

## MINUTES

### SPECIAL COMMITTEE ON REDISTRICTING

September 6, 2001  
Room 313-S—Statehouse

#### Members Present

Senator David Adkins, Chairman  
Senator Barbara Allen  
Senator David Corbin  
Senator David Haley  
Senator Anthony Hensley  
Senator Tim Huelskamp  
Senator Edward Pugh  
Senator Lynn Jenkins  
Senator Janis Lee  
Senator Derek Schmidt  
Senator Ruth Teichman  
Representative Clay Aurand  
Representative John Ballou  
Representative Lisa Benlon  
Representative Marti Crow  
Representative Troy Findley  
Representative Broderick Henderson  
Representative Andrew Howell  
Representative Carl Krehbiel  
Representative William Mason  
Representative Doug Mays  
Representative Melvin Neufeld  
Representative Rocky Nichols  
Representative Peggy Palmer  
Representative Janice Pauls  
Representative Jeff Peterson  
Representative Tony Powell  
Representative Bill Reardon  
Representative Bob Tomlinson  
Representative Jene Vickery  
Representative R. J. Wilson

## **Members Absent**

Representative Mike O'Neal, Chairman  
Representative John Edmonds  
Representative Thomas Klein

## **Staff Present**

Mary Galligan, Kansas Legislative Research Department  
Kathie Sparks, Kansas Legislative Research Department  
Mary Torrence, Revisor of Statutes Office  
Judy Swanson, Committee Secretary

Chairman David Adkins called the meeting to order at 10:15 a.m. He announced that a new summary of congressional plans currently before to the Committee was in the Committee members' notebooks. In addition, the next Committee meeting has been changed from September 25 to October 2. Deadlines for plan submissions were announced and copies of the new Committee calendar were passed out to each member.

After reviewing the agenda, Chairman Adkins recessed the Committee at 10:20 a.m., for the purpose of the Republican and Democratic members of the Committee to caucus and review congressional plans.

The Committee reconvened at 1:45 p.m.

Dr. Lisa Handley, a consultant for the State of Kansas to do racial block voting analysis, testified. Dr. Handley testified that her training is as a political scientist, and she has served as an expert witness in numerous trials. She presented the methodology for analyzing voting patterns by race (Attachment 1). She said voting is polarized if minority and white voters vote differently in a manner that is correlated with their respective races. She stated that four groups are protected under the Voting Rights Act: Blacks, Hispanics, Native Americans, and Asians. She explained how the racially homogeneous precincts in Kansas were determined and answered questions from Committee members about the homogeneous precincts during her presentation. The Chairman asked if there was any advice she could give the Committee as it begins the process of drawing new legislative district maps. Dr. Handley said it appears that Kansas should keep the minority districts that it currently has, specifically, Senate District 4 and State Representative Districts 84 and 89 which are minority districts.

Dr. Handley reviewed statewide and legislative primary and general elections in Kansas in 1998 and 200 that included a minority candidate. (results of analysis presented as table in Attachment 1).

Brad Bryant, Deputy Assistant Secretary of State, Elections and Legislative Matters, gave an overview of the history of the state census process in Kansas (Attachment 2). He also discussed how Kansas recalculates the population after the

census is taken as Kansas has different rules for counting population than the federal government. Until 1979, The Agriculture Census was performed with each county counting its own population and turning those figures into the Secretary of State's office. In 1988, the Legislature provided for a one-time Kansas Census which was used for the basis of redistricting process. Since 1990 the state has used the US Census data and required the Secretary of State to remove college students and military back to their self-reported home counties for recalculation purposes for legislative redistricting. Mr. Bryant went on to explain that it was much easier to get in contact with the military personnel and the student population ten years ago. During the 1990 census, the military personnel were required to stand in payment formation and students lined up to enroll with the administrators passing out the questionnaire prior to being paid or enrolling. Today, military personnel have direct deposit and students may enroll by home computer.

