

SECOND REGULAR SESSION

**SENATE JOINT RESOLUTION NO. 70**

**102ND GENERAL ASSEMBLY**

INTRODUCED BY SENATOR FITZWATER.

4038S.01I

KRISTINA MARTIN, Secretary

**JOINT RESOLUTION**

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

*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the  
2 state of Missouri, on Tuesday next following the first Monday  
3 in November, 2024, or at a special election to be called by  
4 the governor for that purpose, there is hereby submitted to  
5 the qualified voters of this state, for adoption or  
6 rejection, the following amendment to article III of the  
7 Constitution of the state of Missouri:

Section A. Sections 3, 8, and 9, article III, Constitution  
2 of Missouri, are repealed and three new sections adopted in  
3 lieu thereof, to be known as sections 3, 8, and 9, to read as  
4 follows:

Section 3. (a) The house of representatives shall  
2 consist of one hundred **[sixty-three]** **two** members elected at  
3 each general election and redistricted as provided in this  
4 section. **Each house district shall be wholly contained**  
5 **within a single senate district and three house districts**  
6 **shall be contained within each senate district created**  
7 **pursuant to section 7 of this article.**

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

8           (b) The house independent bipartisan citizens  
9 commission shall redistrict the house of representatives  
10 using the following methods, listed in order of priority:

11           (1) Districts shall be as nearly equal as practicable  
12 in population, and shall be drawn on the basis of one  
13 person, one vote. Districts are as nearly equal as  
14 practicable in population if no district deviates by more  
15 than one percent from the ideal population of the district,  
16 as measured by dividing the number of districts into the  
17 statewide population data being used, except that a district  
18 may deviate by up to three percent if necessary to follow  
19 political subdivision lines consistent with subdivision (4)  
20 of this subsection;

21           (2) Districts shall be established in a manner so as  
22 to comply with all requirements of the United States  
23 Constitution and applicable federal laws, including, but not  
24 limited to, the Voting Rights Act of 1965 (as amended). The  
25 following principles shall take precedence over any other  
26 part of this constitution: no district shall be drawn in a  
27 manner which results in a denial or abridgment of the right  
28 of any citizen of the United States to vote on account of  
29 race or color; and no district shall be drawn such that  
30 members of any community of citizens protected by the  
31 preceding clause have less opportunity than other members of  
32 the electorate to participate in the political process and  
33 to elect representatives of their choice;

34           (3) Subject to the requirements of subdivisions (1)  
35 and (2) of this subsection, districts shall be composed of  
36 contiguous territory as compact as may be. Areas which meet  
37 only at the points of adjoining corners are not contiguous.  
38 In general, compact districts are those which are square,

39 rectangular, or hexagonal in shape to the extent permitted  
40 by natural or political boundaries;

41 (4) To the extent consistent with subdivisions (1) to  
42 (3) of this subsection, communities shall be preserved.  
43 Districts shall satisfy this requirement if district lines  
44 follow political subdivision lines to the extent possible,  
45 using the following criteria, in order of priority. First,  
46 each county shall wholly contain as many districts as its  
47 population allows. Second, if a county wholly contains one  
48 or more districts, the remaining population shall be wholly  
49 joined in a single district made up of population from  
50 outside the county. If a county does not wholly contain a  
51 district, then no more than two segments of a county shall  
52 be combined with an adjoining county. Third, split counties  
53 and county segments, defined as any part of the county that  
54 is in a district not wholly within that county, shall each  
55 be as few as possible. Fourth, as few municipal lines shall  
56 be crossed as possible;

57 (5) Districts shall be drawn in a manner that achieves  
58 both partisan fairness and, secondarily, competitiveness,  
59 but the standards established by subdivisions (1) to (4) of  
60 this subsection shall take precedence over partisan fairness  
61 and competitiveness. "Partisan fairness" means that parties  
62 shall be able to translate their popular support into  
63 legislative representation with approximately equal  
64 efficiency. "Competitiveness" means that parties'  
65 legislative representation shall be substantially and  
66 similarly responsive to shifts in the electorate's  
67 preferences.

