

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 109

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ALDRIDGE.

4578H.01I

DANA RADEMAN MILLER, Chief Clerk

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 House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next
2 following the first Monday in November, 2022, or at a special election to be called by the
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for
4 adoption or rejection, the following amendment to Article III of the Constitution of the state
5 of Missouri:

Section A. Section 10, Article III, Constitution of Missouri, is repealed and one new
2 section adopted in lieu thereof, to be known as Section 10, to read as follows:

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

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

**(a) A unique identifier for each incarcerated person subject to the jurisdiction of
9 the department of corrections on the date the population is reported;**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 **(b) The street address of the correctional facility in which each incarcerated**
11 **person was confined at the time of such report;**

12 **(c) The last known address of each incarcerated person prior to confinement or**
13 **other legal residence, if known; and**

14 **(d) The incarcerated person's race, whether he or she is of Hispanic or Latino**
15 **origin, and whether he or she is over the age of eighteen, if known.**

16 **(2) The information required to be provided to the general assembly under**
17 **subdivision (1) of this subsection shall not include the name of any incarcerated person**
18 **and shall not allow for the identification of any such person therefrom, except to the**
19 **department of corrections. The information shall be treated as confidential and shall**
20 **not be disclosed by the general assembly except as redistricting data aggregated by**
21 **census block for purposes specified in subsection 4 of this section.**

22 **3. In each year in which the decennial census of the United States is taken but in**
23 **which the United States Census Bureau allocates incarcerated persons as residents of**
24 **correctional facilities, the general assembly shall request each agency that operates a**
25 **federal facility in this state that incarcerates persons convicted of a criminal offense to**
26 **provide the nonpartisan state demographer with a report including the information**
27 **listed in paragraphs (a) through (d) of subdivision (1) of subsection 2 of this section.**

28 **4. The general assembly shall prepare redistricting population data to reflect**
29 **incarcerated persons at their residential address pursuant to subsection 5 of this section.**
30 **The data prepared by the general assembly under subsection 5 of this section shall be**
31 **the basis of representative and senatorial districts established under Sections 3 and 7 of**
32 **this article. Incarcerated populations residing at unknown geographic locations within**
33 **the state shall not be used to determine the ideal population of any set of districts.**

34 **5. (1) For each person included in a report received under subsections 2 and 3 of**
35 **this section, the general assembly shall determine the geographic units for which**
36 **population counts are reported in the decennial census of the United States that contain**
37 **the facility of incarceration and the legal residence as listed according to the report.**

38 **(2) For each person included in a report received under subsections 2 and 3 of**
39 **this section, if the legal residence is known and in this state, the general assembly shall:**

40 **(a) Ensure that the person is not represented in any population counts reported**
41 **by the general assembly for the geographic units that include the facility at which the**
42 **person was incarcerated, unless that geographic unit also includes the person's legal**
43 **residence; and**

44 **(b) Ensure that any population counts reported by the general assembly reflect**
45 **the person's residential address as reported under subsections 2 and 3 of this section.**

46 **(3) For each person included in a report received under subsections 2 and 3 of**
47 **this section for whom a legal residence is unknown or not in this state, and for all**
48 **persons reported in the census as residing in a federal correctional facility for whom a**
49 **report was not provided, the general assembly shall:**

50 **(a) Ensure that the person is not represented in any population counts reported**
51 **by the general assembly for the geographic units that include the facility at which the**
52 **person was incarcerated; and**

53 **(b) Allocate the person to a state unit not tied to a specific determined**
54 **geography, as other state residents with unknown state addresses are allocated**
55 **including, but not limited to, military and federal government personnel stationed**
56 **overseas.**

57 **6. The data prepared by the general assembly under this section shall be**
58 **completed and published no later than thirty days from the date that the decennial**
59 **census data is published for the state.**

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