

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE JOINT RESOLUTION NO. 13

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 3, 7, 8, 9, 16, and 19 of article III of the Constitution of Missouri, and adopting six new sections in lieu thereof relating to members of the general assembly.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

1 That at the next general election to be held in the state of
2 Missouri, on Tuesday next following the first Monday in November,
3 2020, or at a special election to be called by the governor for
4 that purpose, there is hereby submitted to the qualified voters
5 of this state, for adoption or rejection, the following amendment
6 to article III of the Constitution of the state of Missouri:

7 Section A. Sections 3, 7, 8, 9, 16, and 19, article III,
8 Constitution of Missouri, is repealed and six new sections
9 adopted in lieu thereof, to be known as sections 3, 7, 8, 9, 16,
10 and 19, to read as follows:

11 Section 3. (a) There is hereby established the post of
12 "Nonpartisan State Demographer". The nonpartisan state
13 demographer shall acquire appropriate information to develop
14 procedures in preparation for drawing legislative redistricting
15 maps on the basis of each federal census for presentation to the
16 house apportionment commission and the senatorial apportionment

1 commission.

2 (b) The nonpartisan state demographer shall be selected
3 through the following process. First, state residents may apply
4 for selection to the state auditor using an application developed
5 by the state auditor to determine an applicant's qualifications
6 and expertise relevant to the position. Second, the state
7 auditor shall deliver to the majority leader and minority leader
8 of the senate a list of at least three applicants with sufficient
9 expertise and qualifications, as determined by the state auditor,
10 to perform the duties of the nonpartisan state demographer.
11 Third, if the majority leader and minority leader of the senate
12 together agree that a specific applicant should be selected to be
13 the nonpartisan state demographer, that applicant shall be
14 selected and the selection process shall cease. Fourth, if the
15 majority leader and minority leader of the senate cannot together
16 agree on an applicant, they may each remove a number of
17 applicants on the state auditor's list equal to one-third of the
18 total number of applicants on that list, rounded down to the next
19 integer, and the state auditor shall then conduct a random
20 lottery of the applicants remaining after removal to select the
21 nonpartisan state demographer. The state auditor shall prescribe
22 a time frame and deadlines for this application and selection
23 process that both encourages numerous qualified applicants and
24 avoids delay in selection. The nonpartisan state demographer
25 shall serve a term of five years and may be reappointed. To be
26 eligible for the nonpartisan state demographer position, an
27 individual shall not have served in a partisan, elected position
28 for four years prior to the appointment. The nonpartisan state

1 demographer shall be disqualified from holding office as a member
2 of the general assembly for four years following the date of the
3 presentation of his or her most recent legislative redistricting
4 map to the house apportionment commission or the senatorial
5 apportionment commission.

6 (c) The house of representatives shall [consist of one
7 hundred sixty-three members] be elected at each general election
8 and apportioned as provided in this section.

9 (1) Within ten days after the population of this state is
10 reported to the President for each decennial census of the United
11 States or, in the event that a reapportionment has been
12 invalidated by a court of competent jurisdiction, within ten days
13 after such a ruling has been made, the nonpartisan state
14 demographer shall begin the preparation of legislative
15 districting plans and maps using the following methods, listed in
16 order of priority:

17 a. Districts shall be established on the basis of total
18 population. Legislative districts shall each have a total
19 population as nearly equal as practicable to the ideal population
20 for such districts, determined by dividing the number of
21 districts to be established into the total population of the
22 state reported in the federal decennial census;

23 b. Districts shall be established in a manner so as to
24 comply with all requirements of the United States Constitution
25 and applicable federal laws, including, but not limited to, the
26 Voting Rights Act of 1965 (as amended). Notwithstanding any
27 other provision of this Article, districts shall not be drawn
28 with the intent or result of denying or abridging the equal

1 opportunity of racial or language minorities to participate in
2 the political process or diminishing their ability to elect
3 representatives of their choice, whether by themselves or by
4 voting in concert with other persons.

5 Districts shall be designed in a manner that achieves both
6 partisan fairness and, secondarily, competitiveness. "Partisan
7 fairness" means that parties shall be able to translate their
8 popular support into legislative representation with
9 approximately equal efficiency. "Competitiveness" means that
10 parties' legislative representation shall be substantially and
11 similarly responsive to shifts in the electorate's preferences.

