

1 AN ACT relating to election districts and making an appropriation therefor.

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 12 of this Act:***

6 ***(1) "Commission" means the Advisory Redistricting Commission;***

7 ***(2) "Commissioner" means a person who is selected or appointed as a member of the***
8 ***Advisory Redistricting Commission;***

9 ***(3) "Local government" means any of the following:***

10 ***(a) City government;***

11 ***(b) County government;***

12 ***(c) Urban-county government;***

13 ***(d) Charter county government;***

14 ***(e) Consolidated local government; or***

15 ***(f) Unified local government;***

16 ***(4) "Major political party" means either of the two (2) political parties with the***
17 ***largest representation in the General Assembly;***

18 ***(5) "Population" means the most recent United States Census data collected under***
19 ***Pub. L. No. 94-171; and***

20 ***(6) "Redistricting" means the drawing of boundary lines for election districts in***
21 ***order to achieve, as nearly as possible, equal population among the election***
22 ***districts.***

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

25 ***(1) The Advisory Redistricting Commission is hereby created as a permanent***
26 ***commission for the purpose of drawing and adopting redistricting plans after***
27 ***each decennial census, or as required by law, for each of the following districts:***

1 (a) State senatorial districts;

2 (b) State representative districts; and

3 (c) Congressional districts.

4 (2) The commission shall consist of fifteen (15) commissioners. Each commissioner
5 shall:

6 (a) Be registered and eligible to vote in the Commonwealth of Kentucky;

7 (b) Not currently, nor in the past six (6) years, have been any of the following:

8 1. A declared candidate for any partisan elective office;

9 2. A partisan elected official or person appointed to fill a vacancy in any
10 partisan elective office;

11 3. An officer or member of the governing body of any national, state, or
12 local political party;

13 4. A paid partisan consultant or an employee of any partisan elected
14 official or partisan political candidate, a partisan political candidate's
15 campaign, or a political action committee;

16 5. An employee of the General Assembly, including employees of the
17 Legislative Research Commission; or

18 6. A legislative agent as defined in KRS 6.611(23), employer of a
19 legislative agent as defined in KRS 6.611(12), an executive agency
20 lobbyist, or any other person employed or defined as a lobbyist within
21 the meaning of KRS 11A.010(11);

22 (c) Be neither the parent, stepparent, child, stepchild, sibling, nor spouse of any
23 individual who is disqualified from serving as a commissioner under
24 paragraph (b) of this subsection;

25 (d) Not otherwise be ineligible for appointed or elective office;

26 (e) Have voted in at least two (2) of the last three (3) statewide elections;

27 (f) Not have donated more than two thousand dollars (\$2,000), in sum and for

1 the same election, to an elected candidate, a candidate's political action
 2 committee or permanent committee, a caucus campaign committee, or an
 3 executive committee;

4 (g) Not have switched party affiliation within the five (5) years preceding the
 5 appointment;

6 (h) Not lived in the same household, nor shared the same residential address
 7 with any individual who is disqualified from serving as a commissioner
 8 under paragraph (b) of this subsection; and

9 (i) Attest under oath that he or she meets the qualifications set forth in this
 10 section.

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

13 (1) In accordance with the requirements of this section and Section 2 of this Act, not
 14 later than July 15 of the year of the federal decennial census, and decennially
 15 thereafter, commissioners shall be appointed through the following process:

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

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

18 (c) Two (2) members appointed by the Minority Leader of the Senate; and

19 (d) Two (2) members appointed by the Minority Leader of the House of
 20 Representatives.

21 (2) Commissioners appointed by the members of the General Assembly pursuant to
 22 subsection (1) of this section shall include representation of at least one (1)
 23 commissioner from each congressional district of this state. If the appointing
 24 authority cannot mutually agree to this requirement, the President of the Senate
 25 shall appoint commissioners who reside in the First and Second Congressional
 26 Districts, the Speaker of the House of Representatives shall appoint
 27 commissioners who reside in the Third and Fourth Congressional Districts, the

1 Minority Leader of the Senate shall appoint one (1) of his or her two (2)
2 appointees to be a commissioner who resides in the Fifth Congressional District,
3 and the Minority Leader of the House of Representatives shall appoint one (1) of
4 his or her two (2) appointees to be a commissioner who resides in the Sixth
5 Congressional District.

