

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 39

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Pre-filed December 16, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4865S.02I

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 2, 4, 5, 6, 7, 10, and 13 of article III of the Constitution of Missouri, and adopting six new sections in lieu thereof relating to legislative redistricting.

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, 4, 5, 6, 7, 10, and 13 , article III, Constitution of
2 Missouri, is repealed and six new sections adopted in lieu thereof, to be known
3 as sections 2, 4, 5, 6, 10, and 13, to read as follows:

Section 2. The house of representatives shall consist of one hundred sixty-
2 three members elected **by the qualified voters of the respective districts**
3 at each general election [and apportioned in the following manner:].

4 **For the election of representatives, a commission shall determine**
5 **the representative districts by dividing the population of the state by**
6 **the number one hundred sixty-three and shall establish each district so**
7 **that the population of that district shall, as nearly as possible, equal**
8 **that figure. Each district shall be composed of contiguous territory as**
9 **compact as may be. Any commission created under this section shall**
10 **be considered a public governmental body for purposes of, and subject**
11 **to, any general law concerning public meetings and public records.**

12 Within sixty days after the population of this state is reported to the

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

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

31 If any of the congressional committees fails to submit a list within such
32 time the governor shall appoint a member of his own choice from that district and
33 from the political party of the committee failing to make the appointment. **Any**
34 **vacancy on the commission shall be filled in the same manner as the**
35 **original appointment**.

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

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

49 shall be recorded in their official minutes and only members present in person
50 shall be permitted to vote.

51 [The commissioners so selected shall on the fifteenth day] **No later than**
52 **fifteen days after the appointment of all commissioners**, excluding
53 Sundays and holidays, [after all members have been selected,] **the**
54 **commissioners so selected shall** meet in the capitol building and proceed to
55 organize by electing from their number a [chairman] **chair**, vice [chairman]
56 **chair** and secretary and shall adopt an agenda establishing at least three
57 hearing dates on which hearings open to the public shall be held. A copy of the
58 agenda shall be filed with the clerk of the house of representatives within twenty-
59 four hours after its adoption. Executive meetings may be scheduled and held as
60 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] **one or more** public hearings [as may be necessary] to hear objections or
71 testimony of interested persons. **Any vote to approve the tentative plan**
72 **shall be held not less than forty-eight hours preceding the filing**
73 **deadline.**

74 Not later than six months after the appointment of the commission, the
75 commission shall file with the secretary of state a final statement of the numbers
76 and the boundaries of the districts, together with a map of the districts, and no
77 statement shall be valid unless approved by at least seven-tenths of the members.
78 **Any vote to approve the final plan shall be held not less than forty-**
79 **eight hours preceding the filing deadline. If any district created in the**
80 **final statement does not consist of any portion of the prior district**
81 **assigned to that area, the reasons or grounds for the numbers and the**
82 **boundaries of the districts shall be reduced to writing and filed along**
83 **with the final statement submitted by the commission. If the statement**
84 **is not filed within six months of the time fixed for the appointment of**

85 **the commission, the commission shall stand discharged and a new**
86 **commission shall be appointed.**

87 After the statement is filed, members of the house of representatives shall
88 be elected according to such districts until a reapportionment is made as herein
89 provided[, except that if the statement is not filed within six months of the time
90 fixed for the appointment of the commission, it shall stand discharged and the
91 house of representatives shall be apportioned by a commission of six members
92 appointed from among the judges of the appellate courts of the state of Missouri
93 by the state supreme court, a majority of whom shall sign and file its
94 apportionment plan and map with the secretary of state within ninety days of the
95 date of the discharge of the apportionment commission. Thereafter members of
96 the house of representatives shall be elected according to such districts until a
97 reapportionment is made as herein provided].

98 Each member of the commission shall receive as compensation fifteen
99 dollars a day for each day the commission is in session but not more than one
100 thousand dollars **in sum**, and, in addition, shall be reimbursed for his **or her**
101 actual and necessary expenses incurred while serving as a member of the
102 commission.

