

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 39

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KEHOE.

Read 1st time March 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6743S.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, and 7 of article III of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to reapportionment of 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 state of Missouri, on
2 Tuesday next following the first Monday in November, 2018, 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, 5, and 7, article III, Constitution of Missouri, are
2 repealed and four new sections adopted in lieu thereof, to be known as sections
3 2, 2(a), 5, and 7, to read as follows:

Section 2. The house of representatives shall consist of one hundred
2 sixty-three members elected at each general election and apportioned in the
3 following manner: Within sixty days after the population of this state is reported
4 to the President for each decennial census of the United States and, in the event
5 that a reapportionment has been invalidated by a court of competent jurisdiction,
6 within sixty days after notification by the governor that such a ruling has been
7 made, the congressional district committee of each of the two parties casting the
8 highest vote for governor at the last preceding election shall meet and the
9 members of the committee shall nominate, by a majority vote of the members of
10 the committee present, provided that a majority of the elected members is
11 present, two members of their party, residents in that district, as nominees for
12 reapportionment commissioners. Neither party shall select more than one

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

13 nominee from any one state legislative district. The congressional committees
14 shall each submit to the governor their list of elected nominees. Within thirty
15 days the governor shall appoint a commission consisting of one name from each
16 list to reapportion the state into one hundred and sixty-three representative
17 districts and to establish the numbers and boundaries of said districts.

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

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

24 For the purposes of this article, the term congressional district committee
25 or congressional district refers to the congressional district committee or the
26 congressional district from which a congressman was last elected, or, in the event
27 members of congress from this state have been elected at large, the term
28 congressional district committee refers to those persons who last served as the
29 congressional district committee for those districts from which congressmen were
30 last elected, and the term congressional district refers to those districts from
31 which congressmen were last elected. Any action pursuant to this section by the
32 congressional district committee shall take place only at duly called meetings,
33 shall be recorded in their official minutes and only members present in person
34 shall be permitted to vote.

35 The commissioners so selected shall on the fifteenth day, excluding
36 Sundays and holidays, after all members have been selected, meet in the capitol
37 building and proceed to organize by electing from their number a chairman, vice
38 chairman and secretary and shall adopt an agenda establishing at least three
39 hearing dates on which hearings open to the public shall be held. A copy of the
40 agenda shall be filed with the clerk of the house of representatives within
41 twenty-four hours after its adoption. Executive meetings may be scheduled and
42 held as often as the commission deems advisable.

43 The commission shall reapportion the representatives by dividing the
44 population of the **United States citizens in the** state by the number one
45 hundred sixty-three and shall establish each district so that the population of
46 that district shall, as nearly as possible, equal that figure. **This figure shall be**
47 **the "house district mean".**

48 Each district shall be composed of contiguous territory, **and under no**

49 **circumstances may this requirement be violated. Each district shall be**
50 **as compact as may be after accounting for county and city lines and**
51 **geographic boundaries.**

52 Not later than five months after the appointment of the commission, the
53 commission shall file with the secretary of state a tentative plan of apportionment
54 and map of the proposed districts and during the ensuing fifteen days shall hold
55 such public hearings as may be necessary to hear objections or testimony of
56 interested persons.

57 Not later than six months after the appointment of the commission, the
58 commission shall file with the secretary of state a final statement of the numbers
59 and the boundaries of the districts together with a map of the districts, and no
60 statement shall be valid unless approved by at least seven-tenths of the members.

61 After the statement is filed members of the house of representatives shall
62 be elected according to such districts until a reapportionment is made as herein
63 provided, except that if the statement is not filed within six months of the time
64 fixed for the appointment of the commission, it shall stand discharged and the
65 house of representatives shall be apportioned by a commission of six members
66 appointed from among the judges of the appellate courts of the state of Missouri
67 by the state supreme court, a majority of whom shall sign and file its
68 apportionment plan and map with the secretary of state within ninety days of the
69 date of the discharge of the apportionment commission. Thereafter members of
70 the house of representatives shall be elected according to such districts until a
71 reapportionment is made as herein provided.

