

FIRST REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 7

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR DIXON.

Pre-filed December 7, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

0379S.011

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## JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, and 7, of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to apportionment commissions.

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*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the state of Missouri, on  
2 Tuesday next following the first Monday in November, 2014, or at a special  
3 election to be called by the governor for that purpose, there is hereby submitted  
4 to the qualified voters of this state, for adoption or rejection, the following  
5 amendment to article III of the Constitution of the state of Missouri:

Section A. Sections 2, 5, and 7, article III, Constitution of Missouri, are  
2 repealed and two new sections adopted in lieu thereof, to be known as sections  
3 2 and 7, to read as follows:

Section 2. The house of representatives shall consist of one hundred  
2 sixty-three members elected **by the qualified voters of the respective**  
3 **districts** at each general election [and apportioned in the following  
4 manner:]. **For the election of representatives, a commission shall**  
5 **reapportion the representative districts by dividing the population of**  
6 **the state by the number one hundred sixty-three and shall establish**  
7 **each district so that the population of that district shall, as nearly as**  
8 **possible, equal that figure. Each district shall be composed of**  
9 **contiguous territory as compact as may be.**

10 All meetings, executive meetings, actions, hearings, and business  
11 of any commission created under this section shall be open to the  
12 public, and all records of such commissions shall be available for

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 **periodic inspections. Such commissions shall be considered a public**  
14 **governmental body for purposes of, and subject to, any general law**  
15 **concerning public meetings and public records.**

16         Within sixty days after the population of this state is reported to the  
17 President for each decennial census of the United States, and [, in the event that  
18 a reapportionment has been invalidated by a court of competent jurisdiction,]  
19 within sixty days after notification by the governor that [such a ruling has been  
20 made] **a reapportionment has been invalidated by a court of competent**  
21 **jurisdiction**, the congressional district committee of each of the two parties  
22 casting the highest vote for governor at the last preceding election shall meet and  
23 the members of the committee shall nominate, by a majority vote of the members  
24 of the committee present, provided that a majority of the elected members is  
25 present, two members of their party, residents in that district, as nominees for  
26 reapportionment commissioners. Neither party shall select more than one  
27 nominee from any one state legislative district. The congressional committees  
28 shall each submit to the governor their list of elected nominees, **none of whom**  
29 **may be members of the general assembly or their employees at the time**  
30 **or during the tenure of appointment.** Within thirty days the governor shall  
31 appoint a commission consisting of one name from each list to reapportion the  
32 state into one hundred and sixty-three representative districts and to establish  
33 the numbers and boundaries of said districts.

34         If any of the congressional committees fails to submit a list within such  
35 time the governor shall appoint a member of his own choice from that district and  
36 from the political party of the committee failing to make the appointment.

37         Members of the commission shall be disqualified from holding office as  
38 members of the general assembly for [four] **ten** years following the date of [the  
39 filing by the commission of its final statement of apportionment] **their**  
40 **appointment to the commission by the governor.**

41         For the purposes of this article, the term congressional district committee  
42 or congressional district refers to the congressional district committee or the  
43 congressional district from which a congressman was last elected, or, in the event  
44 members of congress from this state have been elected at large, the term  
45 congressional district committee refers to those persons who last served as the  
46 congressional district committee for those districts from which congressmen were  
47 last elected, and the term congressional district refers to those districts from  
48 which congressmen were last elected. Any action pursuant to this section by the

49 congressional district committee shall take place only at duly called meetings,  
50 shall be recorded in their official minutes and only members present in person  
51 shall be permitted to vote.

52 [The commissioners so selected shall on the fifteenth day] **No later than**  
53 **fifteen days following their appointment**, excluding Sundays and holidays,  
54 after all members have been selected, **the commissioners so selected shall**  
55 meet in the capitol building and proceed to organize by electing from their  
56 number a [chairman] **chair**, vice [chairman] **chair** and secretary and shall adopt  
57 an agenda establishing at least three hearing dates on which hearings open to the  
58 public shall be held. A copy of the agenda shall be filed with the clerk of the  
59 house of representatives within twenty-four hours after its adoption. Executive  
60 meetings may be scheduled and held as often as the commission deems advisable.

