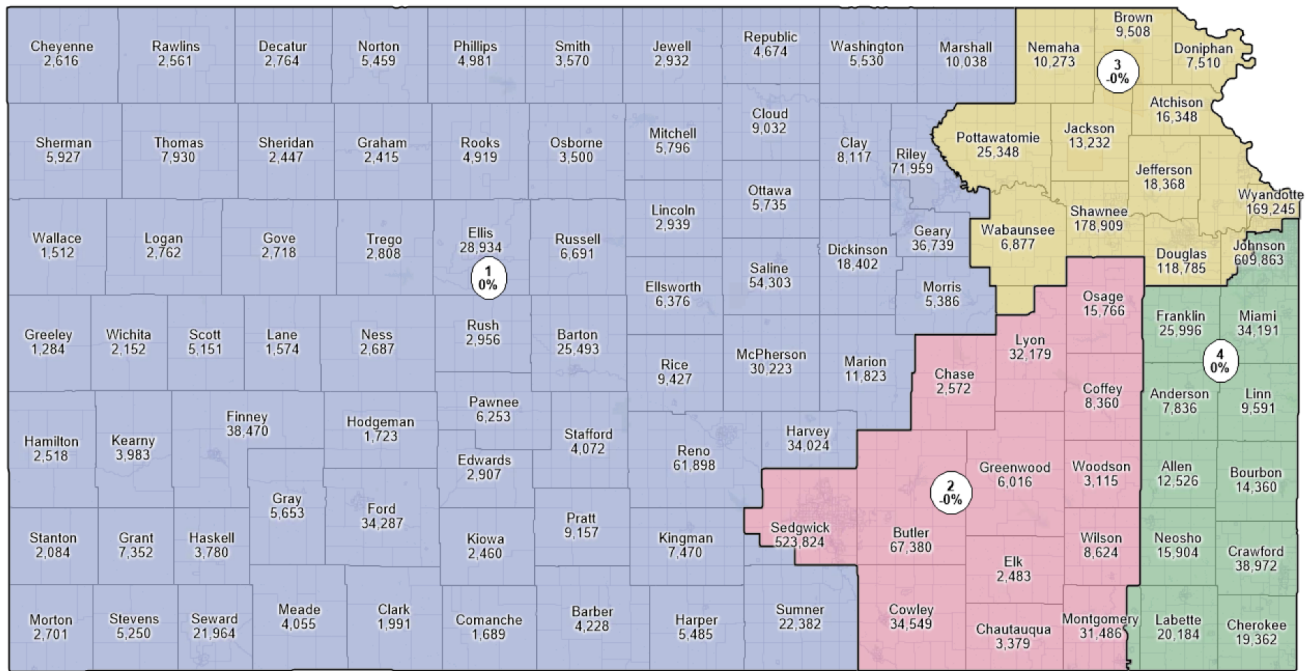


Kansas

Good Government Plan



I. Introduction

This is a good government map of Kansas, drawn to respect county lines and those of other political subdivisions. Counties are split only four times, and in all of those instances, the split is between just two districts. As for cities and towns, 10 are split in two, leaving 730 fully intact. The proposed districts also achieve perfect population equality, are generally more compact than their preexisting counterparts and are otherwise in compliance with federal and state law.

II. Evaluation of Relevant Criteria

A. Demographic Considerations

Racial minorities make up a very small percentage of Kansas' total population. The white CVAP in each district ranges from 78.3% to 87.8%, similar to the demographics of the former districts.

B. Geographic Considerations

Another goal motivating the creation of this map was to improve in regard to compactness. On average, the proposed districts are more compact than the original districts by every measure of compactness (with the exception of the Population Polygon test, which yielded the same compactness for both plans). Additionally, the districts are contiguous and the map has no unassigned areas.

C. Political Subdivisions

All but four of Kansas' 105 counties are undivided in this map. The four counties that were split among different districts were all split in two. The preexisting plan similarly left 102 of Kansas' 105 counties intact.

D. Communities of Interest

Of the 740 cities and towns in Kansas, 730 remain intact under this proposed plan. The ten split cities and towns were split in two, leaving a total of 20 splits overall. These divisions were necessary to ensure that the districts would achieve perfect population equality.