In response to a question asked by Chairman Adkins, Mr. Bryant said that the collection of students and military information has outlived its usefulness. In 1997 and 1999, the Secretary of State's office advocated discontinuing this process. In 1999, SCR 1601 passed the Senate, but the House did not pass the resolution. He said the Secretary of State has gone on record saying that the state should not recalculate the census in this manner, as it is unnecessary and a waste of time and resources. In response to a question from Senator Lee, Mr. Bryant said that it could possibly be seen as a threat to rural areas to discontinue this method of taking the census. Senator Lee stated that she supports reallocation and feels it is detrimental to the counties with universities.

Mr. Bryant explained that each university was given three options for collecting the required information, and then they chose which option to utilize. The questions asked of each college student and member of the military were: are you a permanent Kansas resident, and if the answer was yes, where are you a permanent resident in Kansas? Mr. Bryant pointed out that the federal census counts prisoners where they find them and that Kansas makes adjustments only for military personnel and college students.

The costs of the recent censuses activities for the Secretary of State per Mr. Bryant were:

- 1988: \$3.26 million was appropriated and approximately \$175,000 returned;
- 1990: \$318,000 over four years; and
- 2000: \$450,000 over three years.

Representative Reardon made the point that military personnel and students are not necessarily counted where they are, however, they are allowed to vote there. Students and military personnel can self-select where they want to be counted. However, prisoners are counted where they are incarcerated but cannot vote. In response to a question asked by Representative Nichols, Mr. Bryant said that a Kansas District Court upheld the current recalculation method.

Mike Brassel, Census Project Manager, Office of the Secretary of State, presented an overview of the process of adjusting the 2000 census. He reviewed the procedures followed by the Secretary of State's office. One of the big issues was university registration and how the questionnaire was distributed to students. School registrations are held in different manners, and in 2000, Kansas University was between methods of enrollment. They are on-line currently.

A new Attorney General opinion was used for students attending technical colleges. Four technical colleges participated in the 2000 census. During the last months of 1999, adjustment questionnaires were given to the participating institutions. Under state law, the Secretary of State must design and distribute questionnaires for students. It is up to the institutions to have the questionnaires distributed to students. The recalculation file was completed in June 2001.

The Ft. Leavenworth and the US Army Command and General Staff School military population was discussed in response to a question asked by Representative Crow. Mr. Brassel explained that it was a special situation, and that initially the Fort refused to participate. After negotiations with Secretary of State Thornburgh, Ft. Leavenworth agreed to allow the Secretary of State's office to do the data collection. All other institutions did their own collection.

The university data collection was discussed again. There are differences in college life from previous censuses; the significant changes being the enrollment procedure from enrollment lines to technology based enrollment, such as use of telephones or the internet. At Kansas State University, 85 percent of the students enroll on-line. Mr. Brassel pointed out that the schools are not reimbursed for expenses of collecting census information.

Mr. Brassel presented a Negative Block Case Study from Ft. Hays State University and Colby Community College (Attachment 3). He explained that a negative block is a census block where the number of subtractions made by the Secretary of State's office to a particular census block was larger than the total population as enumerated by the US Census Bureau. The Secretary of State's office stated that they have found that both in 1990 and in 2000 that population, as enumerated by the US Census Bureau, is not always attributed to the correct census block and often the population of certain census blocks may not have been allocated at all. Mr. Brassel further explained that there are 173,107 census blocks in Kansas and only 259 blocks were negative. The negative blocks account for less than 0.5 percent ( $\frac{1}{2}$  of 1 percent) of the total blocks in Kansas.

Representative Nichols requested that the Secretary of State's office prepare for the Committee a chart showing the number of students paying out-of-state tuition at each university in Kansas. Mary Torrence, Revisor of Statutes Office, said the university standards and the standards that the census uses for determining out-of-state status are different. Chairman Adkins stated that the question of proposing a constitutional amendment to repeal the requirement for the recalculation of military and college student populations in Kansas law is something that this Committee should probably consider.