103 No reapportionment shall be subject to the referendum.

Section 4. Each representative shall be twenty-four years of age, and next
2 before the day of his **or her** election shall have been a qualified voter for two
3 years and a resident of the [county or] district which he **or she** is chosen to
4 represent for one year, if such [county or] district shall have been so long
5 established, and if not, then of the [county or] district from which the same shall
6 have been taken.

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

5 **For the election of senators, a commission shall determine the**
6 **senatorial districts by dividing the population of the state by the**
7 **number thirty-four and shall establish each district so that the**
8 **population of that district shall, as nearly as possible, equal that**
9 **figure. Each district shall be composed of contiguous territory as**
10 **compact as may be. No county lines shall be crossed except when**
11 **necessary to add sufficient population to the remainder of a**

12 multidistrict county to complete only one district which lies partly
13 within such multidistrict county so as to be as nearly equal as
14 practicable in population. Any county or city not within a county with
15 a population in excess of the quotient obtained by dividing the
16 population of the state by the number thirty-four is hereby declared to
17 be a multidistrict county.

18 Any commission created under this section shall be considered
19 a public governmental body for purposes of, and subject to, any general
20 law concerning public meetings and public records.

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

37 If either of the party committees fails to submit a list within such
38 time the governor shall appoint five members of his own choice from
39 the party of the committee so failing to act. Any vacancy on the
40 commission shall be filled in the same manner as the original
41 appointment.

42 Members of the commission shall be disqualified from holding
43 office as members of the general assembly for ten years following the
44 date of their appointment to the commission by the governor.

45 No later than fifteen days after the appointment of all
46 commissioners, excluding Sundays and holidays, the commissioners so
47 selected shall meet in the capitol building and proceed to organize by
48 electing from their number a chair, vice chair, and secretary, and shall

49 adopt an agenda establishing at least three hearing dates on which
50 hearings open to the public shall be held. A copy of the agenda shall
51 be filed with the secretary of the senate within twenty-four hours after
52 its adoption. Executive meetings may be scheduled and held as often
53 as the commission deems advisable.

54 Not later than five months after the appointment of the
55 commission, the commission shall file with the secretary of state a
56 tentative plan of apportionment and map of the proposed districts and
57 during the ensuing fifteen days shall hold one or more public hearings
58 to hear objections or testimony of interested persons. Any vote to
59 approve the tentative plan shall be held not less than forty-eight hours
60 preceding the filing deadline.

61 Not later than six months after the appointment of the
62 commission, the commission shall file with the secretary of state a final
63 statement of the numbers and the boundaries of the districts, together
64 with a map of the districts, and no statement shall be valid unless
65 approved by at least seven members. Any vote to approve the final plan
66 shall be held not less than forty-eight hours preceding the filing
67 deadline. If any district created in the final statement does not consist
68 of any portion of the prior district assigned to that area, the reasons or
69 grounds for the numbers and the boundaries of the districts shall be
70 reduced to writing and filed along with the final statement submitted
71 by the commission. If the statement is not filed within six months of
72 the time fixed for the appointment of the commission, the commission
73 shall stand discharged and a new commission shall be appointed.

74 After the statement is filed, senators shall be elected according
75 to such districts until a reapportionment is made as herein provided.

76 Each member of the commission shall receive as compensation
77 fifteen dollars a day for each day the commission is in session, but no
78 more than one thousand dollars in sum, and, in addition, shall be
79 reimbursed for his or her actual and necessary expenses incurred while
80 serving as a member of the commission.

81 No reapportionment shall be subject to the referendum.

Section 6. Each senator shall be thirty years of age, and next before the
2 day of his **or her** election shall have been a qualified voter of the state for three
3 years and a resident of the district which he **or she** is chosen to represent for one
4 year, if such district shall have been so long established, and if not, then of the

5 district or districts from which the same shall have been taken.