12 To this end, the nonpartisan state demographer shall
13 calculate the average electoral performance of the two parties
14 receiving the most votes in the three preceding elections for
15 governor, for United States Senate, and for President of the
16 United States. This index shall be defined as the total votes
17 received by each party in the three preceding elections for
18 governor, for United States Senate, and for President of the
19 United States, divided by the total votes cast for both parties
20 in these elections. Using this index, the nonpartisan state
21 demographer shall calculate the total number of wasted votes for
22 each party, summing across all of the districts in the plan.
23 "Wasted votes" are votes cast for a losing candidate or for a
24 winning candidate in excess of the fifty percent threshold needed
25 for victory. In any plan of apportionment and map of the
26 proposed districts submitted to the respective apportionment
27 commission, the nonpartisan state demographer shall ensure the
28 difference between the two parties' total wasted votes, divided

1 by the total votes cast for the two parties, is as close to zero
2 as practicable.

3 To promote competitiveness, the nonpartisan state
4 demographer shall use the electoral performance index to simulate
5 elections in which the hypothetical statewide vote shifts by one
6 percent, two percent, three percent, four percent, and five
7 percent in favor of each party. The vote in each individual
8 district shall be assumed to shift by the same amount as the
9 statewide vote. The nonpartisan state demographer shall ensure
10 that, in each of these simulated elections, the difference
11 between the two parties' total wasted votes, divided by the total
12 votes cast for the two parties, is as close to zero as
13 practicable;

14 c. Subject to the requirements of paragraphs a. and b. of
15 this subdivision, districts shall be composed of contiguous
16 territory. Areas which meet only at the points of adjoining
17 corners are not contiguous;

18 d. To the extent consistent with paragraphs a. to c. of
19 this subdivision, district boundaries shall coincide with the
20 boundaries of political subdivisions of the state. The number of
21 counties and cities divided among more than one district shall be
22 as small as possible. When there is a choice between dividing
23 local political subdivisions, the more populous subdivisions
24 shall be divided before the less populous, but this preference
25 shall not apply to a legislative district boundary drawn along a
26 county line which passes through a city that lies in more than
27 one county;

28 e. Preference shall be that districts are compact in form,

1 but the standards established by paragraphs a. to d. of this
2 subdivision take precedence over compactness where a conflict
3 arises between compactness and these standards. In general,
4 compact districts are those which are square, rectangular, or
5 hexagonal in shape to the extent permitted by natural or
6 political boundaries.

7 (2) Within sixty days after the population of this state is
8 reported to the President for each decennial census of the United
9 States or, in the event that a reapportionment has been
10 invalidated by a court of competent jurisdiction, within sixty
11 days that such a ruling has been made, the congressional district
12 committee of each of the two parties casting the highest vote for
13 governor at the last preceding election shall meet and the
14 members of the committee shall nominate, by a majority vote of
15 the members of the committee present, provided that a majority of
16 the elected members is present, two members of their party,
17 residents in that district, as nominees for reapportionment
18 commissioners. Neither party shall select more than one nominee
19 from any one state legislative district. The congressional
20 committees shall each submit to the governor their list of
21 elected nominees. Within thirty days the governor shall appoint
22 a commission consisting of one name from each list to reapportion
23 [the state into one hundred and sixty-three representative
24 districts] the house of representatives and to establish the
25 numbers and boundaries of [said districts] each district.

26 If any of the congressional committees fails to submit a
27 list within such time the governor shall appoint a member of his
28 own choice from that district and from the political party of the

1 committee failing to make the appointment.

2 Members of the commission shall be disqualified from holding
3 office as members of the general assembly for four years
4 following the date of the filing by the commission of its final
5 statement of apportionment.

6 For the purposes of this Article, the term congressional
7 district committee or congressional district refers to the
8 congressional district committee or the congressional district
9 from which a congressman was last elected, or, in the event
10 members of congress from this state have been elected at large,
11 the term congressional district committee refers to those persons
12 who last served as the congressional district committee for those
13 districts from which congressmen were last elected, and the term
14 congressional district refers to those districts from which
15 congressmen were last elected. Any action pursuant to this
16 section by the congressional district committee shall take place
17 only at duly called meetings, shall be recorded in their official
18 minutes and only members present in person shall be permitted to
19 vote.

20 (3) Within six months after the population of this state is
21 reported to the President for each decennial census of the United
22 States or, in the event that a reapportionment has been
23 invalidated by a court of competent jurisdiction, within six
24 months after such a ruling has been made, the nonpartisan state
25 demographer shall make public and file with the secretary of
26 state and with the house apportionment commission a tentative
27 plan of apportionment and map of the proposed districts, as well
28 as all demographic and partisan data used in the creation of the

1 plan and map.

2 The commissioners so selected shall, within ten days of
3 receiving the tentative plan of apportionment and map of the
4 proposed districts, meet in the capitol building and proceed to
5 organize by electing from their number a chairman, vice chairman
6 and secretary. The commission shall adopt an agenda establishing
7 at least three hearing dates on which hearings open to the public
8 shall be held to hear objections or testimony from interested
9 persons. A copy of the agenda shall be filed with the clerk of
10 the house of representatives within twenty-four hours after its
11 adoption. Executive meetings may be scheduled and held as often
12 as the commission deems advisable.