Again, the preexisting plan is similar in this respect—734 cities and towns were left undivided, and all six of the divided cities and towns were split among two districts.

E. Partisan Considerations

Currently, three of Kansas' four districts have elected Republicans, while one has elected a Democrat. The PlanScore Assessment¹ indicates that this good government map favors

¹ Available at https://drawcongress.org/wp-content/uploads/Kansas_GG_Planscore.pdf.

Republicans. However, it is projected that under this plan, two districts will remain reliably Republican and two will lean Democratic. Thus, the projected distribution of seats is still more even than it is under the preexisting plan.

III. Legal Compliance

A. One Person, One Vote

In 1964, the Supreme Court applied the principle of “one person, one vote” in *Wesberry v. Sanders*, holding that Article I, Section 2 of the United States Constitution commands that “one [person]’s vote in a congressional election is to be worth as much as another’s” to the extent practicable.² In 1983, the Court further clarified in *Karcher v. Daggett* that, while precise mathematical equality may be impossible, even insignificant deviations in population between districts are unacceptable when avoidable and unjustified.³ In *Karcher*, the Court rejected the state of New Jersey’s argument that a population deviation of 0.7% between districts should be excused as *de minimis*.⁴

This plan complies with the “one person, one vote” requirement. With each district being home to 734,470 people (plus or minus one person), there is essentially perfect population equality.

B. Voting Rights Act

Section 2 of the Voting Rights Act disallows congressional maps that deny minority voters an equal opportunity to “participate in the political process and to elect representatives of their choice.”⁵ Under *Thornburg v. Gingles*, challenges to district lines on the basis of this provision must first pass a three-part test to prevail. First, the minority group must “demonstrate

² *Wesberry v. Sanders*, 376 U.S. 1, 8 (1964).

³ *Karcher v. Daggett*, 462 U.S. 725, 734 (1983).

⁴ *Id.* at 732.

⁵ 52 U.S.C. §10301(b) (1982).

that it is sufficiently large and geographically compact to constitute a majority” in a district in the state; second, the minority group “must be able to show that it is politically cohesive”; third, the minority group “must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it ... usually to defeat the minority’s preferred candidate”.⁶

The minority groups in Kansas are not large or compact enough to form a majority-minority district while retaining population equality, so Section 2 of the Voting Rights Act does not demand the creation of such a district.

C. *Shaw v. Reno*

Although Section 2 of the Voting Rights Act requires that states draw districts that provide minority groups a chance to elect their own candidates where feasible, the Supreme Court has also made it clear that districts drawn with race as the predominant factor must be evaluated with skepticism. In *Shaw vs. Reno*, the Court held that plaintiffs can be granted relief under the Equal Protection Clause when challenging a plan that is “so extremely irregular on its face that it rationally can be viewed only as an effort to segregate the races for purposes of voting, without regard for traditional districting principles and without sufficiently compelling justification.”⁷ Two years later, the Court further developed this idea, holding in *Miller v. Johnson* that strict scrutiny is triggered when the predominant factor motivating the drawing of district lines was race.⁸ Also in *Miller*, the Court determined that bizarrely-shaped districts may indicate that race was in fact the predominant factor.⁹

Because it was not feasible to create any majority-minority districts, there is also no reason to fear a *Shaw* claim.

⁶ *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986).

⁷ *Shaw v. Reno*, 509 U.S. 630, 642 (1993).

⁸ *Miller v. Johnson*, 515 U.S. 900, 920 (1995).

⁹ *Id.* at 913.

