

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 35

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3169S.01I

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 10 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the use of census data for the purposes of 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, 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Section A. Section 10, article III, Constitution of Missouri, is repealed and
2 one new section adopted in lieu thereof, to be known as section 10, to read as
3 follows:

Section 10. **(1)** The last decennial census of the United States shall be
2 used in apportioning representatives and determining the population of senatorial
3 and representative districts. Such districts may be altered from time to time as
4 public convenience may require.

**(2) (a) In each year in which the decennial census of the United
6 States is taken, but in which the United States Bureau of the Census
7 allocates incarcerated persons as residents of correctional facilities,
8 the department of corrections shall deliver to the nonpartisan state
9 demographer a report that includes:**

10 **a. A unique identifier for each incarcerated person subject to the
11 jurisdiction of the department of corrections on the date for which the
12 decennial census reports population;**

13 **b. The street address of the correctional facility in which such
14 person was incarcerated at the time of such report;**

15 c. The last known address of such person prior to incarceration
16 or other legal residence, if known; and

17 d. The person's race, whether the person is of Hispanic or Latino
18 origin, and whether the person is over the age of eighteen, if known.

19 (b) The information required to be provided to the nonpartisan
20 state demographer pursuant to paragraph (a) of this subdivision shall
21 not include the name of any incarcerated person and shall not allow for
22 the identification of any such person therefrom, except to the
23 department of corrections. The information shall be treated as
24 confidential, and shall not be disclosed by the nonpartisan state
25 demographer except as redistricting data aggregated by census block
26 for purposes specified in subdivision (4) of this section.

27 (3) In each year in which the decennial census of the United
28 States is taken, but in which the United States Bureau of the Census
29 allocates incarcerated persons as residents of correctional facilities,
30 the nonpartisan state demographer shall request each agency that
31 operates a federal facility in this state that incarcerates persons
32 convicted of a criminal offense to provide the nonpartisan state
33 demographer with a report including the information listed in
34 paragraph (a) of subdivision (2) of this section.

35 (4) The nonpartisan state demographer shall prepare
36 redistricting population data to reflect incarcerated persons at their
37 residential address pursuant to subdivision (5) of this section. The data
38 prepared by the nonpartisan state demographer pursuant to
39 subdivision (5) of this section shall be the basis of representative and
40 senatorial districts established under sections 3 and 7 of this
41 article. Incarcerated populations residing at unknown geographic
42 locations within the state shall not be used to determine the ideal
43 population of any set of districts.

44 (5) (a) For each person included in a report received under
45 subdivisions (2) and (3) of this section, the nonpartisan state
46 demographer shall determine the geographic units for which
47 population counts are reported in the decennial census of the United
48 States that contain the facility of incarceration and the legal residence
49 as listed according to the report.

50 (b) For each person included in a report received under
51 subdivisions (2) and (3) of this section, if the legal residence is known

52 and in this state, the nonpartisan state demographer shall:

53 a. Ensure that the person is not represented in any population
54 counts reported by the nonpartisan state demographer for the
55 geographic units that include the facility at which the person was
56 incarcerated, unless that geographic unit also includes the person's
57 legal residence; and

58 b. Ensure that any population counts reported by the
59 nonpartisan state demographer reflect the person's residential address
60 as reported under subdivisions (2) and (3) of this section.

61 (c) For each person included in a report received under
62 subdivisions (2) and (3) of this section for whom a legal residence is
63 unknown or not in this state, and for all persons reported in the census
64 as residing in a federal correctional facility for whom a report was not
65 provided, the nonpartisan state demographer shall:

66 a. Ensure that the person is not represented in any population
67 counts reported by the nonpartisan state demographer for the
68 geographic units that include the facility at which the person was
69 incarcerated; and

70 b. Allocate the person to a state unit not tied to a specific
71 determined geography, as other state residents with unknown state
72 addresses are allocated, including but not limited to military and
73 federal government personnel stationed overseas.

74 (6) The data prepared by the nonpartisan state demographer
75 pursuant to this section shall be completed and published no later than
76 thirty days from the date that the decennial census data is published
77 for the state.

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