

SENATE BILL NO. 707

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

2704S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 128, RSMo, by adding thereto one new section relating to residency qualifications for candidates for representative in congress, with penalty provisions and a severability clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 128, RSMo, is amended by adding thereto
2 one new section, to be known as section 128.370, to read as
3 follows:

128.370. 1. For purposes of this section, the
2 following terms mean:

3 (1) "Congressional district", the specific geographic
4 area that is permitted to elect a member of the United
5 States House of Representatives pursuant to this chapter and
6 pursuant to Article I, Section 2 of the U.S. Constitution;

7 (2) "Established congressional district", a
8 congressional district whose geographic boundaries have
9 remained fixed and unaltered by law for a period of at least
10 twenty-four months prior to an election;

11 (3) "New congressional district", a congressional
12 district whose geographic boundaries were established less
13 than twenty-four months prior to an election;

14 (4) "Resident of a congressional district":

15 (a) A person who, upon the date of a primary or
16 general election to nominate a candidate or elect a person
17 to represent a congressional district, has established and

18 maintained a primary residence within the geographic
19 boundaries of such congressional district for the preceding:

- 20 a. Three months for new congressional districts; or,
21 b. Twelve months for established congressional
22 districts.

23 (b) Notwithstanding paragraph (a) of this subdivision
24 to the contrary, solely for the purpose of primary and
25 general elections taking place in 2024, the required period
26 of residency shall not begin before the effective date of
27 this section;

28 (c) A person shall not be considered to have
29 "established and maintained a primary residence" within a
30 congressional district unless such person is legally
31 domiciled within the district for the purposes of voting and
32 taxation for the entirety of the required period.

33 2. Only a resident of a congressional district may be
34 elected to serve as the representative of such district.

35 3. Only a resident of a congressional district shall
36 be eligible to appear upon a primary election ballot as a
37 printed candidate to secure a party's nomination to be
38 elected to represent such district.

39 4. Only a resident of a congressional district shall
40 be eligible to appear upon the ballot as a printed candidate
41 in a general election to represent such district.

42 5. In order to be declared the winner of an election
43 to serve as the representative of a congressional district,
44 a person shall certify his or her status as a resident of
45 the congressional district for the entirety of the period
46 required under the applicable provision of subdivision (4)
47 of subsection 1 of this section. Such certification shall
48 be made to the secretary of state.

49 6. In order to appear on the ballot in a primary
50 election to be nominated to represent a congressional
51 district, a candidate shall, no later than twelve weeks
52 prior to the date of the primary election, certify his or
53 her present status as a resident of the applicable
54 congressional district with a present intention to remain a
55 resident for the duration of the candidacy. Such
56 certification shall be made to the secretary of state.

57 7. In order to appear on the ballot in a general
58 election to represent a congressional district, a candidate
59 shall, no later than twelve weeks prior to the date of such
60 election, certify his or her present status as a resident of
61 the applicable congressional district along with a present
62 intention to remain a resident for the duration of the
63 candidacy, and, if elected, for the full term of the office
64 sought. Such certification shall be made to the secretary
65 of state.

66 8. The secretary of state shall enact rules to
67 implement and enforce these provisions. Any rule or portion
68 of a rule, as that term is defined in section 536.010, that
69 is created under the authority delegated in this section
70 shall become effective only if it complies with and is
71 subject to all of the provisions of chapter 536 and, if
72 applicable, section 536.028. This section and chapter 536
73 are nonseverable and if any of the powers vested with the
74 general assembly pursuant to chapter 536 to review, to delay
75 the effective date, or to disapprove and annul a rule are
76 subsequently held unconstitutional, then the grant of
77 rulemaking authority and any rule proposed or adopted after
78 August 28, 2023, shall be invalid and void.

79 9. Any false sworn statement submitted by a candidate
80 to certify residency in a congressional district shall be
81 considered a false swearing pursuant to section 115.405.

82 10. (1) This section shall apply to any person who
83 files for the nomination or election to represent a
84 congressional district at any election held more than ninety
85 days after the effective date of this section.

86 (2) For the purposes of expediting legal challenges
87 prior to an election, notwithstanding section 115.349 to the
88 contrary, a candidate may file to appear on the ballot in a
89 primary election seeking a nomination to be elected to
90 represent a congressional district at the 2024 general
91 election or to otherwise appear on the ballot in the general
92 election under a different nomination process beginning
93 twelve months prior to the date of the primary election or
94 the effective date of this section, whichever is later.

95 (3) Any person who files to appear on the ballot
96 pursuant to subdivision (2) of this subsection shall certify
97 to the secretary of state that he or she meets the residency
98 requirements prior to the election.

99 (4) Any person who is prohibited from filing to appear
100 as a candidate for nomination or election to represent a
101 congressional district due to a lack of residency shall have
102 immediate standing to challenge this section by filing a
103 civil action in the circuit court against the secretary of
104 state on the federal question of whether it amounts to an
105 unconstitutional qualification to a congressional office.

106 (5) Any registered voter shall have standing to
107 enforce this section by filing a civil action in the circuit
108 court against secretary of state in the event that a non-
109 resident candidate is permitted to file to seek a nomination

110 or election to represent the elector's congressional
111 district.

112 (6) Any action filed under subdivisions (4) or (5) of
113 this subsection shall be advanced on the docket and a final
114 judgment shall be entered within sixty days. Any appeal of
115 the judgment shall be noticed within ten days. The supreme
116 court shall have jurisdiction over the appeal and shall
117 issue its order and mandate within sixty days of the filing
118 of the notice of appeal.

119 (7) The attorney general shall zealously defend all
120 portions of this section, in the courts of this state or of
121 the United States, as an exercise of an important and
122 fundamental state interest. In any action commenced in a
123 court of this state, any registered voter residing within
124 the congressional district of the applicable office, and
125 either house or both houses of the general assembly, shall
126 be permitted to timely join in the defense of this section
127 as a real party in interest.

128 11. In the event that, on the date that ballots are
129 required to be printed, non-residents have been permitted to
130 appear on the ballot for an election to represent a
131 congressional district under an order of a court of
132 competent jurisdiction on the basis that this section does
133 or may conflict with superior law, one of the following
134 ballot notations shall appear parenthetically where
135 applicable next to the names of all candidates for such
136 offices:

137 (1) "Resident of this district at least one year prior
138 to the election" for candidates who can so certify; or,

139 (2) "Resident of this district at least three months
140 prior to the election" for candidates who can so certify; or,

141 (3) "Not a resident in this district at least three
142 months prior to the election" for candidates who can so
143 certify; or,

144 (4) "Unable to determine residency in district prior
145 to this election".

 Section B. If any provision of section A of this act
2 or the application thereof to anyone or to any circumstance
3 is held invalid, the remainder of those sections and the
4 application of such provisions to others or other
5 circumstances shall not be affected thereby.

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