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

76 No reapportionment shall be subject to the referendum.

Section 2(a). Only citizens of the United States of America shall
2 **be counted as part of the population of this state in making**
3 **apportionments of the districts of the house of representatives and**
4 **senate under sections 2, 5, 7, and 10.**

Section 5. The senate shall consist of thirty-four members elected by the
2 qualified voters of the respective districts for four years. For the election of
3 senators, the state shall be divided into convenient districts of contiguous
4 territory, **and under no circumstances may this requirement be**

5 **violated. The districts shall be** as compact and nearly equal in population as
6 may be.

Section 7. Within sixty days after the population of this state is reported
2 to the President for each decennial census of the United States, and within sixty
3 days after notification by the governor that a reapportionment has been
4 invalidated by a court of competent jurisdiction, the state committee of each of
5 the two political parties casting the highest vote for governor at the last
6 preceding election shall, at a committee meeting duly called, select by a vote of
7 the individual committee members, and thereafter submit to the governor a list
8 of ten persons, and within thirty days thereafter the governor shall appoint a
9 commission of ten members, five from each list, to reapportion the thirty-four
10 senatorial districts and to establish the numbers and boundaries of said districts.

11 If either of the party committees fails to submit a list within such time the
12 governor shall appoint five members of his own choice from the party of the
13 committee so failing to act.

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

17 The commissioners so selected shall on the fifteenth day, excluding
18 Sundays and holidays, after all members have been selected, meet in the capitol
19 building and proceed to organize by electing from their number a chairman, vice
20 chairman and secretary and shall adopt an agenda establishing at least three
21 hearing dates on which hearings open to the public shall be held. A copy of the
22 agenda shall be filed with the secretary of the senate within twenty-four hours
23 after its adoption. Executive meetings may be scheduled and held as often as the
24 commission deems advisable.

25 The commission shall reapportion the senatorial districts by dividing the
26 population of **United States citizens in** the state by the number thirty-four and
27 shall establish each district so that the population of that district shall, as nearly
28 as possible, equal that figure]; no county lines shall be crossed except when
29 necessary to add sufficient population to a multi-district county or city to
30 complete only one district which lies partly within such multi-district county or
31 city so as to be as nearly equal as practicable in population. Any county with a
32 population in excess of the quotient obtained by dividing the population of the
33 state by the number thirty-four is hereby declared to be a multi-district county],
34 **which shall be called the "senate district mean".**

35 Not later than five months after the appointment of the commission, the
36 commission shall file with the secretary of state a tentative plan of apportionment
37 and map of the proposed districts and during the ensuing fifteen days shall hold
38 such public hearings as may be necessary to hear objections or testimony of
39 interested persons.

40 Not later than six months after the appointment of the commission, the
41 commission shall file with the secretary of state a final statement of the numbers
42 and the boundaries of the districts together with a map of the districts, and no
43 statement shall be valid unless approved by at least seven members.

44 After the statement is filed senators shall be elected according to such
45 districts until a reapportionment is made as herein provided, except that if the
46 statement is not filed within six months of the time fixed for the appointment of
47 the commission, it shall stand discharged and the senate shall be apportioned by
48 a commission of six members appointed from among the judges of the appellate
49 courts of the state of Missouri by the state supreme court, a majority of whom
50 shall sign and file its apportionment plan and map with the secretary of state
51 within ninety days of the date of the discharge of the apportionment
52 commission. Thereafter senators shall be elected according to such districts until
53 a reapportionment is made as herein provided.

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

58 No reapportionment shall be subject to the referendum.

Section B. Pursuant to chapter 116, and other applicable constitutional
2 provisions and laws of this state allowing the general assembly to adopt ballot
3 language for the submission of this joint resolution to the voters of this state, the
4 official summary statement of this resolution shall be as follows:

5 "Shall the Missouri Constitution be amended to:

- 6 • Require that only citizens of the United States of America
7 be counted for apportioning general assembly districts; and
8 • State that such districts must be contiguous, and should
9 follow county and certain city boundaries?"

Section C. Pursuant to section 116.155, and other applicable
2 constitutional provisions and the laws of this state authorizing the general
3 assembly to adopt a fiscal note summary for the submission of a joint resolution

4 to the voters of this state, the official fiscal note summary of this resolution shall
5 be as follows:

6 "It is estimated that this proposal will have no significant impact
7 on revenues or costs for state and local governmental entities."

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Unofficial

Bill

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