6 (3) In accordance with the requirements of this section and subsection (2) of Section
7 2 of this Act, not later than September 1 of the year of the federal decennial
8 census, and decennially thereafter, the process for the random selection of
9 additional commissioners by the Secretary of State, and then the appointment of
10 seven (7) additional commissioners by commissioners previously appointed by the
11 General Assembly, shall be complete.

12 (4) Not later than July 15 of the year of the federal decennial census, and
13 decennially thereafter, the Secretary of State shall:

14 (a) Issue a call to convene the commission;

15 (b) Prescribe and furnish applications for the position of redistricting
16 commissioner to be made available to residents of this state by publishing
17 notice of the commission, with application forms, on the Internet and in two
18 (2) or more newspapers of general circulation in the state. The Secretary of
19 State shall also issue press releases to various media outlets, which shall
20 include radio and television stations servicing residents of this state. The
21 applications, publications, and press release shall provide the residents of
22 this state with information on the commission's objectives and obligations,
23 the requirements of Section 2 of this Act, the process for how residents of
24 this state can apply, and a point of contact where residents of this state can
25 direct questions;

26 (c) Mail additional applications as prescribed under paragraph (b) of this
27 subsection, to five thousand (5,000) registered voters of this state, selected at

1 random and witnessed by a merit employee of the Secretary of State's
2 Office, from which one thousand (1,000) registered voters shall be
3 registered with one (1) major political party, one thousand (1,000)
4 registered voters shall be registered with a different and contrasting major
5 political party, and three thousand (3,000) registered voters shall not be
6 registered with either major political party;

7 (d) Require applicants to attest, under the validity of signature and penalty of
8 perjury, whether they are registered with one (1) of the two (2) major
9 political parties or whether they are not registered with either major
10 political parties; and

11 (e) Require applicants to attest, under the validity of signature and penalty of
12 perjury, that they meet the qualifications set forth in subsection (2) of
13 Section 2 of this Act.

14 (5) Not later than August 15, but no sooner than August 10 of the year of the federal
15 decennial census, and decennially thereafter, from all applications submitted, the
16 Secretary of State shall:

17 (a) Eliminate incomplete applications and applications of persons who do not
18 meet the requirements of commissioner under subsection (4) of this section
19 and subsection (2) of Section 2 of this Act, based solely on the information
20 contained within the applications; and

21 (b) Randomly select, which shall be witnessed by a merit employee of the
22 Secretary of State's Office, forty (40) qualifying applicants, of which ten
23 (10) applicants shall be selected from one (1) pool of applicants registered
24 with one (1) of the two (2) major political parties, ten (10) applicants shall
25 be selected from the pool of applicants who are registered from the different
26 and contrasting major political party, and twenty (20) applicants shall be
27 selected from the pool of applicants who are not registered with either of the

1 two (2) major political parties. The Secretary of State shall inform the forty
2 (40) qualifying applicants that they have been randomly selected and that
3 their applications will be delivered to the eight (8) commissioners appointed
4 by the General Assembly for potential appointment as a commissioner. The
5 Secretary of State shall deliver the applications of the qualifying forty (40)
6 applicants to the eight (8) commissioners appointed by the General
7 Assembly for a decision on appointment to become commissioners.