D. Kansas State Law

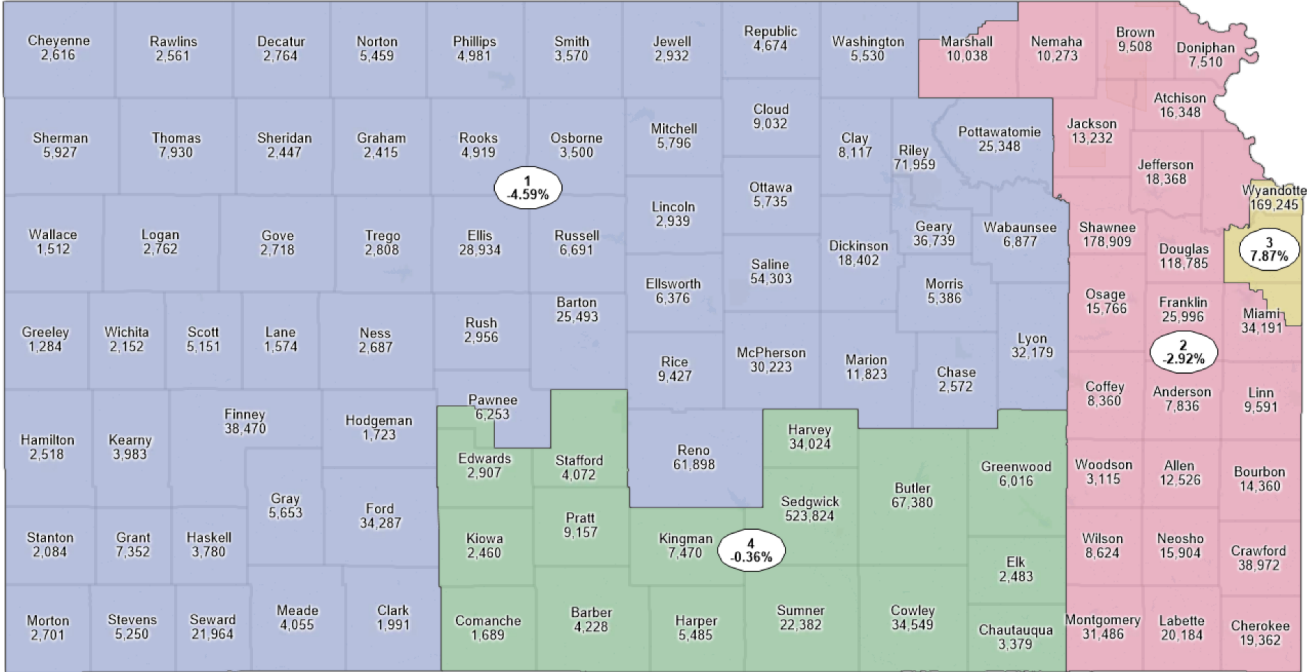
Kansas state law provides additional requirements for state legislative districts in regard to compactness, contiguity, and keeping municipalities intact, but places no additional requirements on congressional districts that extend beyond federal law.

