

## MINUTES

### SPECIAL COMMITTEE ON REDISTRICTING

Tuesday, August 2, 2011  
Chanute and Pittsburg Public Hearings

Neosho County Community College and Pittsburg State University

#### Members Present

Senator Tim Owens, Co-chairperson  
Representative Mike O'Neal, Co-chairperson  
Senator Dwayne Umbarger, Co-Vice-Chairperson  
Senator Anthony Hensley, Co-ranking Minority Member  
Senator Carolyn McGinn  
Representative Steve Brunk  
Representative Bob Grant  
Representative Caryn Tyson

#### Staff Present

Corey Carnahan, Kansas Legislative Research Department  
Reed Holwegner, Kansas Legislative Research Department  
Craig Callahan, Kansas Legislative Research Department  
Dorothy Noblit, Kansas Legislative Research Department  
Theresa Kiernan, Senate Committee Assistant  
Cindy O'Neal, House Committee Assistant

#### Conferees-Chanute

Ross Hendrickson, Chanute Chamber of Commerce  
Edwin Bideau, Former Legislator, Chanute  
Senator Anthony Hensley  
Jim Stillwell, Montgomery County  
Representative Virgil Peck  
Representative Jim Kelley  
Howard Bredesen, Coffeyville  
Mary Alice Lair, Chanute  
Virginia Crossland-Macha, Iola  
Patricia Hauser, Neosho County Republican Chairperson  
Mike Howerter, Parsons

#### Conferees-Pittsburg

Shirley Palmer, Bourbon County Democrat Chairperson  
Blake Benson, Pittsburg Area Chamber of Commerce  
Craig Hull, Crawford County Convention and Visitor's Bureau  
Linda Grilz, Crawford County Commissioner

Dale Slagle, Superintendent of Schools, Frontenac  
Donald Pyle, Crawford County Commissioner  
Jeffrey Lock, Arma  
Clayton Tatro, Bourbon County, Fort Scott Community College  
Joann McDowell, Chairperson, Montgomery County Democratic Party  
Dave Martin, City Manager, Ft. Scott  
Jim Overbeck, Chairperson, Cherokee County Democratic Party  
Senator Anthony Hensley  
Denise Cassell, Chairperson, Democratic Party County Chairpersons Association  
Chad Titterington  
Leah Mackey

### **Chanute Public Hearing**

Senator Tim Owens, acting as the presiding Co-chairperson, called the meeting to order and made opening comments.

Co-chairperson Owens gave an overview of the guidelines and criteria for the 2012 Kansas Congressional, Legislative, and State Board of Education (SBOE) redistricting process (Attachment 1).

He stated that neither he nor the court looks favorably on the process of drawing districts by gerrymandering. He stressed it is very early in the process of the redistricting and no decisions have been made on any map or plan. He urged the citizens of Kansas not to jump to any preconceived conclusions and stated the Legislature is striving to make this a transparent process.

Co-chairperson O'Neal explained the town hall meetings were being held to give members of the public an opportunity to be involved in the redistricting process by allowing the public 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 (Legislative) Districts and SBOE districts.

Co-chairperson O'Neal also explained that while 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 have approved deviations of 5 percent above or below the ideal population of such districts. Once the maps or plan 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 congressional districts is not subject to a mandatory court review. The congressional district map or plan that was 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 stressed the Legislature will attempt to follow the guidelines that have been approved to provide guidance in the redistricting process and will try to avoid breaking up geographical areas, but it may become unavoidable in order to meet the strict deviation standard. The most important factor the court considers when determining whether a congressional plan is constitutional, is whether the population of the district is within the acceptable range of deviation from the ideally sized district. Other factors considered by the court include: dilution or preservation of minority voting strength; gerrymandering; and

recognition of 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).

He explained the 2010 Census showed a majority of Kansas counties lost population while only 28 counties gained population. The population data also showed citizens moved from rural areas to more populated urban areas. Overall, the state grew by 164,700 citizens, allowing us to keep our four congressional districts ([Attachment 2](#)). Co-chairperson O'Neal reviewed the statewide population figures and ideal district sizes.