13 The commission may make changes to the tentative plan of
14 apportionment and map of the proposed districts received from the
15 nonpartisan state demographer provided that such changes are
16 consistent with this section and approved by a vote of at least
17 seven-tenths of the commissioners. If no changes are made or
18 approved as provided for in this subsection, the tentative plan
19 of apportionment and map of proposed districts shall become
20 final. Not later than two months of receiving the tentative plan
21 of apportionment and map of the proposed districts, the
22 commission shall file with the secretary of state a final
23 statement of the numbers and the boundaries of the districts
24 together with a map of the districts.

25 Each member of the commission shall receive as compensation
26 fifteen dollars a day for each day the commission is in session
27 but not more than one thousand dollars, and, in addition, shall
28 be reimbursed for his actual and necessary expenses incurred

1 while serving as a member of the commission.

2 No reapportionment shall be subject to the referendum.

3 Section 7. (a) Within ten days after the population of
4 this state is reported to the President for each decennial census
5 of the United States or, in the event that a reapportionment has
6 been invalidated by a court of competent jurisdiction, within ten
7 days after such a ruling has been made, the nonpartisan state
8 demographer authorized in Article III, Section 3 shall begin the
9 preparation of senatorial districting plans and maps using the
10 same methods and criteria as those required by Article III,
11 Section 3 for the establishment of districts for the house of
12 representatives.

13 (b) Within sixty days after the population of this state is
14 reported to the President for each decennial census of the United
15 States, or within sixty days after a reapportionment has been
16 invalidated by a court of competent jurisdiction, the state
17 committee of each of the two political parties casting the
18 highest vote for governor at the last preceding election shall,
19 at a committee meeting duly called, select by a vote of the
20 individual committee members, and thereafter submit to the
21 governor a list of ten persons, and within thirty days thereafter
22 the governor shall appoint a commission of ten members, five from
23 each list, to reapportion the [thirty-four] senatorial districts
24 and to establish the numbers and boundaries of said districts.

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

28 Members of the commission shall be disqualified from holding

1 office as members of the general assembly for four years
2 following the date of the filing by the commission of its final
3 statement of apportionment.

4 (c) Within six months after the population of this state is
5 reported to the President for each decennial census of the United
6 States or in the event that a reapportionment has been
7 invalidated by a court of competent jurisdiction, within six
8 months after such a ruling has been made, the nonpartisan state
9 demographer shall file with the secretary of state and with the
10 senatorial apportionment commission a tentative plan of
11 apportionment and map of the proposed districts.

12 The commissioners so selected shall within ten days of
13 receiving the tentative plan of apportionment and map of the
14 proposed districts required by this subsection, meet in the
15 capitol building and proceed to organize by electing from their
16 number a chairman, vice chairman and secretary. The commission
17 shall adopt an agenda establishing at least three hearing dates
18 on which hearings open to the public shall be held to hear
19 objections or testimony from interested persons. A copy of the
20 agenda shall be filed with the secretary of the senate within
21 twenty-four hours after its adoption. Executive meetings may be
22 scheduled and held as often as the commission deems advisable.
23 The commission may make changes to the tentative plan of
24 apportionment and map of the proposed districts received from the
25 nonpartisan state demographer provided that such changes are
26 consistent with this section and the methods and criteria
27 required by Section 3 of this Article [for the establishment of
28 districts for the house of representatives] and approved by a

1 vote of at least seven-tenths of the commissioners. If no
2 changes are made or approved as provided for in this subsection,
3 the tentative plan of apportionment and map of proposed districts
4 shall become final. Not later than two months after receiving
5 the tentative plan of apportionment and map of the proposed
6 districts, the commission shall file with the secretary of state
7 a final statement of the numbers and the boundaries of the
8 districts together with a map of the districts.

9 Each member of the commission shall receive as compensation
10 fifteen dollars a day for each day the commission is in session,
11 but not more than one thousand dollars, and, in addition, shall
12 be reimbursed for his or her actual and necessary expenses
13 incurred while serving as a member of the commission.

14 No reapportionment shall be subject to the referendum.

15 Section 8. 1. No one shall be elected to serve more than
16 ~~[eight]~~ sixteen years total in ~~[any one house of]~~ the General
17 Assembly ~~[nor more than sixteen years total in both houses of the~~
18 ~~General Assembly]~~. In applying this section, service in the
19 General Assembly resulting from an election prior to December 3,
20 1992, or service of less than one year, in the case of a member
21 of the house of representatives, or two years, in the case of a
22 member of the senate, by a person elected after the effective
23 date of this section to complete the term of another person,
24 shall not be counted. Service in the general assembly prior to
25 January 6, 2021, by a person who has not exhausted the term
26 limits imposed by this section as of such date shall not be
27 counted.