2 [Section 7. Within sixty days after the population of this
3 state is reported to the President for each decennial census of the
4 United States, and within sixty days after notification by the
5 governor that a reapportionment has been invalidated by a court
6 of competent jurisdiction, the state committee of each of the two
7 political parties casting the highest vote for governor at the last
8 preceding election shall, at a committee meeting duly called, select
9 by a vote of the individual committee members, and thereafter
10 submit to the governor a list of ten persons, and within thirty days
11 thereafter the governor shall appoint a commission of ten members,
12 five from each list, to reapportion the thirty-four senatorial
13 districts and to establish the numbers and boundaries of said
14 districts.

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

18 Members of the commission shall be disqualified from
19 holding office as members of the general assembly for four years
20 following the date of the filing by the commission of its final
21 statement of apportionment.

22 The commissioners so selected shall on the fifteenth day,
23 excluding Sundays and holidays, after all members have been
24 selected, the shall meet in the capitol building and proceed to
25 organize by electing from their number a chairman, vice chairman
26 and secretary and shall adopt an agenda establishing at least three
27 hearing dates on which hearings open to the public shall be held.
28 A copy of the agenda shall be filed with the secretary of the senate
29 within twenty-four hours after its adoption. Executive meetings
30 may be scheduled and held as often as the commission deems
31 advisable.

32 The commission shall reapportion the senatorial districts by
33 dividing the population of the state by the number thirty-four and
34 shall establish each district so that the population of that district
35 shall, as nearly as possible, equal that figure; no county lines shall
be crossed except when necessary to add sufficient population to a

36 multi-district county or city to complete only one district which lies
37 partly within such multi-district county or city so as to be as nearly
38 equal as practicable in population. Any county with a population
39 in excess of the quotient obtained by dividing the population of the
40 state by the number thirty-four is hereby declared to be a multi-
41 district county.

42 Not later than five months after the appointment of the
43 commission, the commission shall file with the secretary of state a
44 tentative plan of apportionment and map of the proposed districts
45 and during the ensuing fifteen days shall hold such public hearings
46 as may be necessary hearing to hear objections or testimony of
47 interested persons.

48 Not later than six months after the appointment of the
49 commission, the commission shall file with the secretary of state a
50 final statement of the numbers and the boundaries of the districts
51 together with a map of the districts, and no statement shall be
52 valid unless approved by at least seven members.

53 After the statement is filed senators shall be elected
54 according to such districts until a reapportionment is made as
55 herein provided, except that if the statement is not filed within six
56 months of the time fixed for the appointment of the commission, it
57 shall stand discharged and the senate shall be apportioned by a
58 commission of six members appointed from among the judges of the
59 appellate courts of the state of Missouri by the state supreme court,
60 a majority of whom shall sign and file its apportionment plan and
61 map with the secretary of state within ninety days of the date of
62 the discharge of the apportionment commission. Thereafter
63 senators shall be elected according to such districts until a
64 reapportionment is made as herein provided.

65 Each member of the commission shall receive as
66 compensation fifteen dollars a day for each day the commission is
67 in session, but not more than one thousand dollars, and, in
68 addition, shall be reimbursed for his actual and necessary expenses
69 incurred while serving as a member of the commission.

70 No reapportionment shall be subject to the
71 referendum.]

Section 10. The last decennial census of the United States shall be used
2 in [apportioning representatives and] determining the population of senatorial
3 and representative districts. Such districts [may] **shall** be altered from time to
4 time as [public convenience may require] **required by this article.**

Section 13. If any senator or representative remove his **or her** residence
2 from the district [or county] for which he **or she** was elected, his **or her** office
3 shall thereby be vacated. **The renumbering or the realignment of districts**
4 **shall not be construed as removal of residence from the district as set**
5 **forth in this section.**

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 the redistricting of state Senate or
10 House of Representative districts?".

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