8 (6) Not later than September 1 of the year of the federal decennial census, and
9 decennially thereafter, the eight (8) commissioners appointed by the General
10 Assembly shall appoint an additional seven (7) commissioners from the forty (40)
11 applicants referred by the Secretary of State. Two (2) commissioners shall be
12 appointed from one (1) pool of applicants registered with one (1) of the two (2)
13 major political parties, two (2) commissioners shall be appointed from the pool of
14 applicants from the different and contrasting major political party, and three (3)
15 applicants shall be appointed from the pool of applicants who are not registered
16 with either of the two (2) major political parties. Each of the seven (7)
17 commissioners appointed under this subsection shall be appointed with the
18 affirmative roll-call vote of no less than five (5) of the commissioners appointed
19 by the General Assembly. As part of the appointment process of the additional
20 seven (7) commissioners, the eight (8) commissioners appointed by the General
21 Assembly may request essays and letters of recommendation from, and interview
22 any or all of, the forty (40) applicants for a determination of appointment.

23 (7) The commission membership shall be inclusive of any person or group of people
24 representing a political party, those without affiliation to a political party, rural
25 or urban, and include persons of racial and linguistic minorities.

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

- 1 (1) The terms of the commissioners shall expire once the commission has completed
2 its obligations for a census cycle or as otherwise required by law. Commissioners
3 may be reappointed or selected for the subsequent decennial census to serve as
4 commissioners. If vacancies occur, appointments to fill a vacancy shall occur not
5 more than fourteen (14) calendar days after the vacancy of a commissioner's
6 seat.
- 7 (2) If a commissioner who was appointed by members of the General Assembly has
8 his or her seat on the commission vacated, the appointing authority of each
9 commission member, as established in subsection (1) of Section 3 of this Act,
10 shall fill the vacancy in accordance with the requirements of subsection (2) of
11 Section 2 of this Act and subsections (2) and (7) of Section 3 of this Act.
- 12 (3) (a) If a vacancy occurs in a seat held by a commissioner who was selected at
13 random and appointed by the eight (8) original commissioners appointed by
14 the General Assembly, then the vacancy shall be filled by the Secretary of
15 State.
- 16 (b) The Secretary of State shall adhere to subsection (7) of Section 3 of this Act
17 in his or her appointment authority.
- 18 (c) A commissioner appointed shall be selected from any of the original forty
19 (40) applicants who were randomly selected, but not appointed.
- 20 (d) The person appointed shall be derived from the same pool of applicants who
21 are registered with a major political party, or lack thereof, as that of the
22 original commissioner.
- 23 (e) The Secretary of State may request essays and letters of recommendation
24 from, and interview any or all of, the remaining applicants who were not
25 appointed from the original forty (40) for a determination of appointment.
- 26 (4) A commissioner's seat shall become vacant upon the occurrence of any of the
27 following:

- 1 (a) Death or mental incapacity of the commissioner;
 2 (b) The Secretary of State's receipt of the commissioner's written resignation,
 3 which shall be forwarded to the commission;
 4 (c) The commissioner's violation of subsection (3) of Section 6 of this Act or
 5 Section 11 of this Act;
 6 (d) The commissioner ceases to be qualified to serve as a commissioner under
 7 Sections 1 to 12 of this Act; or
 8 (e) The commissioner is removed from service after written notice and an
 9 opportunity for the commissioner to respond, by an affirmative roll-call vote
 10 of nine (9) of the commissioners finding substantial neglect of duty, gross
 11 misconduct in office, or inability to discharge the duties of the office.

12 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
 13 READ AS FOLLOWS:

- 14 (1) The commission shall be attached to the Legislative Research Commission. If
 15 funds are not available for the purpose of Sections 1 to 12 of this Act, the costs
 16 shall be deemed a necessary government expense and shall be paid from the
 17 general fund surplus account under KRS 48.700 or the budget reserve trust fund
 18 under KRS 48.705.
- 19 (2) The commission may carry out the following functions, operations, and activities
 20 in fulfillment of Sections 1 to 12 of this Act, which activities shall include but not
 21 be limited to:
- 22 (a) Retaining or contracting independent and nonpartisan subject matter
 23 experts and legal counsel;
 24 (b) Conducting hearings and meetings;
 25 (c) Publishing notices and maintaining a record of the commission's
 26 proceedings;
 27 (d) Purchasing equipment and computer software;