68 To this end, the average electoral performance of the  
69 two political parties receiving the most votes in the three  
70 preceding general elections for governor, for United States

71 Senate, and for President of the United States shall be  
72 calculated. This index shall be defined as the total votes  
73 received by each party in the three preceding general  
74 elections for governor, for United States Senate, and for  
75 President of the United States, divided by the total votes  
76 cast for both parties in these elections. Using this index,  
77 the total number of wasted votes for each party, summing  
78 across all of the districts in the plan shall be  
79 calculated. "Wasted votes" are votes cast for a losing  
80 candidate or for a winning candidate in excess of the  
81 threshold needed for victory. In any redistricting plan and  
82 map of the proposed districts, the difference between the  
83 two parties' total wasted votes, divided by the total votes  
84 cast for the two parties, shall not exceed fifteen percent.

85 To promote competitiveness, the electoral performance  
86 index shall be used to simulate elections in which the  
87 hypothetical statewide vote shifts by one percent, two  
88 percent, three percent, four percent, and five percent in  
89 favor of each party. The vote in each individual district  
90 shall be assumed to shift by the same amount as the  
91 statewide vote. In each of these simulated elections, the  
92 difference between the two parties' total wasted votes,  
93 divided by the total votes cast for the two parties, shall  
94 not exceed fifteen percent.

95 (c) Within sixty days after the population of this  
96 state is reported to the President for each decennial census  
97 of the United States or, in the event that a redistricting  
98 plan has been invalidated by a court of competent  
99 jurisdiction, within sixty days that such a ruling has been  
100 made, the state committee and the congressional district  
101 committees of each of the two political parties casting the  
102 highest vote for governor at the last preceding general

103 election shall meet and the members of each committee shall  
104 nominate, by a majority vote of the elected members of the  
105 committee present, provided that a majority of the elected  
106 members is present, members of their party, residents in  
107 that district, in the case of a congressional district  
108 committee, as nominees for the house independent bipartisan  
109 citizens commission. No party shall select more than one  
110 nominee from any one state legislative district. The  
111 congressional district committees shall each submit to the  
112 governor their list of two elected nominees. The state  
113 committees shall each submit to the governor their list of  
114 five elected nominees. Within thirty days thereafter, the  
115 governor shall appoint a house independent bipartisan  
116 citizens commission consisting of one nominee from each list  
117 submitted by each congressional district committee and two  
118 nominees from each list submitted by each state committee to  
119 redistrict the state into one hundred and sixty-three  
120 representative districts and to establish the numbers and  
121 boundaries of said districts. No person shall be appointed  
122 to both the house independent bipartisan citizens commission  
123 and the senate independent bipartisan citizens commission  
124 during the same redistricting cycle.

125         If any committee fails to submit a list within such  
126 time, the governor shall appoint a member of his or her own  
127 choice from the political party of the committee failing to  
128 submit a list, provided that in the case of a congressional  
129 district committee failing to submit a list, the person  
130 appointed to the commission by the governor shall reside in  
131 the congressional district of such committee.

132         Members of the commission shall be disqualified from  
133 holding office as members of the general assembly for four

134 years following the date of the filing by the commission of  
135 its final redistricting plan.

136 For the purposes of this Article, the term  
137 congressional district committee or congressional district  
138 refers to the congressional district committee or the  
139 congressional district from which a congressman was last  
140 elected, or, in the event members of congress from this  
141 state have been elected at large, the term congressional  
142 district committee refers to those persons who last served  
143 as the congressional district committee for those districts  
144 from which congressmen were last elected, and the term  
145 congressional district refers to those districts from which  
146 congressmen were last elected. Any action pursuant to this  
147 section by the congressional district committee shall take  
148 place only at duly called meetings, shall be recorded in  
149 their official minutes and only members present in person  
150 shall be permitted to vote.

151 (d) The commissioners so selected shall, on the  
152 fifteenth day, excluding Sundays and state holidays, after  
153 all members have been appointed, meet in the capitol  
154 building and proceed to organize by electing from their  
155 number a chairman, vice chairman and secretary. The  
156 commission shall adopt an agenda establishing at least three  
157 hearing dates on which hearings open to the public shall be  
158 held to hear objections or testimony from interested  
159 persons. A copy of the agenda shall be filed with the clerk  
160 of the house of representatives within twenty-four hours  
161 after its adoption. Executive meetings may be scheduled and  
162 held as often as the commission deems advisable.