Ross Hendrickson, Chanute Chamber of Commerce, worked on census data while employed with former Secretary of State Ron Thornburgh. Both the past and current census show there is a strong movement from rural to urban communities. He stressed the importance of keeping the City of Chanute and the rest of Neosho County in the same district since they are connected by an economic base and maintain a rural voice. He touched on their achievements and successes: passing a \$40 million bond issue for schools; Neosho County Community College is one of the fastest growing community colleges in Kansas and is a leader in the training of nurses; and Neosho Memorial Regional Hospital has received awards at both the state and national levels, and built its own fiber-optics to connect key resources together along with business and residential usage. He stressed that while there will be changes, not all counties, businesses, and families want to have a metro presence in the new districts. He asked that the Legislature maintain the rural character of the Chanute and Neosho districts.

Mr. Hendrickson quoted Secretary Thornburg, "Rural Kansas was powerhouse with agriculture that fueled the Kansas economy for generations when Johnson County was just a rural area of Kansas City, so now it's time for Johnson County and other metro areas to play the role supporting the rural parts of the state." ([Attachment 3](#))

Edwin Bideau, former legislator from Chanute, stated he had two main concerns: preserving the homogeneous rural character of Neosho County and keeping economic zones together when drawing House Districts to the extent that the committees are able.

Senator Anthony Hensley provided a PowerPoint presentation similar to the one he used at previous town hall meetings. He stated the main criteria of redistricting is to make sure the requirement of "one person, one vote" is met. He also gave a history lesson on the word "gerrymandering" and its origins. He felt every guideline was ignored during the last redistricting process. He was extremely concerned that the First Congressional District will be drawn so that it stretches across the state from the western border to the eastern border and then down into Leavenworth and Wyandotte counties. Senator Hensley said he heard this type of map had been circulating in Washington, D.C., but had not actually seen a map with this configuration. He believes this type of map may be designed to preserve the dominance of the Republican Party. He stated this plan would be a disservice to both Wyandotte County and western Kansas. This plan also would be a disservice to southeast Kansas because it would extend the Second Congressional District to include the City of Salina and, thereby, dilute the voting strength of the southeast counties currently in the Second Congressional District. Senator Hensley noted the map used in the PowerPoint presentation was drawn by his Chief of Staff, Tim Graham, and was drawn on the basis of conversations with unnamed persons who Senator Hensley stated had contacted him. He reminded the Committee about the U.S. Supreme Court ruling in *Baker v. Carr*, relating to the "one person, one vote" requirement that must be complied with when legislatures redistrict ([see Attachment 8 of Wichita and Hutchinson Public Hearings](#)).

Senator Hensley expressed that he would prefer Montgomery County be placed in the Second Congressional District to unify the nine counties in the southeast corner of the state. Ten years ago, there was a map titled "February Copper." At the time, the Kansas Congressional Delegation was supporting this map. The Senate passed it by a 21-19 vote. Senator Hensley stated legislators should listen to the concerns of the Kansas Congressional Delegation, but to do the Legislature's job and not allow undue influence from the congressional delegation.

Jim Stillwell, Montgomery County, wants the county to be included in the Second Congressional District along with the rest of southeast Kansas. He believes Montgomery County does not share a community of interest with Wichita and Sedgwick County.

Senator Hensley stated he hopes to present a map that would put Montgomery County into the Second Congressional District, but it takes some time to design because it has a domino effect on the other Congressional Districts.

Co-chairperson O'Neal pointed out that while the population of the Fourth Congressional District is 6,912 over the ideal number, the population of Montgomery County is over 35,000 residents. In order to accomplish what has been requested today, the Legislature would have to make up the difference between those numbers by taking population from another congressional district. There may be some counties that are more compatible with other districts. What Mr. Stillwell proposed is, however, possible.

Representative Bob Grant stated by placing Montgomery in the Fourth Congressional District during the last redistricting, it weakened southeast Kansas in the Legislature and made it difficult to elect someone from southeast Kansas to Congress.

