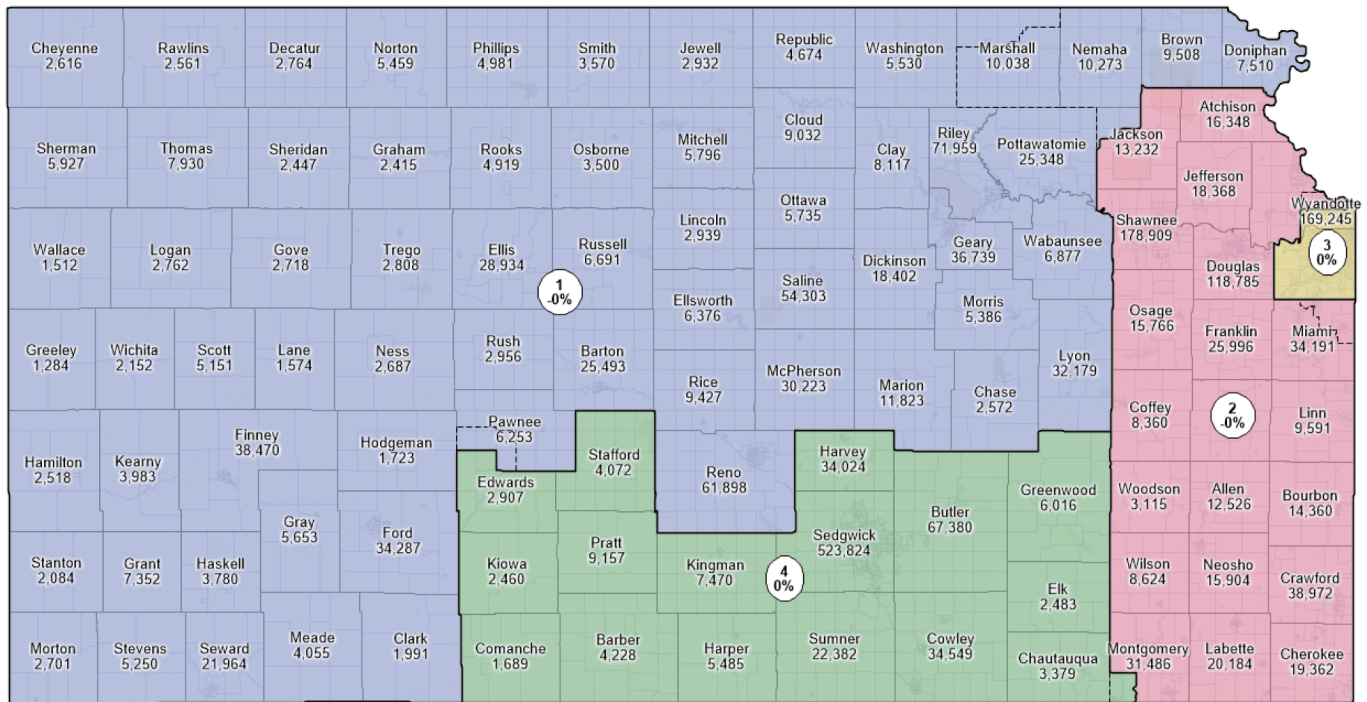


**Kansas**

*Least Change Plan<sup>1</sup>*



I. Introduction

This Kansas map deviates as little from the preexisting map's lines as possible. Accordingly, there are only five instances of deviation. A secondary aim of this plan was to keep county lines intact, which perhaps resulted in deviation that otherwise would have been avoided. As is the case in Kansas' good government map, these proposed districts have perfect population equality and otherwise comply with federal and state law.

<sup>1</sup> Dotted lines indicate previous district boundaries.

## II. Evaluation of Relevant Criteria

### A. Demographic Considerations

Considering Kansas' lack of racial diversity, it is unsurprising that the white CVAP ranges from 78.3% to 87.8% across the proposed districts. These percentages are quite similar to what they would be if the preexisting lines were left completely unaltered.

