

FIRST REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 29

100TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SCHATZ.

Read 1st time February 28, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

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## JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 2 and 3 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to regulating the legislature to limit the influence of partisan or other special interests.

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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, 2020, 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 and 3, article III, Constitution of Missouri, is  
2 repealed and two new sections adopted in lieu thereof, to be known as sections  
3 2 and 3, to read as follows:

Section 2. (a) After December 6, 2018, no person serving as a member of  
2 or employed by the general assembly shall act or serve as a paid lobbyist, register  
3 as a paid lobbyist, or solicit prospective employers or clients to represent as a  
4 paid lobbyist during the time of such service until the expiration of two calendar  
5 years after the conclusion of the session of the general assembly in which the  
6 member or employee last served and where such service was after December 6,  
7 2018.

8 (b) No person serving as a member of or employed by the general  
9 assembly shall accept directly or indirectly a gift of any tangible or intangible  
10 item, service, or thing of value from any paid lobbyist or lobbyist principal [in  
11 excess of five dollars per occurrence]. This Article shall not prevent candidates

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

12 for the general assembly, including candidates for reelection, or candidates for  
13 offices within the senate or house from accepting campaign contributions  
14 consistent with this Article and applicable campaign finance law. Nothing in this  
15 section shall prevent individuals from receiving gifts, family support or anything  
16 of value from those related to them within the fourth degree by blood or  
17 marriage. [The dollar limitations of this section shall be increased or decreased  
18 each year by the percentage of increase or decrease from the end of the previous  
19 calendar year of the Consumer Price Index, or successor index as published by the  
20 U.S. Department of Labor, or its successor agency, and rounded to the nearest  
21 dollar amount.]

22 (c) The general assembly shall make no law authorizing unlimited  
23 campaign contributions to candidates for the general assembly, nor any law that  
24 circumvents the contribution limits contained in this Constitution. In addition  
25 to other campaign contribution limitations or restrictions provided for by law, the  
26 amount of contributions made to or accepted by any candidate or candidate  
27 committee from any person other than the candidate in any one election for the  
28 general assembly shall not exceed the following:

29 (1) To elect an individual to the office of state senator, two thousand five  
30 hundred dollars; and

31 (2) To elect an individual to the office of state representative, two  
32 thousand dollars.

33 The contribution limits and other restrictions of this section shall also  
34 apply to any person exploring a candidacy for a public office listed in this  
35 subsection.

36 For purposes of this subsection, "base year amount" shall be the  
37 contribution limits prescribed in this section. Contribution limits set forth herein  
38 shall be adjusted on the first day of January in each even-numbered year  
39 hereafter by multiplying the base year amount by the cumulative Consumer Price  
40 Index and rounded to the nearest dollar amount, for all years after 2018.

41 (d) No contribution to a candidate for legislative office shall be made or  
42 accepted, directly or indirectly, in a fictitious name, in the name of another  
43 person, or by or through another person in such a manner as to, or with the  
44 intent to, conceal the identity of the actual source of the contribution. There shall  
45 be a rebuttable presumption that a contribution to a candidate for public office  
46 is made or accepted with the intent to circumvent the limitations on contributions  
47 imposed in this section when a contribution is received from a committee or

48 organization that is primarily funded by a single person, individual, or other  
49 committee that has already reached its contribution limit under any law relating  
50 to contribution limitations. A committee or organization shall be deemed to be  
51 primarily funded by a single person, individual, or other committee when the  
52 committee or organization receives more than fifty percent of its annual funding  
53 from that single person, individual, or other committee.

54 (e) In no circumstance shall a candidate be found to have violated limits  
55 on acceptance of contributions if the Missouri ethics commission, its successor  
56 agency, or a court determines that a candidate has taken no action to indicate  
57 acceptance of or acquiescence to the making of an expenditure that is deemed a  
58 contribution pursuant to this section.

59 (f) No candidate shall accept contributions from any federal political  
60 action committee unless the committee has filed the same financial disclosure  
61 reports that would be required of a Missouri political action committee.