When asked if he would like to comment on the district Montgomery County should be in, Representative Virgil Peck stated the question had not come up on the campaign trail, but believes it would be more beneficial to southeast Kansas if Montgomery County was located in the Second Congressional District. Representative Peck stated Montgomery County has an aviation industry focus shared with Wichita in the Fourth Congressional District.

Representative Grant stated economic issues are more at home in southeast Kansas than they are in Wichita. The requirement of "one man, one vote" has put a bind in splitting up the districts. The population shift will end up pitting rural against urban.

Representative Jim Kelley agreed Montgomery, Elk, Chautauqua counties are tied to the Fourth Congressional District because of the aircraft industry, but believes that economic development activities pulls all the southeast counties together.

Howard Bredesen, Coffeyville, stated both Coffeyville and Independence share a community of interest, but are not located in the same legislative districts. He would like the two cities to be put in the same House and Senate districts.

Mary Alice Laird, Chanute, expressed concern with the manner in which Woodson County was split among legislative districts. She urged the Legislature not to split small entities (cities and counties) among multiple legislative districts.

Co-chairperson O'Neal calculated that the population in southeast Kansas is short 22,773 residents. When considering the number of residents in the following House districts: 1,

2, 3, 4, 7, 8, 9, 12, and 13, and keeping in mind the ideal population in a House district is 22,716 residents, the loss of population in southeast Kansas is equal to one House district. It is a sobering fact that Southeast Kansas will lose one House seat.

Co-Chairman Owens performed a quick calculation on the Senate districts in southeast Kansas and stated since the only growth area in southeast Kansas was around Pittsburg, he doubted that there would be a loss of a Senate seat.

Virginia Crossland-Macha, Iola, lives in the Ninth House District, which is composed of one entire county and portions of four other counties. It divides school districts, cities, and small towns, and represents a diverse area. They have a representative from the richest county representing the poorest counties. She requested the Committee take into consideration putting Piqua in the same district as Yates Center and Woodson County with which Piqua shares a community of interest.

Corey Carnahan, Kansas Legislative Research Department, informed the Committee and citizens that Maptitude software would be used for drawing district lines. Those wanting to participate in drawing their own maps should contact the Kansas Legislative Research Department (KLRD) or a caucus office.

Mr. Carnahan stated later this year, the KLRD would launch [www.redistricting.ks.gov](http://www.redistricting.ks.gov). This website will provide notifications on upcoming meetings, maps that have been technically approved for release to the public, and the maps under consideration by the Legislature.

Patricia Hauser, Neosho County Republican Chairperson, asked whether the computer software would include economic, income, and school district information. Mr. Carnahan responded those items are not tied to the 2010 Census, but possibly is available through the Secretary of State's Office.

Co-chairperson Owens extended his appreciation to members of the Legislature in the audience for their attendance at the meeting. He commented the ideal or acceptable number of people in a district only might be reflected for one day, the day on which the census was taken. This is due to deaths, births, and relocation of residents in the district. Co-chairperson Owens stated meeting the acceptable deviation in population is a very important factor to be considered when determining the validity of district boundaries.

Mike Howerter, Parsons, asked if the Legislature draws the precinct districts, because they are out of date. Mr. Carnahan explained that the local school boards draw school district boundaries and precinct boundaries are drawn by the county election officer.

Senator Umbarger expressed his appreciation to the citizens attending the meeting, stating it is a difficult process when starting to work with the numbers and dividing communities. The Legislature is dedicated to not splitting communities of interest. However, sometimes it is necessary. That is why guidelines offer a roadmap for redistricting.

Co-chairperson Owens noted Johnson County is a microcosm of the state; that it has agricultural and rural interests, as well as business and urban interests. He also noted he is a resident of Johnson County, but like many of the residents of Johnson County, he is not a native of the County, and they understand the needs and interests of the state as a whole.

Co-chairperson Owens again thanked all those present for their attendance and participation in the redistricting process. In addition, he stated it is important these joint meetings are held across the state so members of the committees are able to get input from people from all areas of the state.