28 2. No one elected to serve in the General Assembly shall

1 serve more than four years in each of the following positions:

2 (1) Speaker of the House of Representatives;

3 (2) President pro tempore of the Senate;

4 (3) Majority leader of the House of Representatives;

5 (4) Majority leader of the Senate;

6 (5) Minority leader of the House of Representatives; or

7 (6) Minority leader of the Senate.

8 Section 9. Until the convening of the ~~Seventy-fourth~~ One
9 Hundred Second General Assembly the House of Representatives
10 shall consist of one hundred sixty-three members elected from the
11 one hundred sixty-three representative districts, as they existed
12 [January 1, 1965] during the One Hundred First General Assembly.
13 Beginning with the One Hundred Second General Assembly the House
14 of Representatives shall consist of one hundred thirty-six
15 members elected from house districts apportioned pursuant to
16 section 3 of this article.

17 Section 16. 1. Senators and representatives shall receive
18 from the state treasury as salary such sums as are provided by
19 law. No law fixing the compensation of members of the general
20 assembly shall become effective until the first day of the
21 regular session of the general assembly next following the
22 session at which the law was enacted. Upon certification by the
23 president and secretary of the senate and by the speaker and
24 chief clerk of the house of representatives as to the respective
25 members thereof, the state comptroller shall audit and the state
26 treasurer shall pay such compensation without legislative
27 enactment. Until otherwise provided by law senators and
28 representatives shall receive one dollar for every ten miles

1 traveled in going to and returning from their place of meeting
2 while the legislature is in session, on the most usual route.

3 2. Until otherwise provided by law, each senator or
4 representative shall be reimbursed from the state treasury for
5 the actual and necessary expenses incurred by him in attending
6 sessions of the general assembly in the sum of ten dollars
7 (\$10.00) per day for each day on which the journal of the senate
8 or house respectively shows the presence of such senator or
9 representative. Upon certification by the president and
10 secretary of the senate and by the speaker and chief clerk of the
11 house of representatives as to the respective members thereof,
12 the state comptroller shall approve and the state treasurer shall
13 pay monthly such expense allowance without legislative enactment.

14 3. Beginning with the one hundred second general assembly
15 and on the first day of each successive general assembly, the
16 compensation of members of the general assembly shall be
17 increased by the increase in the cost of living. On September
18 30, 2022, and on each September thirtieth of each successive
19 even-numbered year, the secretary of the senate shall measure the
20 increase in the cost of living by the percentage increase as of
21 the preceding July over the level as of July of the second
22 preceding year of the Consumer Price Index for Urban Wage Earners
23 and Clerical Workers (CPI-W) or successor index as published by
24 the United States Department of Labor or its successor agency,
25 with the amount of compensation increase rounded to the nearest
26 dollar.

27 Section 19. (a) Senators and representatives shall, in all
28 cases except treason, felony, offenses under this Article, or

1 breach of the peace, be privileged from arrest during the session
2 of the general assembly, and for the fifteen days next before the
3 commencement and after the termination of each session; and they
4 shall not be questioned for any speech or debate in either house
5 in any other place.

6 (b) a. Legislative records shall be public records and
7 subject to generally applicable state laws governing public
8 access to public records, including the Sunshine Law.

9 Legislative records include, but are not limited to, all records,
10 in whatever form or format, of the official acts of the general
11 assembly, of the official acts of legislative committees, of the
12 official acts of members of the general assembly, of individual
13 legislators, their employees and staff, of the conduct of
14 legislative business and all records that are created, stored or
15 distributed through legislative branch facilities, equipment or
16 mechanisms, including electronic, provided that the following
17 shall not be considered a legislative record and shall not be
18 subject to any state laws governing public access to public
19 records, including the Sunshine Law:

20 i. The work product of an employee or staff member of a
21 member of the general assembly;

22 ii. The work product of an employee of the house of
23 representatives or the senate; and

24 iii. Communications between members of the general
25 assembly.

26 b. Each member of the general assembly is the custodian of
27 legislative records under the custody and control of the member,
28 their employees and staff. The chief clerk of the house or the

1 secretary of the senate are the custodians for all other
2 legislative records relating to the house and the senate,
3 respectively.

4 (c) Legislative proceedings, including committee
5 proceedings, shall be public meetings subject to generally
6 applicable law governing public access to public meetings,
7 including the Sunshine Law. Open public meetings of legislative
8 proceedings shall be subject to recording by citizens, so long as
9 the proceedings are not materially disrupted.