- 1 (e) Hiring administrative staff; and
2 (f) Any other activity necessary for the commission to conduct its business.
3 (3) The commission shall furnish reports of expenditures on a quarterly basis to the
4 secretary of the Finance and Administration Cabinet and to the Legislative
5 Research Commission and shall be subject to annual audit as provided by law.
6 (4) For each day that there is a commission meeting or hearing, and each day during
7 which the commissioner is working in fulfillment of his or her obligations, each
8 commissioner shall receive as compensation not more than two hundred dollars
9 (\$200) per a seven and a half (7.5) hour work day. If a commissioner works less
10 than seven and a half (7.5) hours in a day, the two hundred dollars (\$200)
11 compensation shall be prorated to correspond with the number of hours worked
12 by the commissioner. In addition to compensation as a member of the
13 commission, each commissioner shall be reimbursed for actual and necessary
14 expenses directly related to meetings and hearings of the commission.
15 (5) The commission shall inform the Legislative Research Commission if the
16 commission determines that funds or other resources provided for operation of
17 the commission are not adequate.
18 (6) The Legislative Research Commission shall furnish, under the direction of the
19 commission, all technical services that the commission deems necessary.

20 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
21 READ AS FOLLOWS:

- 22 (1) Each commissioner shall perform his or her duties in a manner that is impartial
23 and reinforces public confidence in the integrity of the redistricting process.
24 (2) The commissioners, staff, attorneys, and consultants shall not discuss
25 redistricting matters with members of the public outside of an open meeting or
26 hearing of the commission, except that a commissioner may communicate about
27 redistricting matters with members of the public to gain information relevant to

1 the performance of his or her duties, if communication occurs in writing, or at a
2 previously publicly noticed forum, hearing, or any other meeting held open to the
3 general public.

4 (3) Commissioners, staff, attorneys, experts, and consultants shall not directly or
5 indirectly solicit or accept any gift or loan of money, goods, services, or other
6 thing of value greater than twenty dollars (\$20) for the benefit of any person or
7 organization, which may influence the manner in which the commissioner, staff,
8 attorney, expert, or consultant performs his or her duties.

9 (4) On or before September 1 during the year of the decennial census, a quorum of
10 the commission shall consist of eight (8) commissioners. After September 1 of the
11 year of the federal decennial census, and decennially thereafter, nine (9)
12 commissioners shall constitute a quorum. All meetings and hearings shall
13 require a quorum. A meeting or hearing of the commission shall not be held
14 without twenty-four (24) hour notice to all members of the commission. All votes
15 cast by the commission shall be recorded through a roll-call vote.

16 (5) The commission shall conduct its meetings and hearings in a manner that invites
17 wide public participation throughout the state. The commission shall use
18 technology to provide public observation and meaningful public participation in
19 the redistricting process during all meetings and hearings.

20 (6) The commission shall adopt Mason's Manual of Legislative Procedure, Newest
21 Edition, as the source of rules of decisions and procedures in all cases not
22 otherwise provided for in the operations of its respective duties and obligations in
23 accordance with Sections 1 to 12 of this Act.

24 (7) All records of the commission shall be considered open records under KRS
25 61.870 to 61.884. All records and other information generated by the commission
26 pursuant to Section 5 of this Act shall be made available to the public on the Web
27 site established in KRS 7.505. The commission shall conduct all of its business at

- 1 open meetings and open hearings under KRS 61.805 to 61.850.
- 2 (8) A decision on the dismissal or retention of paid staff or consultants requires the
3 affirmative roll-call vote of at least nine (9) commissioners.
- 4 (9) The commission shall have the authority to be included as the recipient of the
5 census data as supplied by the United States Census Bureau.
- 6 (10) The commission shall elect its own chair, who is a then-current voting
7 commissioner, by an affirmative roll-call vote of at least nine (9) commissioners.
8 The chair shall have the authority to select his or her vice-chair, who shall also
9 be a then-current voting member of the commission.
- 10 (11) The commission shall select a secretary, who is a nonvoting member, by an
11 affirmative roll-call vote of at least eight (8) commissioners, who shall keep a
12 public record of all proceedings of the commission.
- 13 (12) The commission shall have the authority to consult and work with staff of the
14 Legislative Research Commission, which shall include the sharing of any data or
15 software.

