

1 AN ACT relating to election districts.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 6 of this Act:*

6 *(1) "Commission" means the Legislative Advisory Reapportionment and*
7 *Redistricting Commission;*

8 *(2) "Population" means the most recent United States Census data collected under*
9 *Pub. L. No. 94-171;*

10 *(3) "Reapportionment" means the division of a given number of elected seats among*
11 *established political subdivisions in accordance with an existing plan or formula;*
12 *and*

13 *(4) "Redistricting" means the drawing of boundary lines for election districts in*
14 *order to achieve, as nearly as possible, equal population among the election*
15 *districts.*

16 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
17 READ AS FOLLOWS:

18 *(1) The Legislative Advisory Reapportionment and Redistricting Commission is*
19 *hereby created, consisting of eleven (11) members who shall be appointed as*
20 *follows:*

21 *(a) Two (2) members appointed by the President of the Senate;*

22 *(b) Two (2) members appointed by the Speaker of the House of Representatives;*

23 *(c) Two (2) members appointed by the Minority Leadership in the Senate;*

24 *(d) Two (2) members appointed by the Minority Leadership in the House of*
25 *Representatives; and*

26 *(e) Three (3) members appointed by the Chief Justice of the Kentucky Supreme*
27 *Court or the Chief Justice's designee.*

- 1 (2) Members to be appointed to the commission shall meet the following conditions:
- 2 (a) Members or their immediate family shall not run for an elected office of the
- 3 General Assembly within two (2) years after the reapportionment and
- 4 redistricting proposals;
- 5 (b) Members must have voted in at least two (2) of the last three (3) statewide
- 6 elections;
- 7 (c) Members or their immediate family shall not have been appointed to any
- 8 position of employment with the General Assembly, executive branch, or the
- 9 judicial branch of Kentucky;
- 10 (d) Members or their immediate family shall not have been, within ten (10)
- 11 years of appointment, a candidate for federal office or an office of the
- 12 Commonwealth, member of a party central committee, an employee or paid
- 13 consultant to a federal or state candidate party, a registered lobbyist or paid
- 14 legislative staff, or a donor of more than two thousand dollars (\$2,000) to
- 15 an elected candidate;
- 16 (e) Members shall not be consultants or contractors for the Commonwealth or
- 17 the federal government, notwithstanding their duties as members on the
- 18 commission;
- 19 (f) Members shall not have switched party affiliation within the five (5) years
- 20 preceding the appointment; and
- 21 (g) Members appointed shall include representation of at least one (1) member
- 22 for each congressional district of Kentucky. If the appointing authority
- 23 cannot mutually agree to the apportionment of this requirement, the
- 24 President of the Senate shall appoint members who reside in the First and
- 25 Second Congressional District, the Speaker of the House shall appoint
- 26 members who reside in the Third and Fourth Congressional District, the
- 27 Minority Leadership in the Senate shall appoint at least one (1) member

1 who resides in the Fifth Congressional District, and the Minority
 2 Leadership in the House of Representatives shall appoint at least one (1)
 3 member who resides in the Sixth Congressional District.

4 (3) Consistent with applicable laws, the commission shall be inclusive of any person
 5 or group of people representing a political party, those without affiliation to a
 6 political party, rural or urban, race, color, religion, ethnicity, gender, age,
 7 nationality, marital status, and sexual orientation.

8 (4) Appointed members of the commission shall first be appointed no later than July
 9 1, 2020, and thereafter members shall be appointed decennially no later than July
 10 1 of each decennial year. The appointing authority of each commission member
 11 as established in subsection (1) of this section shall fill any vacancy, and such
 12 appointment shall be consistent with this section.

13 (5) Appointed members of the commission shall hold office for a term of four (4)
 14 years.

15 (6) The chair of the commission shall be elected by majority vote of the membership
 16 of the commission, who shall then have the authority to select a co-chair.

17 (7) This section shall be enforced by the Kentucky Legislative Research Commission
 18 by the filing of an action in the Franklin Circuit Court. If the Kentucky
 19 Legislative Research Commission fails or refuses to enforce this section, the
 20 Kentucky Attorney General shall enforce this section.

21 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
 22 READ AS FOLLOWS:

23 (1) The commission shall be attached to the Legislative Research Commission for
 24 administrative and budgetary purposes, which shall appropriate a reasonable
 25 amount of money for the commission to fulfill its obligations according to
 26 Sections 1 to 6 of this Act.

27 (2) Members of the commission shall receive per diem compensation as determined

1 by the Legislative Research Commission.

