

# **Kansas Population Adjustment for Legislative Redistricting**

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# State Constitutional Basis

(a) . . . At its regular session in 1992, and at its regular session every tenth year thereafter, the legislature shall by law reapportion the state senatorial districts and representative districts 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 districts shall be reapportioned upon the basis of the population of the state adjusted: (1) To exclude nonresident military personnel stationed within the state and nonresident students attending colleges and universities within the state; and (2) 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. . . . *KS CONST Art. 10, § 1*

# Statutory Provisions

K.S.A. 11-301, *et seq.*

- Non-resident is a person who has a domicile or permanent residence outside of Kansas.
- Resident is a person who declares that he or she is a resident of Kansas and has intends to remain in the State.

# Statutory Provisions (cont'd)

- Secretary of State
  - Gathers Information and Calculates New Population Totals
    - Public and private colleges and universities and military officers must obtain information from students and members of the military using forms provided by the Secretary of State.
    - Information is as of Census Day.

# Statutory Provisions (cont'd)

- Secretary of State:
  - Adjusts Census data for “each county, city, precinct and part of a precinct that is given an identifying code.”
  - Provides adjusted population to Legislature by July 31, of the year following the federal Census.

# Statutory Provisions (cont'd)

- Data gathered to adjust Census figures is confidential.
- Data can only be used for the Census adjustment.
- Criminal penalty imposed for interference with the adjustment.

# Historical Background

- Agricultural Census Used for Redistricting
  - 1918 – 1979 counties collected population figures and submitted to the State Department of Agriculture – the “Ag Census.”
  - Ag Census abolished after 1979 redistricting
- 1988 State Census Conducted by Secretary of State
  - One-time effort used as population basis for 1989 redistricting of Kansas House

# Historical Background

- Residency Rules for Ag Census
  - Non-residents weren't counted.
  - Resident students, military, and inmates of jails, residents of nursing homes, *etc.*, counted at place of permanent residence.
  - Some inconsistency from one county to another in how the population was counted .



# Historical Background

- Residency Rules for 1988 State Census conducted by Secretary of State
  - Non-residents weren't counted.
  - Resident students, military, and inmates of jails and prisons, residents of nursing homes, *etc.*, counted at place of “permanent residence” – generally, where they lived prior to going to school, entering the military, *etc.*

# 1988 Census Was Challenged

- After new districts were drawn based on the 1988 State Census, several parties challenged the Census and the method by which it was taken.
- The district plans withstood those challenges.
- Constitutionality of the Census was not addressed.

# 2000 Procedures

- Adjustment of US Census results
  - Adjustment questionnaire developed by the Secretary of State.
  - 200,000 questionnaires were distributed and completed forms collected by colleges and military commands between Oct 1999 and April 2000. Deadline for return of questionnaires June 1, 2000.
    - 62% of persons responding reported that they were counted by the Census at their permanent address.

# 2000 Procedures (cont'd)

- Secretary of State followed-up to obtain information missing from questionnaires.
- Respondents were assigned to Census blocks.
  - Non-residents were subtracted from block where Census reported them.
  - Residents subtracted from block of “temporary” residence and added to block of “permanent” residence.
- Block populations from Census were recalculated.

# 2000 Procedures (cont'd)

- Total population, voting age population and race and ethnic characteristics all were recalculated.
- July 31, 2001 the Secretary of State provided to the Legislature the recalculated population file.

# Cost

- Direct costs for preparation of the recalculation by the Secretary of State -- \$375,000
- The 1988 State Census cost \$3.2 million

# 2000 Net Adjustment

- Difference in Ideal District Sizes after subtracting 16,161 non residents made
  - Ideal Senate Districts 404 persons smaller, and
  - Ideal House Districts 129 persons smaller.
- Greatest Net Gain by County
  - Johnson County (suburban Kansas City) +2,569.
- Greatest Net Loss by County
  - Riley County (Kansas State University and Ft. Riley) -13,246.

# Impact on Senate Districts

- Districts with Greatest Impact (Census vs. adjusted population)
  - Current Senate District in which the adjustment made the most difference had 14,689 people subtracted (approx. 22% of a district).
  - The Senate district with the most people added, gained 901 people.



# Impact on House Districts

- Districts with Greatest Impact (Census vs. adjusted population)
  - Current House District in which the adjustment made the most difference had 9,339 people subtracted (approx. 43% of a district).
  - The House district with the most people added, gained 484 people.

# Recent Legislation

- 2009 KS H.C.R. 5006
  - Would place on the ballot an initiative to repeal from the Constitution the requirement for the population adjustment. The Resolution was not heard or acted upon during the 2009 Session.
- 1999 is the last time a resolution to repeal the adjustment made it out of the first chamber.

# Questions and Contact Information

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