### B. Geographic Considerations

The main priority in creating this plan was to adhere to the preexisting district lines, while also ensuring that the districts achieved perfect population equality. As a result, the map contains districts that appear nearly identical to the preexisting ones, with some changes occurring as a result of shifts in population to the more urban areas. Finally, all districts are contiguous and there are no unassigned areas.

### C. Political Subdivisions

Only four out of Kansas' 101 counties were split in this plan, and each of those were split in two. The preexisting plan similarly split three counties, while 102 were left intact.

### D. Communities of Interest

Of the 740 cities and towns in Kansas, 735 are contained within a single county under this plan. The five divided cities and towns were split in two, creating a total of ten splits overall. This is also about the same as the preexisting plan, where 734 cities and towns were left undivided and six were split in two.

### E. Partisan Considerations

According to the PlanScore Assessment<sup>2</sup> of this new plan, one district will lean Democratic, one will lean Republican, and two will be reliably Republican. Although unintentioned, the efficiency gap and declination favor Republicans in a strong majority of

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<sup>2</sup> Available at [https://drawcongress.org/wp-content/uploads/ks\\_lc\\_planscore.pdf](https://drawcongress.org/wp-content/uploads/ks_lc_planscore.pdf).

scenarios, consistent with 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.<sup>3</sup> 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.<sup>4</sup> 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*.<sup>5</sup>

This plan complies with the “one person, one vote” requirement. Each district is home to 734,470 people (plus or minus one person), ensuring there is 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.”<sup>6</sup> 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 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

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<sup>3</sup> *Wesberry v. Sanders*, 376 U.S. 1, 8 (1964).

<sup>4</sup> *Karcher v. Daggett*, 462 U.S. 725, 734 (1983).

<sup>5</sup> *Id.* at 732.

<sup>6</sup> 52 U.S.C. §10301(b) (1982).

to enable it ... usually to defeat the minority's preferred candidate".<sup>7</sup>

As was the case with the preexisting plan, this map proposes no majority-minority district. Due to Kansas' small minority population, there is no Section 2 requirement for such a district to exist.

### 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."<sup>8</sup> 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.<sup>9</sup> Also in *Miller*, the Court determined that bizarrely-shaped districts may indicate that race was in fact the predominant factor.<sup>10</sup>

Because it was impossible to create any majority-minority districts, there is no potential for a *Shaw* claim to arise.

### D. Kansas State Law

Kansas state law places no additional requirements on congressional districts that extend beyond federal law.

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<sup>7</sup> *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986).

<sup>8</sup> *Shaw v. Reno*, 509 U.S. 630, 642 (1993).

<sup>9</sup> *Miller v. Johnson*, 515 U.S. 900, 920 (1995).

<sup>10</sup> *Id.* at 913.

IV. Conclusion

The motivating principle behind this plan was that the preexisting lines should be moved only as much as necessary to ensure perfect population equality. A proper least change map, the proposed plan deviates little from the prior one and is legally defensible.

V. Appendix

District Composition (Preexisting):

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%
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%
4	731,814	-26,56	80.3%	7.0%	7.6%	38.9%	61.1%

District Composition (Proposed):

District	Population	Deviation	W-CVAP	B-CVAP	H-CVAP	%D ('20)	%R ('20)
1	734,469	-1	84.9%	3.4%	9.0%	28.3%	71.7%
2	734,469	-1	84.1%	6.8%	5.1%	44.5%	55.5%
3	734,471	1	81.7%	7.4%	6.0%	55.4%	44.6%
4	734,471	1	80.3%	6.9%	7.6%	38.8%	61.2%

Measures of Compactness (Preexisting):<sup>11</sup>

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
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
4	0.40	1.57	1.57	0.40	0.90	0.86	0.72	0.31
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	0.37	1.56	1.58	0.40	0.61	0.86	0.25	0.34
2	0.40	1.45	1.49	0.45	0.53	0.91	0.45	0.36
3	0.51	1.24	1.31	0.59	0.96	0.90	0.90	0.52
4	0.38	1.59	1.59	0.40	0.90	0.85	0.72	0.32
Mean	0.42	1.46	1.49	0.46	0.75	0.88	0.58	0.39

<sup>11</sup> Numbers closer to 1 indicate a higher degree of compactness.