61 [The commission shall reapportion the representatives by dividing the  
62 population of the state by the number one hundred sixty-three and shall establish  
63 each district so that the population of that district shall, as nearly as possible,  
64 equal that figure.

65 Each district shall be composed of contiguous territory as compact as may  
66 be.]

67 Not later than five months after the appointment of the commission, the  
68 commission shall file with the secretary of state a tentative plan of apportionment  
69 and map of the proposed districts and during the ensuing fifteen days shall hold  
70 [such] **at least one** public [hearings as may be necessary] **hearing** to hear  
71 objections or testimony of interested persons.

72 Not later than six months after the appointment of the commission, the  
73 commission shall file with the secretary of state a final statement of the numbers  
74 and the boundaries of the districts together with a map of the districts, and no  
75 statement shall be valid unless approved by at least seven-tenths of the members.  
76 **If any district created in the final statement does not consist of any**  
77 **portion of the prior district assigned to that area, the reasons or**  
78 **grounds for the numbers and the boundaries of the districts shall be**  
79 **reduced to writing and filed along with the final statement submitted**  
80 **by the commission.**

81 After the statement is filed members of the house of representatives shall  
82 be elected according to such districts until a reapportionment is made as herein  
83 provided, except that if the statement is not filed within six months of the time  
84 fixed for the appointment of the commission, it shall stand discharged and the

85 house of representatives shall be apportioned by a commission of six members  
86 appointed from among the judges of the appellate courts of the state of Missouri  
87 by the state supreme court, a majority of whom shall sign and file its  
88 apportionment plan and map with the secretary of state within ninety days of the  
89 date of the discharge of the apportionment commission. **No more than two**  
90 **members of any district of the court of appeals shall be appointed to**  
91 **the commission.** Thereafter members of the house of representatives shall be  
92 elected according to such districts until a reapportionment is made as herein  
93 provided.

94 Each member of the commission shall receive as compensation fifteen  
95 dollars a day for each day the commission is in session but not more than one  
96 thousand dollars, and, in addition, shall be reimbursed for his actual and  
97 necessary expenses incurred while serving as a member of the commission. **Any**  
98 **vacancy on the commission shall be filled in the same manner as the**  
99 **original appointment.**

100 No reapportionment shall be subject to the referendum.

[Section 5. The senate shall consist of thirty-four members  
2 elected by the qualified voters of the respective districts for four  
3 years. For the election of senators, the state shall be divided into  
4 convenient districts of contiguous territory, as compact and nearly  
5 equal in population as may be.]

Section 7. **The senate shall consist of thirty-four members elected**  
2 **by the qualified voters of the respective districts for four years. For**  
3 **the election of senators, a commission shall reapportion the senatorial**  
4 **districts by dividing the population of the state by the number thirty-**  
5 **four and shall establish each district so that the population of that**  
6 **district shall, as nearly as possible, equal that figure. Each district**  
7 **shall be composed of contiguous territory as compact as may be. No**  
8 **county lines shall be crossed except when necessary to add sufficient**  
9 **population to the remainder of a multidistrict county or city to**  
10 **complete only one district which lies partly within such multidistrict**  
11 **county or city so as to be as nearly equal as practicable in**  
12 **population. Any county with a population in excess of the quotient**  
13 **obtained by dividing the population of the state by the number thirty-**  
14 **four is hereby declared to be a multidistrict county.**

15 All meetings, executive meetings, actions, hearings, and business

16 **of any commission created under this section shall be open to the**  
17 **public, and all records of such commissions shall be available for**  
18 **periodic inspections. Such commissions shall be considered a public**  
19 **governmental body for purposes of, and subject to, any general law**  
20 **concerning public meetings and public records.**

21       Within sixty days after the population of this state is reported to the  
22 President for each decennial census of the United States, and within sixty days  
23 after notification by the governor that a reapportionment has been invalidated by  
24 a court of competent jurisdiction, the state committee of each of the two political  
25 parties casting the highest vote for governor at the last preceding election shall,  
26 at a committee meeting duly called, select by a vote of the individual committee  
27 members, and thereafter submit to the governor a list of ten persons, **[and] none**  
28 **of whom may be members of the general assembly or their employees**  
29 **at the time or during the tenure of appointment. In making such**  
30 **nominations, each state committee shall give due consideration to the**  
31 **representation of the various geographical areas of that state.** Within  
32 thirty days thereafter the governor shall appoint a commission of ten members,  
33 five from each list, to reapportion the thirty-four senatorial districts and to  
34 establish the numbers and boundaries of said districts.

