would figure out that he or she would not have to campaign in western Kansas because the largest number of voters live in urban areas and would then have the most influence in electing the representative.

Co-chairperson Owens pointed out Congressman Huelskamp is the only Kansas Congressman serving on a military-related committee. He suggested it might be beneficial to

split up the military bases and have each base be represented by a different member of the congressional delegation.

Mike Weber, individual, stated Dodge City would like to be represented with other rural areas. He liked the idea the Flint Hills could be included in the First Congressional District.

Co-chairperson O'Neal read the following excerpt from the 2002 Court decision concerning the Congressional map:

We acknowledge that preserving communities of interest is a legitimate and traditional goal in drawing congressional districts. Indeed, it is one of the goals explicitly included in the Kansas Legislature's *Congressional Redistricting Guidelines* and one of the concerns that justifies the deviation of 33 persons. However, the fact that this is a legitimate goal does not mean that there is an individual constitutional right to have one's particular community of interest contained within one congressional district. Rather, it is the province of the state legislature to determine and apply redistricting priorities, so long as they do not conflict with constitutional mandates. This process will almost inevitably require some compromise among conflicting goals, as it will be virtually impossible to satisfy every priority to the fullest possible extent, and the District Court's preferences do not override whatever state goals [are] embodied in a Legislature's plan. This is particularly the case with communities of interest, which may overlap and be defined in different ways, as the Guidelines themselves make clear. The Kansas Legislature considered specific communities of interest, along with other legitimate factors, and it decided to divide certain communities of interest in order to achieve a redistricting plan that pursues a combination of goals. Graham and the Junction City intervenors have presented no evidence of bad faith by the Legislature, which might have affected our evaluation of the proffered justifications. In the final analysis the legislature had to split Junction City from Ft. Riley, and the City of Lawrence in order to get to zero deviation. All of the final maps submitted to the court split cities and counties.

Co-chairperson O'Neal reminded the audience the maps shown in Senator Hensley's PowerPoint presentation are not formal maps and have not been submitted to or by the Committee.

Representative Don Hineman stated rural areas of the state have a unique character and culture that needs to be preserved to the extent possible. He suggested the Committee preserve the rural representation in legislative districts by taking advantage of the allowable deviation of 5 percent above, or below, the ideal population when drawing legislative districts. The goal should be to minimum change to districts. He wanted the Committee to consider putting 5 percent less (light) citizens in rural districts, so there is less change in ten years.

Co-chairperson O'Neal stated courts have allowed for a deviation of plus or minus 5 percent. He stated it is legitimate use of the permissible deviation to anticipate areas of population growth or loss, and to draw legislative districts so the one person, one vote standard is met for the longest period of time over the ten-year period.

Senator Ostmeyer liked the 5 percent deviation to be under or light, because western Kansas senators travel long distances in their districts, currently.

Representative Sharon Schwartz stated the difference between urban and rural areas is defined by the economic driver – rural is agricultural and is one of the biggest economic drivers in Kansas and it needs to be supported by urban and rural areas.

Nancy Blake, citizen, was concerned there are maps suggesting rural western Kansas legislators increase the size of their districts when they have such large districts anyway. She also stated “eastern rural” is not the same as “western rural.”

Co-chairperson O'Neal adjourned the meeting.

### **Garden City Public Hearing**

Co-chairperson O'Neal, Co-chairperson Owens, and staff began the meeting with opening comments and an overview of the process.

John Doll, Mayor, City of Garden City, stated the 2010 Census numbers for Garden City are inaccurate as parts of the city were severely undercounted. The census count for 2010 was 26,658 and he believes that Garden City's true population is between 28,000 and 30,300 citizens. The city believes there was a miscount in areas populated by people with lower income, minorities, elderly people in non-institutional group-homes, and people with special needs ([Attachment 1](#)).

Matt Allen, City Manager, City of Garden City, stated, no matter how the census appeal process comes out, the committees have an interesting dilemma whether to use the numbers provided by the census or correct the undercount ([Attachment 2](#)). Co-chairperson O'Neal explained the Committee has limited options to remedy the situation.

Consuelo Sandoval, Executive Director, Finney County United Way, believes the undercount may be worse than explained by previous conferees. Much of the time several families live in one house. As the number of those serviced through the United Way is increasing or remaining unchanged, the undercount also has an impact on the distribution of state and federal grant moneys allocated on the basis of population.

Sam Henderson, City of Garden City, provided an explanation of the census challenge. The federal government has given no time line as to when the challenge will be resolved. Garden City is one of the first 35 challenges submitted to the Census Bureau. Only one challenge has been resolved, and it was the first challenge. The challenge is in its first steps and is being verified by census workers at the regional office before being sent to the federal census office ([Attachment 3](#)).

Co-chairperson O'Neal asked what caused the undercount; whether it was attributable to the failure of residents to return census forms; an untrained, inadequately-trained, or overworked census worker; lost or misplaced census forms; or the failure of a census worker to go into the area and conduct a count in the area.

Mr. Henderson stated he could not cite a single cause, but it was possible census workers were overworked, issued bad equipment, or under time constraints. However, any of the reasons suggested by Co-chairperson O'Neal could have contributed to the undercount.

Verna Weber, Executive Director, Finney County Community Health Coalition, Inc., believed the forms were not completed because members of the “new populations” either do not understand the language or do not trust the government asking personal questions and, therefore, are reluctant to return the information (Attachment 4).

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

Representative Reynaldo Mesa thanked everyone for coming to Garden City. He stated it is unfortunate the federal government has failed the citizens again. He did not blame the census workers, however. The workers were concerned because they were given little time to complete their work. Kansas needs to send a message to the Census Bureau that we are losing part of a legislative House District, and federal and state dollars because of the inaccurate count. The Census Bureau does not need to conduct the census in 17 languages, for example, but the federal government needs to make an effort to count citizens.

Dave Jones, Finney County Commissioner, works with emergency management for the City of Holcomb. He pointed to a 600-unit mobile home park that was under-counted. He related he drinks coffee with a census taker and was told the census forms were mailed out, but residents of the areas did not return completed forms. The census taker went to the homes and returned several times, but many homes have two or more families living in them. Usually the residents simply did not answer the door.

Co-chairperson O'Neal adjourned the Garden City Public Hearing.

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

Approved by Committee on:

January 13, 2012

(Date)