IV. Conclusion

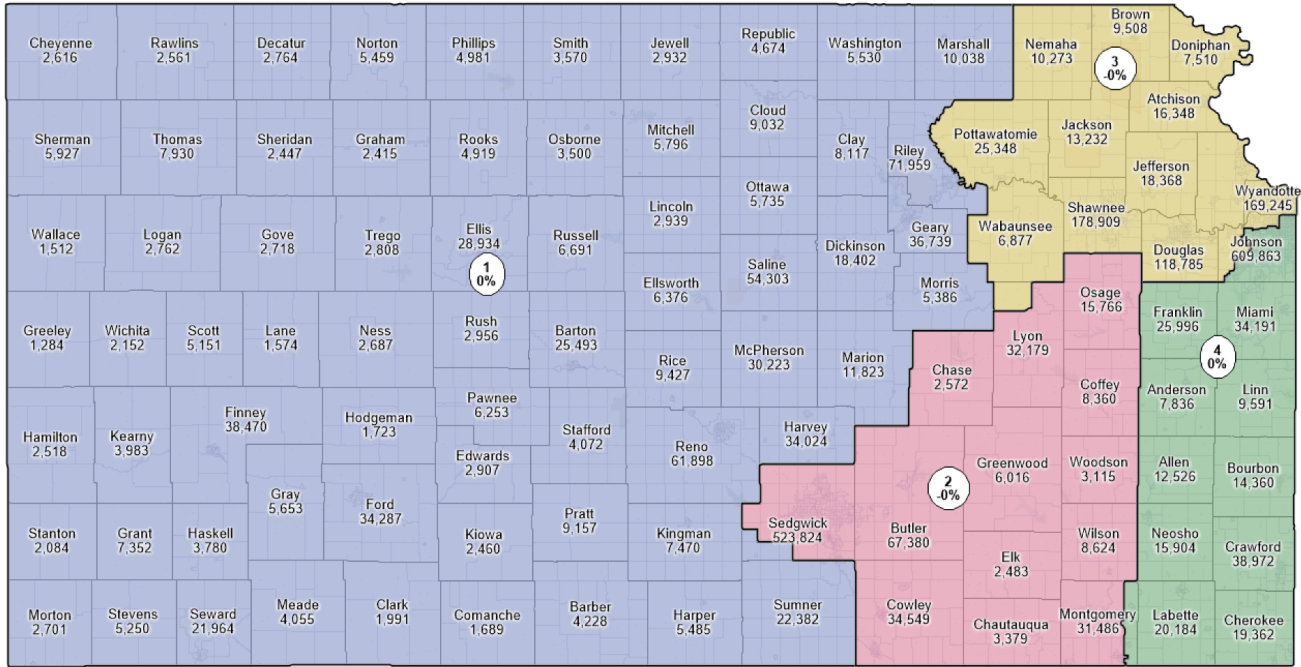
The aim behind this good government plan was to draw districts that abide by county, city, and town lines; are nearly equal in population; and are in accordance with Kansas state law. The map achieves these goals, while also improving somewhat in compactness, as compared to the preexisting map.

V. Appendix

Comparison to Preexisting Plan:



Preexisting



Proposed

District Composition (Preexisting):¹⁰

District	Population	Deviation	W-CVAP	B-CVAP	H-CVAP	%D ('20)	%R ('20)
1	700,773	-33,697	84.5%	3.4%	9.32%	28.8%	71.2%
4	731,814	-26,56	80.3%	7.0%	7.6%	38.9%	61.1%
2	713,007	-21,463	85.9%	5.1%	4.9%	42.4%	57.7%
3	792,286	57,816	80.4%	8.8%	6.1%	55.4%	44.6%

District Composition (Proposed):

District	Population	Deviation	W-CVAP	B-CVAP	H-CVAP	%D ('20)	%R ('20)
1	734471	1	85.2%	3.2%	8.9%	28.0%	72.0%
2	734469	-1	79.7%	7.2%	7.6%	39.5%	60.5%
3	734469	-1	78.3%	10.2%	7.1%	51.8%	48.2%
4	734469	1	87.8%	3.8%	3.9%	48.6%	51.4%

Measures of Compactness (Preexisting):¹¹

District	Reock	Schwartz-berg	Alternate Schwartz-berg	Polsby-Popper	Population Polygon	Area/Convex Hull	Population Circle	Ehren-burg
1	0.47	1.53	1.54	0.42	0.74	0.88	0.45	0.34
4	0.40	1.57	1.57	0.40	0.90	0.86	0.72	0.31
2	0.35	1.64	1.69	0.35	0.54	0.74	0.29	0.30
3	0.43	1.39	1.48	0.46	0.98	0.85	0.94	0.44
Mean	0.41	1.53	1.57	0.41	0.79	0.83	0.60	0.35

Measures of Compactness (Proposed):

District	Reock	Schwartz-berg	Alternate Schwartz-berg	Polsby-Popper	Population Polygon	Area/Convex Hull	Population Circle	Ehren-burg
1	0.52	1.36	1.38	0.53	0.54	0.95	0.47	0.58
2	0.52	1.43	1.43	0.49	0.93	0.85	0.75	0.54
3	0.64	1.59	1.73	0.33	0.77	0.80	0.59	0.50
4	0.36	1.45	1.48	0.46	0.93	0.93	0.66	0.31
Mean	0.51	1.46	1.51	0.45	0.79	0.88	0.62	0.48

¹⁰ District 4 under the preexisting plan is called District 2 under the proposed plan, and so on; all population data is from 2019.

¹¹ Numbers closer to 1 indicate a higher degree of compactness.