

## **Proposed Kansas Constitutional Amendment Placed on the Ballot for the 2019 General Election**

The 2019 Kansas Legislature approved for placement on the general election ballot this year a proposed amendment to the Kansas Constitution (2019 SCR 1605). If adopted, the amendment will place the process of drawing legislative districts in closer alignment with Kansas League of Women Voters policy as adopted in 1975. Specifically, adoption of the proposed amendment would better align the redistricting procedure with the LWVKS position that legislative districts “be based substantially on population, using United State Census figures.” If the amendment is adopted by the voters at the 2019 general election, legislative districts drawn by the 2022 Legislature will be based on the state population as counted during the 2020 U.S. Census.

**Summary.** The proposed constitutional amendment would eliminate the requirement that state legislative districts be based on an **adjusted** Census count. That adjusted count, prepared by the Secretary of State, removes from the population non-permanent residents who are in the military or enrolled in higher education in the state. The adjustment also reallocates permanent residents who are members of the military or students from the place they were counted during the U.S. Census to the place of their ‘permanent’ address within the state.

**Impact on Congressional Districts.** If adopted, the constitutional amendment **would not change** the process used by the Legislature to draw **congressional** districts. Kansas congressional districts have been based on unadjusted U.S. Census results for many decades.

**Background.** Every 10 years the U.S. Census counts everyone residing in the U.S. on Census Day, April 1. Currently, Kansas law requires the Secretary of State to ‘adjust’ the Census result for Kansas (for legislative redistricting purposes) to subtract any non-permanent resident college and university students and members of the military who are counted in Kansas when the U.S. Census is taken. That adjustment results in a reduction in the population base for legislative redistricting. The Secretary of State identifies the number of people to be subtracted by surveying higher education students and members of the military relatively close to the date of the U.S. Census. According to the Secretary of State’s office, the adjustment of the 2010 Census resulted in subtraction of nearly 14,000 (-0.48%) people from the total population reported by the U.S. Census.

The constitutional adjustment procedure also requires that students and members of the military who are permanent residents of the state to be subtracted from the Census count for the place of their residence at school or in the military and added to the Census count of their ‘permanent’ place of residence. For example, a student from Leawood who is counted by the U.S. Census at her dormitory in Emporia, would be subtracted by the Secretary of State from the count of Emporia residents and added to the count of residents of Leawood. Likewise, a member of the army from Wichita who lives on the base at Ft. Riley would be subtracted from the count of population on the base and added to the population count of Wichita. In 2010, approximately 15,600 people were reallocated as a result of the adjustment to a location other than the one in which the Census counted them.

**History.** In 1988 Kansans amended the state Constitution to include the current provision for legislative districts to be based on the adjusted U.S. Census figures. That amendment codified a practice that had

been in place for many years regarding the treatment of counts of students and members of the military. The Secretary of State made the constitutionally required adjustment for the last three rounds of redistricting, 1992, 2002, and 2012. (In Kansas, new legislative districts are created by the Legislature in the year ending in '2', based on the decennial U.S. Census conducted two years earlier. Generally, the results of the Census used for redistricting are published by the Census Bureau early during the year following the count of population, but often too late for redistricting to be completed by that Legislature.)

The Secretary of State reported that the 2010 adjustment process cost over \$250,000. The current Secretary of State presented testimony to the 2019 Legislature that the estimated cost of the 2020 adjustment would be \$834,000.