2 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
3 READ AS FOLLOWS:

4 (1) The commission, in fulfillment of its duties according to Sections 1 to 6 of this
5 Act, shall have the authority to:

6 (a) Contract for expert services;

7 (b) Purchase equipment and computer software;

8 (c) Consult with staff of the Legislative Research Commission;

9 (d) With approval of the Legislative Research Commission, hold public
10 hearings in any town in the Commonwealth to obtain information relevant
11 to reapportionment and redistricting;

12 (e) Hold public hearings at the state capitol to obtain information relevant to
13 reapportionment and redistricting, which shall not require prior approval
14 by the Legislative Research Commission; and

15 (f) Hire administrative staff.

16 (2) A majority of the commission shall constitute a quorum. A meeting of the
17 commission shall not be held without notice to all members of the commission.

18 (3) The commission shall adopt Mason's Manual of Legislative Procedure, newest
19 edition, as the source for the rules of decisions in all cases not otherwise provided
20 for by Sections 1 to 6 of this Act.

21 (4) All records of the commission shall be considered open records in accordance
22 with KRS 61.870 to 61.884, and all records and other information generated by
23 the commission shall be made available to the public on the Web site established
24 in KRS 7.505.

25 (5) All meetings of the commission shall be considered open meetings in accordance
26 with KRS 61.805 to 61.850.

27 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO

1 READ AS FOLLOWS:

- 2 (1) The duties of the commission shall include the development of proposals for the
3 reapportionment and redistricting of state legislative districts and United States
4 congressional districts. The commission shall also be responsible for developing
5 proposals for reapportionment and redistricting of Supreme Court districts in the
6 Commonwealth when called upon to do so.
- 7 (2) The commission shall reapportion and redistrict districts based upon population
8 and shall divide the state into:
- 9 (a) State legislative districts composed of thirty-eight (38) senatorial districts
10 and one hundred (100) representative districts;
- 11 (b) United States congressional districts as allocated to the Commonwealth;
12 and
- 13 (c) Seven (7) Supreme Court districts when called upon to do so.
- 14 (3) The standard for creating districts for the election of members of the General
15 Assembly shall be in accordance with the Constitution of the United States, the
16 Voting Rights Act of 1965, and other relevant federal law, Section 33 of the
17 Constitution of Kentucky, and other relevant state law, and consistent with the
18 following policies insofar as practicable:
- 19 (a) To form representative and senatorial districts with minimum percentages
20 of population deviation;
- 21 (b) To recognize and maintain contiguous patterns of geography, social
22 interaction, trade, and communities of interest;
- 23 (c) To form effective representation of racial and linguistic minorities;
- 24 (d) To promote partisan fairness and electoral competition;
- 25 (e) To respect boundaries of municipalities and counties; and
- 26 (f) To create districts that are as compact in size as feasible.
- 27 (4) The standard for creating districts for the election of members to the United

1 States Congress shall be in accordance with Constitution of the United States, the
 2 Voting Rights Act of 1965, and other relevant federal law, and consistent with the
 3 following policies insofar as practicable:

4 (a) To form congressional districts with minimum percentages of deviation to
 5 reflect the concept of "one person one vote";

6 (b) To recognize and maintain contiguous patterns of geography, social
 7 interaction, trade, and communities of interest;

8 (c) To use counties as district building blocks where possible, and to the extent
 9 consistent with other aspects of these criteria, recognizing that some
 10 counties may of necessity be split in order to achieve stated equality of
 11 population goals;

12 (d) To form effective representation of racial and linguistic minorities;

13 (e) To promote partisan fairness and electoral competition; and

14 (f) To create districts that are as compact in size as feasible.

15 (5) The standard for creating districts for the election of members to the Supreme
 16 Court of Kentucky shall be in accordance with Section 110 of the Constitution of
 17 Kentucky.

18 (6) The standards for creating districts within this section shall explicitly reject the
 19 following principles insofar as practicable:

20 (a) The protection of incumbents, including but not limited to devices used for
 21 considering party affiliation, voting history, and candidate residence;

22 (b) Preferential treatment for a political party, including but not limited to
 23 devices used for considering party affiliation, voting history, and candidate
 24 residence; and

25 (c) Previous election results, unless required as a remedy by a court of
 26 competent jurisdiction.

