A PROPOSITION to revise article 10 of the constitution of the state of
Kansas; relating to reapportionment of congressional districts,
legislative districts and state board of education member districts

Be it resolved by the Legislature of the State of Kansas, two-thirds of
the members elected (or appointed) and qualified to the House of
Representatives and two-thirds of the members elected (or appointed)
and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of
the state of Kansas shall be submitted to the qualified electors of the state
for their approval or rejection: Article 10 of the constitution of the state of
Kansas is hereby amended to read as follows:

"Article 10.—APPORTIONMENT OF THE
LEGISLATURE CONGRESSIONAL, LEGISLATIVE AND
STATE BOARD OF EDUCATION MEMBER DISTRICTS

§ 1. Reapportionment of—senatorial and representative—
districts required. (a) At its regular session in 1989, the legislature
shall by law reapportion the state representative districts, the state
senatorial districts or both the state representative and senatorial
districts upon the basis of the latest census of the inhabitants of the
state taken by authority of chapter 61 of the 1987 Session Laws of
Kansas. At its regular session in 1992-2022, and at its regular
session every tenth year thereafter, the legislature shall by law
reapportion the United States congressional districts, the state
nenatorial districts—and, the state representative districts and the
state board of education member districts as provided by this
article. Reapportionment of such districts shall be on the basis of
the population of the state as established by the most recent census
of population taken and published by the United States bureau of
the census. Senatorial—and, representative and state board of
education member districts shall be reapportioned upon the basis of
the population of the state adjusted: (1) (a) To exclude nonresident
military personnel stationed within the state and nonresident
students attending colleges and universities within the state; and
(2) (b) to include military personnel stationed within the state who
are residents of the state and students attending colleges and
universities within the state who are residents of the state in the
district of their permanent residence. Bills reapportioning
legislative districts shall be published in the Kansas register
immediately upon final passage and shall be effective for the next
following election of legislators and thereafter until again
reapportioned.

(b) Within 15 days after the publication of an act
reapportioning the legislative districts within the time specified in
(a), the attorney general shall petition the supreme court of the state
to determine the validity thereof. The supreme court, within 30-
days from the filing of the petition, shall enter its judgment. Should
the supreme court determine that the reapportionment statute is
invalid, the legislature shall enact a statute of reapportionment
conforming to the judgment of the supreme court within 15 days.

(c) Upon enactment of a reapportionment to conform with a
judgment under (b), the attorney general shall apply to the supreme
court of the state to determine the validity thereof. The supreme-
court, within 10 days from the filing of such application, shall enter
its judgment. Should the supreme court determine that the
reapportionment statute is invalid, the legislature shall again
enact a statute reapportioning the legislative districts in compliance with
the direction of and conforming to the mandate of the supreme
court within 15 days after entry thereof.

(d) Whenever a petition or application is filed under this
section, the supreme court, in accordance with its rules, shall
permit interested persons to present their views.

(e) A judgment of the supreme court of the state determining a
reapportionment to be valid shall be final until the legislative
districts are again reapportioned in accordance herewith.

"§ 4. Establishment of redistricting commission. (a) Not later
than February 15 of each year ending in one, a redistricting
commission shall be established to recommend to the legislature
redistricting plans for United States congressional districts, state
representative districts, state senatorial districts and state board of
education member districts.

(b) The redistricting commission shall consist of the following
members:

(1) One shall be appointed by the majority leader of the
senate;

(2) one shall be appointed by the majority leader of the house
of representatives;

(3) one shall be appointed by the minority leader of the
senate;
(4) one shall be appointed by the minority leader of the house of representatives; and
(5) within 30 days after the appointments described in paragraphs (1) through (4) have been made, but not later than March 15 of the year in which the commission is established, the four commission members so appointed shall select, by a vote of at least three members, the fifth commission member, who shall serve as chairperson.
(c) Any vacancy in the membership of the redistricting commission shall be filled in the same manner as the original appointment or selection.
(d) No person, while a member of the commission, shall:
   (1) Hold any federal, state or local office; or
   (2) be an employee of the Kansas legislature, state board of education or United States congress.
(e) No person who has been a member of the redistricting commission shall be eligible, within two years after being a member of the commission, to:
   (1) Be a member or employee of the Kansas legislature or state board of education; or
   (2) hold any appointive office.
(f) The legislature shall provide by law for payment of compensation and expenses of members of the redistricting commission and for adequate staff, office space, equipment and materials for the commission.
(g) The terms of members of the redistricting commission shall expire on July 1 of each year ending in two, and the commission shall be inactive until reestablishment of the commission pursuant to this section.
§ 5. Commission procedure and recommendations. (a) The redistricting commission shall establish rules and procedures as necessary to carry out the commission's functions. Such rules and procedures shall include rules requiring formal submission to the commission of all communications with commission members. Ex parte communications with members of the commission in relation to the merits of matters before the commission shall be prohibited. Members of the commission shall report any violations of this prohibition to the attorney general and the legislature shall provide by law criminal penalties for such violations.
(b) The redistricting commission shall conduct public hearings throughout the state, including at least one public hearing in each state board of education member district.
(c) In recommending redistricting plans, the redistricting
commission shall consider only the requirements of the constitution of the state of Kansas and federal laws, preservation of political subdivisions and preservation of communities of interest. The commission shall avoid placing more than one incumbent in a district except when necessary due to changes in the population of the state. Except as expressly provided in this subsection, the commission shall not intentionally develop districts that favor or discriminate against any individual, political party or group.