35       If either of the party committees fails to submit a list within such time the  
36 governor shall appoint five members of his own choice from the party of the  
37 committee so failing to act.

38       Members of the commission shall be disqualified from holding office as  
39 members of the general assembly for **[four] ten** years following the date of **[the**  
40 **filing by the commission of its final statement of apportionment] their**  
41 **appointment to the commission by the governor.**

42       **[The commissioners so selected shall on the fifteenth day] No later than**  
43 **fifteen days following their appointment,** excluding Sundays and holidays,  
44 after all members have been selected, **the commissioners so selected shall**  
45 meet in the capitol building and proceed to organize by electing from their  
46 number a **[chairman] chair,** vice **[chairman] chair** and secretary and shall adopt  
47 an agenda establishing at least three hearing dates on which hearings open to the  
48 public shall be held. A copy of the agenda shall be filed with the secretary of the  
49 senate within twenty-four hours after its adoption. Executive meetings may be  
50 scheduled and held as often as the commission deems advisable.

51       **[The commission shall reapportion the senatorial districts by dividing the**

52 population of the state by the number thirty-four and shall establish each district  
53 so that the population of that district shall, as nearly as possible, equal that  
54 figure; no county lines shall be crossed except when necessary to add sufficient  
55 population to a multi-district county or city to complete only one district which  
56 lies partly within such multi-district county or city so as to be as nearly equal as  
57 practicable in population. Any county with a population in excess of the quotient  
58 obtained by dividing the population of the state by the number thirty-four is  
59 hereby declared to be a multi-district county.]

60 Not later than five months after the appointment of the commission, the  
61 commission shall file with the secretary of state a tentative plan of apportionment  
62 and map of the proposed districts and during the ensuing fifteen days shall hold  
63 [such] **at least one** public [hearings as may be necessary] **hearing** to hear  
64 objections or testimony of interested persons.

65 Not later than six months after the appointment of the commission, the  
66 commission shall file with the secretary of state a final statement of the numbers  
67 and the boundaries of the districts together with a map of the districts, and no  
68 statement shall be valid unless approved by at least seven members. **If any**  
69 **district created in the final statement does not consist of any portion**  
70 **of the prior district assigned to that area, the reasons or grounds for**  
71 **the numbers and the boundaries of the districts shall be reduced to**  
72 **writing and filed along with the final statement submitted by the**  
73 **commission.**

74 After the statement is filed senators shall be elected according to such  
75 districts until a reapportionment is made as herein provided, except that if the  
76 statement is not filed within six months of the time fixed for the appointment of  
77 the commission, it shall stand discharged and the senate shall be apportioned by  
78 a commission of six members appointed from among the judges of the appellate  
79 courts of the state of Missouri by the state supreme court, a majority of whom  
80 shall sign and file its apportionment plan and map with the secretary of state  
81 within ninety days of the date of the discharge of the apportionment commission.  
82 **No more than two members of any district of the court of appeals shall**  
83 **be appointed to the commission.** Thereafter senators shall be elected  
84 according to such districts until a reapportionment is made as herein provided.

85 Each member of the commission shall receive as compensation fifteen  
86 dollars a day for each day the commission is in session, but not more than one  
87 thousand dollars, and, in addition, shall be reimbursed for his actual and

88 necessary expenses incurred while serving as a member of the commission. **Any**  
89 **vacancy on the commission shall be filled in the same manner as the**  
90 **original appointment.**

91 No reapportionment shall be subject to the referendum.

Section B. Pursuant to chapter 116, RSMo, and other applicable  
2 constitutional provisions and laws of this state allowing the general assembly to  
3 adopt ballot language for the submission of referendum measures to the voters  
4 of this state, the official ballot title of the act proposed in section A of this act  
5 shall be as follows:

6 "Shall the Missouri Constitution be amended to:

- 7 - Require any commission involved with redistricting state Senate or  
8 House of Representatives districts to comply with open meetings laws; and  
9 - Change constitutional procedures for commission operations and  
10 membership?"

✓

Bill

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