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

6 (b) The nonpartisan state demographer shall be selected through the  
7 following process. First, state residents may apply for selection to the state  
8 auditor using an application developed by the state auditor to determine an  
9 applicant's qualifications and expertise relevant to the position. Second, the state  
10 auditor shall deliver to the majority leader and minority leader of the senate a  
11 list of at least three applicants with sufficient expertise and qualifications, as  
12 determined by the state auditor, to perform the duties of the nonpartisan state  
13 demographer. Third, if the majority leader and minority leader of the senate  
14 together agree that a specific applicant should be selected to be the nonpartisan  
15 state demographer, that applicant shall be selected and the selection process shall  
16 cease. Fourth, if the majority leader and minority leader of the senate cannot  
17 together agree on an applicant, they may each remove a number of applicants on  
18 the state auditor's list equal to one-third of the total number of applicants on that  
19 list, rounded down to the next integer, and the state auditor shall then conduct  
20 a random lottery of the applicants remaining after removal to select the  
21 nonpartisan state demographer. The state auditor shall prescribe a time frame  
22 and deadlines for this application and selection process that both encourages

23 numerous qualified applicants and avoids delay in selection. The nonpartisan  
24 state demographer shall serve a term of five years and may be reappointed. To  
25 be eligible for the nonpartisan state demographer position, an individual shall not  
26 have served in a partisan, elected position for four years prior to the  
27 appointment. The nonpartisan state demographer shall be disqualified from  
28 holding office as a member of the general assembly for four years following the  
29 date of the presentation of his or her most recent legislative redistricting map to  
30 the house apportionment commission or the senatorial apportionment  
31 commission.

32 (c) The house of representatives shall consist of one hundred sixty-three  
33 members elected at each general election and apportioned as provided in this  
34 section.

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

41 a. Districts shall be established on the basis of total  
42 population. Legislative districts shall each have a total population as nearly  
43 equal as practicable to the ideal population for such districts, determined by  
44 dividing the number of districts to be established into the total population of the  
45 state reported in the federal decennial census;

46 b. Districts shall be established in a manner so as to comply with all  
47 requirements of the United States Constitution and applicable federal laws,  
48 including, but not limited to, the Voting Rights Act of 1965 (as  
49 amended). Notwithstanding any other provision of this Article, districts shall not  
50 be drawn with the intent or result of denying or abridging the equal opportunity  
51 of racial or language minorities to participate in the political process or  
52 diminishing their ability to elect representatives of their choice, whether by  
53 themselves or by voting in concert with other persons.

54 [Districts shall be designed in a manner that achieves both partisan  
55 fairness and, secondarily, competitiveness. "Partisan fairness" means that parties  
56 shall be able to translate their popular support into legislative representation  
57 with approximately equal efficiency. "Competitiveness" means that parties'  
58 legislative representation shall be substantially and similarly responsive to shifts

59 in the electorate's preferences.

60 To this end, the nonpartisan state demographer shall calculate the average  
61 electoral performance of the two parties receiving the most votes in the three  
62 preceding elections for governor, for United States Senate, and for President of  
63 the United States. This index shall be defined as the total votes received by each  
64 party in the three preceding elections for governor, for United States Senate, and  
65 for President of the United States, divided by the total votes cast for both parties  
66 in these elections. Using this index, the nonpartisan state demographer shall  
67 calculate the total number of wasted votes for each party, summing across all of  
68 the districts in the plan. "Wasted votes" are votes cast for a losing candidate or  
69 for a winning candidate in excess of the fifty percent threshold needed for victory.  
70 In any plan of apportionment and map of the proposed districts submitted to the  
71 respective apportionment commission, the nonpartisan state demographer shall  
72 ensure the difference between the two parties' total wasted votes, divided by the  
73 total votes cast for the two parties, is as close to zero as practicable.

74 To promote competitiveness, the nonpartisan state demographer shall use  
75 the electoral performance index to simulate elections in which the hypothetical  
76 statewide vote shifts by one percent, two percent, three percent, four percent, and  
77 five percent in favor of each party. The vote in each individual district shall be  
78 assumed to shift by the same amount as the statewide vote. The nonpartisan  
79 state demographer shall ensure that, in each of these simulated elections, the  
80 difference between the two parties' total wasted votes, divided by the total votes  
81 cast for the two parties, is as close to zero as practicable;]

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

85 d. To the extent consistent with paragraphs a. to c. of this subdivision,  
86 district boundaries shall coincide with the boundaries of political subdivisions of  
87 the state. The number of counties and cities divided among more than one  
88 district shall be as small as possible. When there is a choice between dividing  
89 local political subdivisions, the more populous subdivisions shall be divided before  
90 the less populous, but this preference shall not apply to a legislative district  
91 boundary drawn along a county line which passes through a city that lies in more  
92 than one county;

93 e. Preference shall be that districts are compact in form, but the  
94 standards established by paragraphs a. to d. of this subdivision take precedence

95 over compactness where a conflict arises between compactness and these  
96 standards. In general, compact districts are those which are square, rectangular,  
97 or hexagonal in shape to the extent permitted by natural or political boundaries;