Reports of the Republican and Democratic caucus were given. Chairman Adkins gave the Republican caucus report. He listed some of the “hot spots” and listed priorities the caucus established as follows:

- Wyandotte and Johnson Counties should not be divided and should comprise the core of the 3<sup>rd</sup> District;
- Reno County would remain in the 1<sup>st</sup> District;
- Harvey County would remain in the 4<sup>th</sup> District;
- Montgomery County would remain in the 4<sup>th</sup> District;
- Fort Riley and Fort Leavenworth should remain in the same district;
- Pottawatomie, Geary, and Riley counties should remain together with Fort Riley and Fort Leavenworth in the 2<sup>nd</sup> District;
- minimize change in existing districts; and
- biggest unresolved issue, Lawrence and Douglas County.

Chairman Adkins said they would like plans Emert 1, Tomlinson A, and three new plans submitted at the caucus (Caucus 1, Caucus 2, and Caucus 3) to remain in active consideration. However, other maps may still be submitted and considered by the Committee at future meetings. No votes were taken on any plans.

Montgomery County was a significant issue discussed in the Republican caucus. The issue was whether or not it should be reunited with Southeast Kansas as it was in the 5<sup>th</sup> Congressional District ten years ago. The conclusion of the caucus was that Montgomery County should remain in the 4<sup>th</sup> Congressional District to minimize change in existing districts.

Senator Hensley gave the Democratic caucus report (Attachment 4). He said that their first priority is to achieve one person, one vote by making a redistricting plan with the smallest deviation possible. Their second priority is to recognize, retain, and reunite communities of interest and prevent the needless splitting of VTD's, cities, the Unified Government of Wyandotte County, Southeast Kansas, the tri-county area of Riley, Pottawatomie, and Geary counties, Native American reservations, and other racial and ethnic minority populations. The third priority is that any final plan is made with a good faith effort to achieve one person, one vote, at the same time adhering to traditional principles of redistricting, the above priorities, and the guidelines adopted by the Committee.

The fourth priority recognizes that one plan, Congressional 1 was made public on April 19, 2001 and presented to the Committee on May 16, 2001. This presentation was made prior to any partisan data being made available to any members of this Committee. The fifth priority is to concur with Rochelle Chronister in her statement: “To unnecessarily

split the city of Lawrence into two parts when other accommodations could be made is also a proposal that I believe is purely political.” The Democratic caucus believes that the final redistrict plan not only be based on one person one vote but it should also avoid partisan gerrymandering and the needless splitting of a city. The caucus supports Congressional 1 plan and had some support for Emert 1, Tomlinson B, HD Congressional1, and Option H plans.

Representative Findley spoke about the caucus’s belief that a Committee consensus can be built around a congressional plan and that the minority party stands ready to work with the majority party. In addition, Representative Findley stated that Congressional 1 plan represents the caucus’s priorities. Representative Pauls indicated that Reno County has reservations about going from the 1<sup>st</sup> to the 4<sup>th</sup> District.

In response to a question from the Chairman, Senator Hensley indicated concurrence that the Democratic caucus would like active consideration of: Caucus 1, Caucus 2, and Caucus 3, Emert 1, and HD Congressional1 plans. Representative Vickrey asked whether Emert 1 and Tomlinson A remain on the table. The chairman responded that they are. Senator Hensley said, that the Democrat caucus considers Congressional 1, Emert 1, and HD Congressional 1 to still be on the table. The chairman commented that there would be an opportunity for public comment on all plans.

In response to a question of Senator Lee, the Chairman indicated that public comment time will be made at each meeting.

Senator Lee requested that any changes made to the Committee meeting schedule be listed on the top sheet of a mailing for the convenience of members. Staff noted the request.

The minutes of the July 12 meeting were discussed. Staff was directed to review the tapes concerning the discussion between Representatives Tomlinson and Reardon regarding creation of the Unified Government in Wyandotte County. Staff was directed to ask Representative Reardon to review the correction prior to it being made in the minutes. Also, on Page 3, paragraph 3, Representative Crow requested to have the comment attributed to her.

*Senator Schmidt made a motion to approve the minutes of the July 12, 2001, Committee meeting after staff reviews, and makes two changes. The motion was seconded, and it carried with no opposition.*

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

Prepared by Kathie Sparks

Approved by Committee on:

October 2, 2001

(date)

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