### **Pittsburg Public Hearing**

Shirley Palmer, former member of the Kansas House of Representatives, Bourbon County Democrat Chairperson, stated districts should be drawn for the people who live in them and not for politicians. She asked that Bourbon County be contained in one House District and if possible in one Senate District. She asked that the city of Fort Scott not be split between or among districts. She urged the adoption of a process under which a non-partisan redistricting commission be established to draw district boundaries. She asked that the Legislature adhere to the one person, one vote doctrine. Finally, she stated the goal of redistricting is to reflect changes in population, protect communities of interest, and ensure that growing minority communities receive fair representation ([Attachment 4](#)).

Co-chairperson O'Neal stated the Committee has to start drawing the maps somewhere and everyone wants to start the map in their county, because they get to draw the district lines exactly as they would like. He pointed out Bourbon County has 15,673 residents, which is about 7,000 residents under ideal population of a House District. Therefore, some county around Bourbon County probably would have to be split.

Ms. Palmer stated she had heard from the county clerk that a couple who lives in Bourbon County, but also within USD 248 School District (located in Crawford County), are not allowed to vote on school board issues unless they request a special ballot.

Senator McGinn stated she lives in a similar circumstance, but has never had to do what Ms. Palmer was suggesting. She requested KLRD look into whether this was an issue across the state or just in Bourbon and Crawford Counties.

Blake Benson, Pittsburg Area Chamber of Commerce, expressed support in maintaining a strong voice in the Kansas Legislature. The numbers do not look good for southeast Kansas, but Pittsburg and Crawford County are headed in the right direction; Pittsburg State University has recorded the highest attendance ever. He expressed concern with the adjustment in the federal census numbers are attributable to students enrolled at PSU. He stated over 1,000 students enrolled at PSU are not included in the Pittsburg population. Mr. Benson noted Crawford County is one of the 28 counties that did not lose population. The future population is expected to grow more than 20 percent over the next 20 years. The T-Works transportation plan will improve Highway 69 and will allow for population growth in the near future. The Chamber feels it is not the appropriate time to pull back on representation for the area ([Attachment 5](#)).

Craig Hull, Crawford County Convention and Visitor's Bureau, stated southeast Kansas travel and tourism industry has been tracking the hotel occupancy rate and shows since 2006, there has been an increase of nights sold from 42,000 to 71,000 in 2010, and is on pace to exceed 75,000 in 2011. This increase in tourism is before improvements to Highway 69 have been started. Once the new highway is completed he believes there will be a dramatic market shift benefiting the area. He would like to continue the representation they currently have. Education continues to be a focal point of their economic progress and Pittsburg State University will continue to bring in more students ([Attachment 6](#)).

Linda Grilz, Crawford County Commissioner, was concerned that changing the state representation could create a rural vs. urban fight. She also expressed a concern the agricultural interests of the state will be underrepresented. She urged the Committee to consider geographical areas when drawing line ([Attachment 7](#)).

Dale Slagle, Superintendent of Schools, Frontenac, stated there is tremendous support for families and schools in southeast Kansas, especially in tough times. They recently raised \$31,000 to fund scholarships for schools. Pittsburg State University is a quality school and has a lot to offer to industries of southeast Kansas.

Donald Pyle, Crawford County Commissioner, emphasized redistricting is an important job and hopes the Committee will maintain the integrity of many communities that comprise southeast Kansas. He asked the Committee to pay close attention to boundaries of school districts, counties, and other units of local government. Finally, he asked all districts be created with an equal amount of respect ([Attachment 8](#)).

Jeffrey Lock, Arma, stated he understands how it is a mobile society and the “one person, one vote” is the basis for redistricting. He urged the Committee to keep the number close to the deviation. He appreciates the diversity that has been brought into this area. The Committee needs to do what is right.

Clayton Tatro, Bourbon County, Fort Scott Community College, pointed out, in addition to PSU, there are six community colleges located in southeast Kansas. While he understands the need to put students back at the “home base,” he believes the adjustment of numbers of students should be reconsidered. The vast majority of the time, they are living at the community college more than at home.