27 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO

1 READ AS FOLLOWS:

- 2 (1) On or before September 1 of the year following the decennial census, and for
3 subsequent redistricting cycles every ten (10) years thereafter, the commission
4 shall prepare not fewer than one (1) tentative proposal based on population for the
5 reapportionment and redistricting of each of the following:
- 6 (a) The House of Representatives into one hundred (100) districts;
7 (b) The Senate into thirty-eight (38) districts; and
8 (c) United States congressional districts as allocated to the Commonwealth.
- 9 (2) Each reapportionment and redistricting proposal shall:
- 10 (a) Be in the form of a bill;
11 (b) Be drawn in accordance with the standards established in Sections 1 to 6 of
12 this Act;
13 (c) Result in an entire statewide plan;
14 (d) Include a map showing the boundaries of the districts; and
15 (e) Include a report of population and deviations of the districts.
- 16 (3) The commission shall present the reapportionment and redistricting proposals as
17 set forth in subsections (1) and (2) of this section to the Legislative Research
18 Commission no later than the first Monday in September of the year following
19 the decennial census.
- 20 (4) Before the commission files its final reapportionment and redistricting proposals
21 as set forth in subsections (1) and (2) of this section to the Legislative Research
22 Commission, the commission shall hold at least one (1) public hearing on the
23 proposals at the state Capitol, which shall include public accessibility and
24 disclosure of the commission's work product.
- 25 (5) The Legislative Research Commission shall refer the reapportionment and
26 redistricting proposals to the Interim Joint Committee on State Government for
27 its review and consideration at its October and November meeting, and the

1 Interim Joint Committee on State Government may hold additional meetings as
2 deemed necessary. The Interim Joint Committee on State Government may
3 recommend enactment or rejection of the commission's reapportionment and
4 redistricting proposals to the General Assembly during the next regular session
5 or extraordinary session called by the Governor for the purposes of redistricting.

6 (6) Following the review of the Interim Joint Committee on State Government, and
7 during the regular session of the General Assembly or an extraordinary session
8 called by the Governor for the purposes of redistricting, the General Assembly
9 shall consider the commission's reapportionment and redistricting proposals for
10 enactment into law. The General Assembly may enact or reject the commission's
11 reapportionment and redistricting proposals, but may not alter or amend the
12 proposals except for technical amendments, which do not alter or amend the
13 substance of the proposals.

14 (7) The Speaker of the House shall introduce in the House of Representatives, and
15 the President of the Senate shall introduce in the Senate, the reapportionment
16 and redistricting proposals on the first day of the regular session of the General
17 Assembly or an extraordinary session called by the Governor for the purposes of
18 redistricting. If the Speaker of the House or the President of the Senate does not
19 introduce the reapportionment and redistricting proposals as submitted by the
20 commission, the proposals shall be introduced and sponsored by the minority
21 floor leader of the House of Representatives and the Senate, respectively. The
22 Committee on Committees of both the House of Representatives and the Senate
23 shall refer the reapportionment and redistricting proposals to the House Standing
24 Committee on State Government and the Senate Standing Committee on State
25 and Local Government, respectively.

26 (8) If the General Assembly does not enact the commission's reapportionment and
27 redistricting proposals by the first Tuesday after the fourth Monday of the year

1 following the commission's submission of the proposals to the Legislative
2 Research Commission, the General Assembly shall return the proposals to the
3 commission and request development of new proposals for the reapportionment
4 and redistricting of the districts. The General Assembly shall communicate to the
5 commission its reasons for not enacting the reapportionment and redistricting
6 proposals, and may provide recommendations. The commission shall then draft a
7 second set of proposals for the reapportionment and redistricting of districts
8 within seven (7) business days of the General Assembly's return of the first set of
9 proposals, which shall include the reasons why, if applicable, for not including
10 the recommendations of the General Assembly. The General Assembly may enact
11 or reject the commission's second set of reapportionment and redistricting
12 proposals, but may not alter or amend the proposals except for technical
13 amendments, which do not alter or amend the substance of the proposals.

14 (9) If the General Assembly does not enact the commission's second set of
15 reapportionment and redistricting proposals, the General Assembly shall return
16 the second set of proposals to the commission and request development of new
17 proposals for the reapportionment and redistricting of the districts. The General
18 Assembly shall communicate to the commission its reasons for not enacting the
19 reapportionment and redistricting proposals, and may provide recommendations.
20 The commission shall then draft a third and final set of proposals for the
21 reapportionment and redistricting of districts within seven (7) business days of
22 the General Assembly's return of the second set of proposals, which shall include
23 the reasons why, if applicable, for not including the recommendations of the
24 General Assembly. The General Assembly may enact or reject the commission's
25 third and final set of reapportionment and redistricting proposals, but may not
26 alter or amend the proposals except for technical amendments, which do not alter
27 or amend the substance of the proposals.

- 1 *(10) If the General Assembly does not enact the commission's third and final set of*
2 *reapportionment and redistricting proposals, the General Assembly shall enact its*
3 *own legislation regarding the reapportionment and redistricting of districts.*
- 4 *(11) The General Assembly shall separately consider enactment or rejection of the*
5 *commission's reapportionment and redistricting proposals for the House and*
6 *Senate state legislative districts, and the United States Congressional districts.*