16 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
17 READ AS FOLLOWS:

- 18 (1) Not later than September 15 in the year immediately following the federal
19 decennial census, and decennially thereafter, the commission shall adopt
20 redistricting plans as required by Sections 1 to 12 of this Act for each of the
21 following types of districts:
- 22 (a) State senatorial districts;
23 (b) State representative districts; and
24 (c) Congressional districts.
- 25 (2) (a) Before commissioners draft any proposed plans, the commission may
26 provide testimony and hold hearings before the Interim Joint Committee on
27 State Government.

1 **(b) Once the commission receives the census data as described in subsection (5)**
2 **of Section 1 of this Act, the commission shall hold at least twelve (12) public**
3 **hearings throughout the state for the purpose of informing the public about**
4 **the redistricting process and the purpose and responsibilities of the**
5 **commission, and to solicit information from the public about potential**
6 **plans.**

7 **(c) The commission shall hold:**

- 8 **1. One (1) of the twelve (12) public hearings in each of the following**
9 **jurisdictions: Hodgenville, Paducah, Owensboro, Bowling Green,**
10 **Lexington, Covington, Ashland, Pikeville, Somerset, and Hazard; and**
11 **2. Two (2) of the twelve (12) public hearings in Louisville.**

12 **(d) The commission shall receive for consideration written submissions of**
13 **proposed redistricting plans from any resident of the Commonwealth. The**
14 **submission of plans shall include all of the supporting documents described**
15 **in subsection (1) of Section 8 of this Act. These written submissions shall be**
16 **public records and shall be readily available to the public.**

17 **(3) (a) Each commissioner shall be limited to proposing one (1) redistricting plan**
18 **for each type of district, which may include those plans submitted by**
19 **residents of the Commonwealth under subsection (2) of this section.**

20 **(b) Each proposed plan shall be submitted to the secretary of the commission**
21 **no later than July 1 in the year immediately following the federal decennial**
22 **census, and decennially thereafter.**

23 **(c) After all proposed redistricting plans for each type of district are submitted,**
24 **the commission shall publish, for notice and comment, the proposed**
25 **redistricting plans with the required supporting materials pursuant to**
26 **subsection (1) of Section 8 of this Act. The commission shall respond to all**
27 **comments in an official capacity of record that is readily available to the**

1 public before voting to adopt any proposed plan. In addition, the proposed
 2 redistricting plans with the required supporting materials shall be published
 3 on the Internet and the commission shall issue press releases to two (2) or
 4 more newspapers of general circulation in the state, and radio and
 5 television stations servicing residents of this state, announcing the
 6 availability of the redistricting plans and required materials for public
 7 review.

8 (d) Before voting to adopt any proposed plan, the commission shall hold at least
 9 twelve (12) public hearings throughout this state for the purpose of
 10 soliciting comments from the public about the proposed plans. Each of the
 11 proposed plans shall include the required supporting materials pursuant to
 12 subsection (1) of Section 8 of this Act.

13 (e) The commission shall hold:

- 14 1. One (1) of the twelve (12) public hearings in each of the following
 15 jurisdictions: Hodgenville, Paducah, Owensboro, Bowling Green,
 16 Lexington, Covington, Ashland, Pikeville, Somerset, Hazard; and
- 17 2. Two (2) of the twelve (12) public hearings in Louisville.