§ 6. Legislative action; court review and action. (a) On or before the first day of the regular legislative session in each year ending in two, the redistricting commission shall introduce in the house of representatives a bill reapportioning the state representative districts and a bill reapportioning the United States congressional districts, and shall introduce in the senate a bill reapportioning the state senatorial districts and a bill reapportioning the state board of education member districts. Such bills shall not be subject to amendment by either chamber of the legislature and each such bill shall be acted upon by each chamber within seven days after such bill is introduced in such chamber.

(b) If a bill introduced pursuant to subsection (a) is not enacted, the redistricting commission, within 10 days after rejection of the bill by either chamber of the legislature or veto of the bill by the governor, shall introduce another bill reapportioning such districts. If the Kansas supreme court enters a judgment that a bill introduced pursuant to subsection (a) is invalid, the redistricting commission, within 10 days after entry of such judgment, shall introduce another bill reapportioning such districts. Introduction of a bill pursuant to this section shall be in the same chamber as introduction of the original bill pursuant to subsection (a). Such bill shall not be subject to amendment by either chamber and shall be acted upon by each chamber within seven days after the bill is introduced in such chamber.

(c) If a bill introduced pursuant to subsection (b) is not enacted, the redistricting commission, within 10 days after rejection of the bill by either chamber of the legislature or veto of the bill by the governor, shall introduce another bill reapportioning such districts. If the Kansas supreme court enters a judgment that a bill introduced pursuant to subsection (b) is invalid, the redistricting commission, within 10 days after entry of such judgment, shall introduce another bill reapportioning such districts. Introduction of a bill pursuant to this section shall be in the same chamber as introduction of the original bill pursuant to
subsection (a). Such bill shall be subject to amendment by either
chamber and shall be acted upon by each chamber within 14 days
after the bill is introduced in such chamber. When a bill is
introduced pursuant to this subsection, the commission shall make
the commission's staff and technical resources available to the
legislature for use in preparation and consideration of
amendments to such bill.

(d) If either chamber of the legislature rejects a bill
introduced pursuant to this section, or the governor vetoes such
bill, the chamber that rejects the bill, or the governor in the case of
a veto, shall transmit to the commission a letter stating the reasons
why the bill was not enacted, and the commission shall take such
reasons into consideration in introducing a bill pursuant to this
section, subject to the requirements of subsection (c) of section 6.
Any such letter shall be signed by both the speaker of the house of
representatives and the minority leader of the house of
representatives or both the president of the senate and the minority
leader of the senate.

(e) Reapportionment bills shall be published in the Kansas
register immediately upon final passage and approval by the
governor. The districts enacted shall be effective for the next
following regular election and thereafter until again such districts
are reapportioned, except that the senatorial districts shall be
effective for the next following regular election at which all
senators are elected.

(f) Within 15 days after publication of any reapportionment
bills enacted pursuant to this article, the attorney general shall
petition the Kansas supreme court to determine the validity of such
bill. The Kansas supreme court, in accordance with its rules, shall
permit interested persons to present their views. Within 30 days
after the filing of such petition, the Kansas supreme court shall
enter its judgment. A judgment of the Kansas supreme court
determining such bill to be valid shall be final until
reapportionment of the districts is again required by this article.

"§ 7. Implementing legislation. The legislature may enact
legislation, not in conflict with the provisions of this article, as
reasonably necessary to implement such provisions."

Sec. 2. The following statement shall be printed on the ballot with
the amendment as a whole:

"Explanatory statement. Current article 10 of the constitution of
the state of Kansas governs reapportionment of state
legislative districts. It provides for reapportionment by the
legislature and requires it be based on the most recent census
taken by the United States bureau of the census, adjusted to
exclude certain military personnel and certain students
residing at colleges and universities. The revision of article
10 would govern reapportionment of the United States
congressional districts, state legislative districts and the state
board of education member districts. Under the revision a
redistricting commission would be established to
recommend redistricting plans to the legislature. The
legislature would enact a plan which would be subject to
review by the Kansas supreme court. There would be strict
deadlines for legislative action and if no plan is adopted by
the deadline, the Kansas supreme court would reapportion
the districts. Reapportionment of state legislative districts
would be based on the most recent census taken by the
United States bureau of the census, adjusted to exclude
certain military personnel and certain students residing at
colleges and universities.

"A vote for this proposition would change the procedure for
reapportionment of United States congressional, state
legislative and state board of education member districts.

"A vote against this proposition would continue the current
procedures and basis for reapportionment."

Sec. 3. This resolution, if approved by two-thirds of the members
elected (or appointed) and qualified to the House of Representatives, and
two-thirds of the members elected (or appointed) and qualified to the
Senate shall be entered on the journals, together with the yeas and nays.
The secretary of state shall cause this resolution to be published as
provided by law and shall cause the proposed amendment to be submitted
to the electors of the state at the general election in November in the year
2014 unless a special election is called at a sooner date by concurrent
resolution of the legislature, in which case it shall be submitted to the
electors of the state at the special election.