163 (e) Not later than five months after the appointment  
164 of the commission, the commission shall file with the  
165 secretary of state a tentative redistricting plan and map of

166 the proposed districts and during the ensuing fifteen days  
167 shall hold such public hearings as may be necessary to hear  
168 objections or testimony of interested persons. The  
169 commission shall make public the tentative redistricting  
170 plan and map of the proposed districts, as well as all  
171 demographic and partisan data used in the creation of the  
172 plan and map.

173 (f) Not later than six months after the appointment of  
174 the commission, the commission shall file with the secretary  
175 of state a final statement of the numbers and the boundaries  
176 of the districts together with a map of the districts, and  
177 no statement shall be valid unless approved by at least  
178 seven-tenths of the members.

179 (g) After the final statement is filed, members of the  
180 house of representatives shall be elected according to such  
181 districts until a new redistricting plan is made as provided  
182 in this section, except that if the final statement is not  
183 filed within six months of the time fixed for the  
184 appointment of the commission, the commission shall stand  
185 discharged and the house of representatives shall be  
186 redistricted using the same methods and criteria as  
187 described in subsection (b) of this section by a commission  
188 of six members appointed from among the judges of the  
189 appellate courts of the state of Missouri by the state  
190 supreme court, a majority of whom shall sign and file its  
191 redistricting plan and map with the secretary of state  
192 within ninety days of the date of the discharge of the house  
193 independent bipartisan citizens commission. The judicial  
194 commission shall make public the tentative redistricting  
195 plan and map of the proposed districts, as well as all  
196 demographic and partisan data used in the creation of the  
197 plan and map. Thereafter, members of the house of

198 representatives shall be elected according to such districts  
199 until a redistricting plan is made as provided in this  
200 section.

201 (h) Each member of the commission shall receive as  
202 compensation fifteen dollars a day for each day the  
203 commission is in session but not more than one thousand  
204 dollars, and, in addition, shall be reimbursed for his or  
205 her actual and necessary expenses incurred while serving as  
206 a member of the commission.

207 (i) No redistricting plan shall be subject to the  
208 referendum.

209 (j) Any action expressly or implicitly alleging that a  
210 redistricting plan violates this Constitution, federal law,  
211 or the United States Constitution shall be filed in the  
212 circuit court of Cole County and shall name the body that  
213 approved the challenged redistricting plan as a defendant.  
214 Only an eligible Missouri voter who sustains an individual  
215 injury by virtue of residing in a district that exhibits the  
216 alleged violation, and whose injury is remedied by a  
217 differently drawn district, shall have standing. If the  
218 court renders a judgment in which it finds that a completed  
219 redistricting plan exhibits the alleged violation, its  
220 judgment shall adjust only those districts, and only those  
221 parts of district boundaries, necessary to bring the map  
222 into compliance. The supreme court shall have exclusive  
223 appellate jurisdiction upon the filing of a notice of appeal  
224 within ten days after the judgment has become final.

Section 8. No one shall be elected to serve more than  
2 [eight years total in any one house of the General Assembly  
3 nor more than] sixteen years total in [both houses of] the  
4 General Assembly. In applying this section, service in the  
5 General Assembly resulting from an election prior to



6 December 3, 1992, or service of less than one year, in the  
7 case of a member of the house of representatives, or two  
8 years, in the case of a member of the senate, by a person  
9 elected after the effective date of this section to complete  
10 the term of another person, shall not be counted.

Section 9. [Until the convening of the Seventy-fourth  
2 General Assembly the House of Representatives shall consist  
3 of one hundred sixty-three members elected from the one  
4 hundred sixty-three representative districts, as they  
5 existed January 1, 1965.] **Until the convening of the one  
6 hundred seventh general assembly, the house of  
7 representatives shall consist of one hundred sixty-three  
8 members elected from one hundred sixty-three districts, as  
9 they existed on January 1, 2023. Beginning with the one  
10 hundred seventh general assembly, the house of  
11 representatives shall consist of one hundred two members  
12 elected from one hundred two districts, as such districts  
13 are created pursuant to this constitution.**

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