18 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
 19 READ AS FOLLOWS:

20 (1) Each proposed redistricting plan shall include but not be limited to the following:

21 (a) Census data to verify the population of each district, which shall include
 22 percentage deviation from the average district population for every district
 23 with a justification of any deviation;

24 (b) Reference materials;

25 (c) Maps and legal descriptions that include the political subdivisions of local
 26 governments;

27 (d) Man-made features, such as waterways which form the boundaries of the

1 districts;

2 (e) Programming information used to produce and test the plan; and

3 (f) Any other supporting materials or underlying data that was used in the
4 formation of each plan as required by subsection (2) of this section.

5 (2) The commission shall abide by the following criteria in proposing and adopting
6 each plan:

7 (a) Districts shall be of equal population, with minimum percentages of
8 deviation, as mandated by the United States Constitution and Section 33 of
9 the Constitution of Kentucky, and shall comply with the Voting Rights Act
10 of 1965, as amended, applicable federal laws, and applicable state laws;

11 (b) Districts shall be geographically contiguous;

12 (c) Districts shall reflect the state's diverse population and communities of
13 interest. Communities of interest may include but not be limited to
14 populations that share cultural, historical characteristic, social, and
15 economic interests. Communities of interest shall not include relationships
16 with political parties, incumbents, or political candidates;

17 (d) Districts shall not provide a disproportionate advantage to any political
18 party;

19 (e) Districts shall not favor or disfavor an incumbent elected official or any
20 candidate;

21 (f) Districts shall reflect consideration of local governments' boundaries;

22 (g) Districts shall be reasonably compact;

23 (h) Consideration of party affiliation and voting history of citizens of the
24 Commonwealth may be used as an available source, but shall not be an
25 established criteria from which districts are drawn; and

26 (i) Previous election results may be used as an available source, but shall not
27 be an established criteria from which districts are drawn.

1 (3) The commission shall adhere to the following procedure in adopting each plan:

2 (a) Not later than September 15 of the year immediately after the federal
3 decennial census, and decennially thereafter, the commission shall adopt a
4 redistricting plan for each type of district. Before voting to adopt any
5 proposed plan, the commission shall ensure that each proposed plan is
6 tested, using appropriate technology, for compliance with the criteria
7 described in subsection (2) of this section. Each proposed plan that will be
8 voted on shall include the required supporting materials under subsection
9 (1) of this section;

10 (b) Before voting to adopt any proposed plan, the commission shall allow not
11 less than seven (7) calendar days' public notice of each proposed plan that
12 will be voted on, and the date, time, and location the vote will occur;

13 (c) A final decision of the commission to adopt a redistricting plan shall
14 require the affirmative roll-call vote of nine (9) of the commissioners. If no
15 plan satisfies this requirement for a type of district, the commission shall
16 use the following procedure to adopt a plan for that type of district:

17 1. Each commissioner may submit one (1) proposed redistricting plan for
18 each type of district to the full commission for consideration, which
19 may include those plans submitted by residents of this state under
20 subsection (2) of Section 7 of this Act; and

21 2. Each commissioner shall rank each plan submitted according to
22 preference. Each plan shall be assigned a point value inverse to its
23 ranking among the number of choices, giving the lowest-ranked plan
24 one (1) point and the highest-ranked plan a point value equal to the
25 number of plans submitted. The commission shall then adopt the
26 redistricting plans receiving the highest total points. If plans are tied
27 for the highest point total, the plan receiving the lowest total points

1 shall not be considered and the process of adoption shall repeat, in
2 accordance with this subsection, until a plan is adopted.

3 (4) Not later than October 1 in the year immediately after the federal census, and
4 decennially thereafter, the commission shall publish the adopted plans on the
5 Internet, which shall include the required supporting materials pursuant to
6 subsection (1) of this section. In addition, the commission shall issue a press
7 release to two (2) or more newspapers of general circulation in the state, and
8 radio and television stations servicing residents of this state, announcing
9 availability of the plans, explaining where they can be located on the Internet,
10 and describing how the legislature will consider the plans.

