

SENATE BILL NO. 1409

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

5545S.01I

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 a severability clause, an effective date, and penalty provisions.

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) A person shall not be considered to have
24 "established and maintained a primary residence" within a
25 congressional district unless such person is legally
26 domiciled within the district for the purposes of voting and
27 taxation for the entirety of the required period.

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

30 3. Only a resident of a congressional district shall
31 be eligible to appear upon a primary election ballot as a
32 printed candidate to secure a party's nomination to be
33 elected to represent such district.

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

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

44 6. In order to appear on the ballot in a primary
45 election to be nominated to represent a congressional
46 district, a candidate shall, no later than twelve weeks
47 prior to the date of the primary election, certify his or
48 her present status as a resident of the applicable
49 congressional district with a present intention to remain a

50 resident for the duration of the candidacy. Such
51 certification shall be made to the secretary of state.

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

61 8. The secretary of state shall enact rules to
62 implement and enforce these provisions. Any rule or portion
63 of a rule, as that term is defined in section 536.010, that
64 is created under the authority delegated in this section
65 shall become effective only if it complies with and is
66 subject to all of the provisions of chapter 536 and, if
67 applicable, section 536.028. This section and chapter 536
68 are nonseverable and if any of the powers vested with the
69 general assembly pursuant to chapter 536 to review, to delay
70 the effective date, or to disapprove and annul a rule are
71 subsequently held unconstitutional, then the grant of
72 rulemaking authority and any rule proposed or adopted after
73 August 28, 2024, shall be invalid and void.

74 9. Any false sworn statement submitted by a candidate
75 to certify residency in a congressional district shall be
76 considered a false swearing pursuant to section 115.405.

77 10. (1) This section shall apply to any person who
78 files for the nomination or election to represent a
79 congressional district at any election held more than ninety
80 days after the effective date of this section.

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

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

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

101 (5) Any registered voter shall have standing to
102 enforce this section by filing a civil action in the circuit
103 court against secretary of state in the event that a non-
104 resident candidate is permitted to file to seek a nomination
105 or election to represent the elector's congressional
106 district.

107 (6) Any action filed under subdivisions (4) or (5) of
108 this subsection shall be advanced on the docket and a final
109 judgment shall be entered within sixty days. Any appeal of
110 the judgment shall be noticed within ten days. The supreme
111 court shall have jurisdiction over the appeal and shall

112 issue its order and mandate within sixty days of the filing
113 of the notice of appeal.

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

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

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

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

136 (3) "Not a resident in this district at least three
137 months prior to the election" for candidates who can so
138 certify; or

139 (4) "Unable to determine residency in district prior
140 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.

Section C. Section A of this act shall become
2 effective on January 1, 2025.

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