Co-chairperson O’Neal stated it is the student who makes the choice as to where the student is counted under the Secretary of State adjustment.

Joann McDowell, Democrat County Chairperson, Montgomery County, commented, considering what has gone on in Washington the past few weeks, the members of the Kansas Legislature need to figure out how to conduct themselves so they determine what is best for the citizens. When they are connected to Johnson or Sedgwick counties, they take a back seat. She asked the Committee to put them back into the Second Congressional District and consider the good of the state as a whole.

Dave Martin, City Manager, Fort Scott, stated it is a fight everyday to keep things prosperous in southeast Kansas. They need to work with their legislators. He stated collaboration with legislators is vital to continue the success of the area. All three of his legislators always are available to help whenever he calls. He asked the Committee to leave the districts as currently drawn.

Co-chairperson O’Neal stated the Legislature cannot leave things as they are, but will try to minimize the impact of the loss in population that has occurred in the southeast area of the state.

Co-chairperson Owens added he wants to avoid splitting cities and counties between or among districts, as much as possible, but it may be unavoidable to meet the population requirements.

Jim Overbeck, Cherokee Democrat County Chairperson, expressed concern that Cherokee County is a heavily Democratic county and through the redistricting process its democratic base will be diluted. He asked whether it is the plan of the Republicans and the Committee to break up these types of political strongholds.

Co-chairman Owens stated it is his sincere hope the Committees' intent is not to break up political strongholds. He stated guidelines have been adopted that address the issues Mr. Overbeck raised. He added, "No party wants to be the only party."

Senator Anthony Hensley provided a PowerPoint presentation that he presented at each of the previous town hall meetings (See Attachment 8 of Wichita and Hutchinson Public Hearings).

Following Senator Hensley's presentation, he was asked to divulge the names of the sources of information upon which the map was drawn. He responded that he would, if asked, divulge the names of the sources privately to any Committee member.

Denise Cassell, Chairperson, County Chairs Association, State Democrat Party, wanted citizens to express their concerns about the redistricting process so the Legislature will take into consideration citizens' perspectives.

Chad Titterington, a member of the audience, asked Senator Hensley, in relation to the "D.C.-Topeka plan," "If this indeed is a conspiracy, why won't you divulge the names publicly?" In addition, he stated he felt that Senator Hensley had a duty to divulge the names of his sources. In response to Mr. Titterington, Senator Hensley stated his sources do not want their names disclosed publicly and he is protecting his sources in the same manner a reporter would protect his or her sources.

In response to concerns that redistricting maps already may have been drawn, Co-chairperson Owens noted it is likely many maps or plans have been drawn, but an official map will not be drawn until the members of the Committee have considered comments submitted by the public at (or following) the 14 town hall meetings being held across the state this summer and fall.

Senator Hensley stated if he had any preconceived notion on the drawing of districts it would be to right the wrongs made in the redistricting process in 2002 and would begin with placing Montgomery County in the Second Congressional District with the rest of the counties of southeast Kansas.

Senator Marshall asked for more information on the adjusted census figures. Mr. Carnahan explained the Secretary of State sent boxes of forms to military bases and colleges to find out where the military personnel and students consider their permanent place of residence to be. The total adjustment figure does not take into account those who did not fill out the form and return it.

Mr. Carnahan went on to explain each educational institution determines the manner in which the forms are distributed and the program is administered on its campus. Some institutions require the form to be filled out and returned before the student is allowed to enroll in classes for the next semester.



Chad Titterington asked whether the population adjustment was an arbitrary process. Co-chairperson O'Neal responded it is up to the student to determine where he or she is counted for the purpose of redistricting. It could be worse; more could have chosen their hometown and could have made the adjustment count for the area higher.

Mr. Carnahan informed the audience the Secretary of State has made a 110-page report available online, which details the response rate and how this process is conducted.

Leah Mackey thanked the Committee for holding a town hall meeting in Pittsburg, Kansas.

The next redistricting public hearings will be held on September 2, 2011 in Lawrence and Overland Park, Kansas.

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

Approved by the Committee on:

December 2, 2011

(Date)