11 (5) Not later than October 1 in the year immediately after the federal decennial
12 census, and decennially thereafter, the commission shall issue a report that is
13 delivered to the Legislative Research Commission, which shall explain the basis
14 on which the commission made its decisions in achieving compliance with plan
15 requirements and shall include but not be limited to the required supporting
16 materials pursuant to subsection (1) of this section. A commissioner who votes
17 against a redistricting plan may submit a dissenting report which shall be issued
18 with the commission's report.

19 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
20 READ AS FOLLOWS:

21 (1) The Legislative Research Commission shall refer the adopted redistricting plans
22 to the Interim Joint Committee on State Government for its review and
23 consideration at its October or November meeting, and the Interim Joint
24 Committee on State Government may hold additional meetings as deemed
25 necessary. The Interim Joint Committee on State Government may recommend
26 enactment or rejection of the commission's adopted redistricting plans to the
27 General Assembly during the next regular session or extraordinary session called

- 1 by the Governor for the purposes of redistricting.
- 2 (2) Following the review of the Interim Joint Committee on State Government, and
3 during the regular session of the General Assembly or an extraordinary session
4 called by the Governor for the purposes of redistricting, the General Assembly
5 shall consider the commission's redistricting plans for enactment into law. The
6 General Assembly may enact or reject the commission's redistricting plans, but
7 may not alter or amend the plans except for technical amendments, which do not
8 alter or amend the substance of the plans.
- 9 (3) The Committee on Committees of both the House of Representatives and the
10 Senate shall refer the redistricting plans to the House Standing Committee on
11 State Government and the Senate Standing Committee on State and Local
12 Government, respectively.
- 13 (4) If the General Assembly does not enact the commission's adopted redistricting
14 plans, with each plan being separately considered, by the first Tuesday after the
15 fourth Monday of the year following the commission's submission of the plans to
16 the Legislative Research Commission, the General Assembly or either chamber
17 rejecting the plans, shall return the rejected plans to the commission and request
18 development of new plans for the redistricting of the districts. Each chamber of
19 the General Assembly that rejects the plans shall communicate to the commission
20 its reasons for not enacting the adopted redistricting plans, and may provide
21 recommendations.
- 22 (5) After the return of the redistricting plans, the commission shall then draft a
23 second set of plans for the redistricting of districts within fourteen (14) business
24 days of the General Assembly's return of the first set of plans, which shall
25 include the reasons why, if applicable, for not including the recommendations of
26 the General Assembly.
- 27 (6) If the General Assembly does not enact the commission's second set of

1 redistricting plans within fourteen (14) business days of the commission's
 2 submission of the second set of redistricting plans, the General Assembly or
 3 either chamber rejecting shall, within seven (7) business days, return the second
 4 set of plans to the commission and communicate to the commission its reasons
 5 for not enacting the second set of redistricting plans. The General Assembly is
 6 then permitted to enact its own legislation regarding the redistricting of districts.

7 (7) The General Assembly shall separately consider enactment or rejection of the
 8 commission's redistricting plans for the House and Senate state legislative
 9 districts, and the United States Congressional districts.

10 ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
 11 READ AS FOLLOWS:

12 (1) Notwithstanding any other provision of law, an employer shall not discharge,
 13 threaten to discharge, intimidate, coerce, or retaliate against any employee
 14 because of the employee's membership on the commission as a commissioner,
 15 attendance or scheduled attendance, or any other personal obligation that
 16 requires the employee to be absent from any services or employment in which he
 17 or she is then engaged, for a reasonable time, while in service of the commission.

18 (2) The commission, and all of its responsibilities, operations, functions, contractors,
 19 consultants, and employees, shall not be subject to change, transfer,
 20 reorganization, or reassignment and shall not be altered or abrogated in any
 21 manner whatsoever by the General Assembly. No other body shall be established
 22 by law to perform functions that are the same or similar to those granted to the
 23 commission in Sections 1 to 12 of this Act.