98 **f. Districts shall be designed in a manner that achieves both**  
99 **partisan fairness and, secondarily, competitiveness, but the standards**  
100 **established by paragraphs a. to e. of this subdivision shall take**  
101 **precedence over partisan fairness and competitiveness where a conflict**  
102 **arises. "Partisan fairness" means that parties shall be able to translate**  
103 **their popular support into legislative representation with**  
104 **approximately equal efficiency. "Competitiveness" means that parties'**  
105 **legislative representation shall be substantially and similarly**  
106 **responsive to shifts in the electorate's preferences.**

107 **To this end, the nonpartisan state demographer shall calculate**  
108 **the average electoral performance of the two parties receiving the most**  
109 **votes in the three preceding elections for governor, for United States**  
110 **Senate, and for President of the United States. This index shall be**  
111 **defined as the total votes received by each party in the three preceding**  
112 **elections for governor, for United States Senate, and for President of**  
113 **the United States, divided by the total votes cast for both parties in**  
114 **these elections. Using this index, the nonpartisan state demographer**  
115 **shall calculate the total number of wasted votes for each party,**  
116 **summing across all of the districts in the plan. "Wasted votes" are votes**  
117 **cast for a losing candidate or for a winning candidate in excess of the**  
118 **fifty percent threshold needed for victory. In any plan of**  
119 **apportionment and map of the proposed districts submitted to the**  
120 **respective apportionment commission, the nonpartisan state**  
121 **demographer shall ensure the difference between the two parties' total**  
122 **wasted votes, divided by the total votes cast for the two parties, is as**  
123 **close to zero as practicable.**

124 **To promote competitiveness, the nonpartisan state demographer**  
125 **shall use the electoral performance index to simulate elections in which**  
126 **the hypothetical statewide vote shifts by one percent, two percent,**  
127 **three percent, four percent, and five percent in favor of each**  
128 **party. The vote in each individual district shall be assumed to shift by**  
129 **the same amount as the statewide vote. The nonpartisan state**  
130 **demographer shall ensure that, in each of these simulated elections, the**  
131 **difference between the two parties' total wasted votes, divided by the**

132 **total votes cast for the two parties, is as close to zero as practicable.**

133       (2) Within sixty days after the population of this state is reported to the  
134 President for each decennial census of the United States or, in the event that a  
135 reapportionment has been invalidated by a court of competent jurisdiction, within  
136 sixty days that such a ruling has been made, the congressional district committee  
137 of each of the two parties casting the highest vote for governor at the last  
138 preceding election shall meet and the members of the committee shall nominate,  
139 by a majority vote of the members of the committee present, provided that a  
140 majority of the elected members is present, two members of their party, residents  
141 in that district, as nominees for reapportionment commissioners. Neither party  
142 shall select more than one nominee from any one state legislative district. The  
143 congressional committees shall each submit to the governor their list of elected  
144 nominees. Within thirty days the governor shall appoint a commission consisting  
145 of one name from each list to reapportion the state into one hundred and  
146 sixty-three representative districts and to establish the numbers and boundaries  
147 of said districts.

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

151       Members of the commission shall be disqualified from holding office as  
152 members of the general assembly for four years following the date of the filing by  
153 the commission of its final statement of apportionment.

154       For the purposes of this Article, the term congressional district committee  
155 or congressional district refers to the congressional district committee or the  
156 congressional district from which a congressman was last elected, or, in the event  
157 members of congress from this state have been elected at large, the term  
158 congressional district committee refers to those persons who last served as the  
159 congressional district committee for those districts from which congressmen were  
160 last elected, and the term congressional district refers to those districts from  
161 which congressmen were last elected. Any action pursuant to this section by the  
162 congressional district committee shall take place only at duly called meetings,  
163 shall be recorded in their official minutes and only members present in person  
164 shall be permitted to vote.

165       (3) Within six months after the population of this state is reported to the  
166 President for each decennial census of the United States or, in the event that a  
167 reapportionment has been invalidated by a court of competent jurisdiction, within

168 six months after such a ruling has been made, the nonpartisan state demographer  
169 shall make public and file with the secretary of state and with the house  
170 apportionment commission a tentative plan of apportionment and map of the  
171 proposed districts, as well as all demographic and partisan data used in the  
172 creation of the plan and map.

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

182         The commission may make changes to the tentative plan of apportionment  
183 and map of the proposed districts received from the nonpartisan state  
184 demographer provided that such changes are consistent with this section and  
185 approved by a vote of at least seven-tenths of the commissioners. If no changes  
186 are made or approved as provided for in this subsection, the tentative plan of  
187 apportionment and map of proposed districts shall become final. Not later than  
188 two months of receiving the tentative plan of apportionment and map of the  
189 proposed districts, the commission shall file with the secretary of state a final  
190 statement of the numbers and the boundaries of the districts together with a map  
191 of the districts.

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

196         No reapportionment shall be subject to the referendum.

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