24 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
 25 READ AS FOLLOWS:

26 (1) No person shall influence or attempt to influence a commissioner by coercion,
 27 bribe, favor, promise, inducement, or otherwise, related to any duty undertaken

1 by a commissioner in his or her capacity as a commissioner of the commission.

2 (2) Commission members, staff, attorneys, experts, and consultants shall not directly
 3 or indirectly solicit or accept any gift or loan of money, goods, services, or other
 4 thing of value greater than twenty dollars (\$20) for the benefit of any person or
 5 organization, which may influence the manner in which the commission, staff,
 6 attorney, expert, or consultant performs his or her duties.

7 (3) Any person found guilty of violating this section shall be guilty of a violation and
 8 shall be subject to a fine of not more than twenty thousand dollars (\$20,000).

9 (4) Comments or suggestions at public hearings or public meetings shall not be
 10 considered a violation under this section.

11 ➔SECTION 12. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
 12 READ AS FOLLOWS:

13 If any provision of Sections 1 to 12 of this Act or the application thereof to any person
 14 or circumstance is held invalid, the invalidity shall not affect other provisions or
 15 applications of Sections 1 to 12 of this Act that can be given effect without the invalid
 16 provision or application, and to this end the provisions of Sections 1 to 12 of this Act
 17 are severable.

18 ➔Section 13. KRS 5.005 is amended to read as follows:

19 (1) An action challenging the constitutionality of any legislative district created by this
 20 chapter shall be brought before a Circuit Court panel of three (3) judges, as
 21 convened pursuant to this section, which shall have exclusive jurisdiction in all
 22 matters relating to redistricting.

23 (2) The Advisory Redistricting Commission~~[The Secretary of State]~~ shall be named as~~[~~
 24 a~~]~~ defendant in any action challenging the constitutionality of any legislative district
 25 created by this chapter.

26 (3) The Legislative Research Commission may intervene as a matter of right in any
 27 action challenging the constitutionality of any legislative district created by this

1 chapter.

- 2 (4) (a) Petitions to challenge the constitutionality of any legislative district created by
3 this chapter may be filed with the Circuit Court clerk in the judicial circuit
4 where the petitioner resides.
- 5 (b) The circuit clerk shall at once certify the challenge to the Chief Justice of the
6 Kentucky Supreme Court. Within twenty (20) days of the certification, the
7 Chief Justice shall randomly select three (3) current or retired Circuit Judges
8 to convene as a panel. No judge serving on the panel shall be from the same
9 Supreme Court district as any other judge serving on the panel.
- 10 (c) Any judge selected for the panel shall have all the powers and responsibilities
11 of a regular judge of the court. In addition, one (1) of the randomly selected
12 judges shall be named by the Chief Justice as the chief judge for the panel.
- 13 (d) 1. The chief judge may grant a temporary restraining order on a specific
14 finding, based on evidence submitted, that specified irreparable damage
15 will result if the order is not granted. The order shall remain in force
16 only until the full panel hears and determines any petition for a
17 preliminary injunction.
- 18 2. Any action of a single judge pursuant to this section may be reviewed by
19 the full panel at any time before a final judgment is issued in the
20 challenge for which the panel was convened.
- 21 (e) 1. The challenge shall be heard and any orders shall be entered in the
22 judicial circuit in which the petition was filed.
- 23 2. If subsequent challenges to the same legislative redistricting plan are
24 filed in the same or any other Circuit Court while the initial challenge is
25 pending, the challenges shall be consolidated and tried together.
- 26 (f) The panel shall decide the challenge by concurring vote of a majority of its
27 judges, and the decision shall be subject to the same rights of appeal as in

1 other civil actions.

2 (g) A retired justice or judge serving on a panel convened under this section shall
3 be compensated as provided by KRS 21A.110.

4 ➔Section 14. This Act may be cited as the Fair Maps Act.