

FIRST REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 54

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SIMMONS.

2172H.011

DANA RADEMAN MILLER, Chief Clerk

### JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing Sections 3, 5, 7, and 9 of Article III of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to the general assembly.

*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 following the first Monday in November, 2022, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article III of the Constitution of the state of Missouri:

Section A. Sections 3, 5, 7, and 9, Article III, Constitution of Missouri, are repealed and four new sections adopted in lieu thereof, to be known as Sections 3, 5, 7, and 9, to read as follows:

Section 3. (a) The house of representatives shall consist of one hundred sixty-three members **and, beginning with the one hundred seventh general assembly, one hundred twenty-eight members**, elected at each general election and redistricted as provided in this section.

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

(1) Districts shall be as nearly equal as practicable in population, and shall be drawn on the basis of one person, one vote. Districts are as nearly equal as practicable in population if no district deviates by more than one percent from the ideal population of the district, as measured by dividing the number of districts into the statewide population data being used, except that a

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.

11 district may deviate by up to three percent if necessary to follow political subdivision lines  
12 consistent with subdivision (4) of this subsection;

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

21 (3) Subject to the requirements of subdivisions (1) and (2) of this subsection, districts  
22 shall be composed of contiguous territory as compact as may be. Areas which meet only at the  
23 points of adjoining corners are not contiguous. In general, compact districts are those which are  
24 square, rectangular, or hexagonal in shape to the extent permitted by natural or political  
25 boundaries;

26 (4) To the extent consistent with subdivisions (1) to (3) of this subsection, communities  
27 shall be preserved. Districts shall satisfy this requirement if district lines follow political  
28 subdivision lines to the extent possible, using the following criteria, in order of priority. First,  
29 each county shall wholly contain as many districts as its population allows. Second, if a county  
30 wholly contains one or more districts, the remaining population shall be wholly joined in a single  
31 district made up of population from outside the county. If a county does not wholly contain a  
32 district, then no more than two segments of a county shall be combined with an adjoining county.  
33 Third, split counties and county segments, defined as any part of the county that is in a district  
34 not wholly within that county, shall each be as few as possible. Fourth, as few municipal lines  
35 shall be crossed as possible;

36 (5) Districts shall be drawn in a manner that achieves both partisan fairness and,  
37 secondarily, competitiveness, but the standards established by subdivisions (1) to (4) of this  
38 subsection shall take precedence over partisan fairness and competitiveness. "Partisan fairness"  
39 means that parties shall be able to translate their popular support into legislative representation  
40 with approximately equal efficiency. "Competitiveness" means that parties' legislative  
41 representation shall be substantially and similarly responsive to shifts in the electorate's  
42 preferences.

43 To this end, the average electoral performance of the two political parties receiving the  
44 most votes in the three preceding general elections for governor, for United States Senate, and  
45 for President of the United States shall be calculated. This index shall be defined as the total  
46 votes received by each party in the three preceding general elections for governor, for United

47 States Senate, and for President of the United States, divided by the total votes cast for both  
48 parties in these elections. Using this index, the total number of wasted votes for each party,  
49 summing across all of the districts in the plan shall be calculated. "Wasted votes" are votes cast  
50 for a losing candidate or for a winning candidate in excess of the threshold needed for victory.  
51 In any redistricting plan and map of the proposed districts, the difference between the two parties'  
52 total wasted votes, divided by the total votes cast for the two parties, shall not exceed fifteen  
53 percent.

54 To promote competitiveness, the electoral performance index shall be used to simulate  
55 elections in which the hypothetical statewide vote shifts by one percent, two percent, three  
56 percent, four percent, and five percent in favor of each party. The vote in each individual district  
57 shall be assumed to shift by the same amount as the statewide vote. In each of these simulated  
58 elections, the difference between the two parties' total wasted votes, divided by the total votes  
59 cast for the two parties, shall not exceed fifteen percent.

60 (c) Within sixty days after the population of this state is reported to the President for  
61 each decennial census of the United States or, in the event that a redistricting plan has been  
62 invalidated by a court of competent jurisdiction **or upon passage of an amendment altering**  
63 **the number of members**, within sixty days that such a ruling **or passage** has been made, the  
64 state committee and the congressional district committees of each of the two political parties  
65 casting the highest vote for governor at the last preceding general election shall meet and the  
66 members of each committee shall nominate, by a majority vote of the elected members of the  
67 committee present, provided that a majority of the elected members is present, members of their  
68 party, residents in that district, in the case of a congressional district committee, as nominees for  
69 the house independent bipartisan citizens commission. No party shall select more than one  
70 nominee from any one state legislative district. The congressional district committees shall each  
71 submit to the governor their list of two elected nominees. The state committees shall each  
72 submit to the governor their list of five elected nominees. Within thirty days thereafter, the  
73 governor shall appoint a house independent bipartisan citizens commission consisting of one  
74 nominee from each list submitted by each congressional district committee and two nominees  
75 from each list submitted by each state committee to redistrict the state into one hundred and  
76 sixty-three representative districts **and, beginning with the one hundred seventh general**  
77 **assembly, one hundred twenty-eight representative districts** and to establish the numbers and  
78 boundaries of said districts. No person shall be appointed to both the house independent  
79 bipartisan citizens commission and the senate independent bipartisan citizens commission during  
80 the same redistricting cycle.

81 If any committee fails to submit a list within such time, the governor shall appoint a  
82 member of his or her own choice from the political party of the committee failing to submit a list,

83 provided that in the case of a congressional district committee failing to submit a list, the person  
84 appointed to the commission by the governor shall reside in the congressional district of such  
85 committee.

86 Members of the commission shall be disqualified from holding office as members of the  
87 general assembly for four years following the date of the filing by the commission of its final  
88 redistricting plan.

89 For the purposes of this Article, the term congressional district committee or  
90 congressional district refers to the congressional district committee or the congressional district  
91 from which a congressman was last elected, or, in the event members of congress from this state  
92 have been elected at large, the term congressional district committee refers to those persons who  
93 last served as the congressional district committee for those districts from which congressmen  
94 were last elected, and the term congressional district refers to those districts from which  
95 congressmen were last elected. Any action pursuant to this section by the congressional district  
96 committee shall take place only at duly called meetings, shall be recorded in their official  
97 minutes and only members present in person shall be permitted to vote.

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

106 (e) Not later than five months after the appointment of the commission, the commission  
107 shall file with the secretary of state a tentative redistricting plan and map of the proposed districts  
108 and during the ensuing fifteen days shall hold such public hearings as may be necessary to hear  
109 objections or testimony of interested persons. The commission shall make public the tentative  
110 redistricting plan and map of the proposed districts, as well as all demographic and partisan data  
111 used in the creation of the plan and map.

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

116 (g) After the final statement is filed, members of the house of representatives shall be  
117 elected according to such districts until a new redistricting plan is made as provided in this  
118 section, except that if the final statement is not filed within six months of the time fixed for the

119 appointment of the commission, the commission shall stand discharged and the house of  
120 representatives shall be redistricted using the same methods and criteria as described in  
121 subsection (b) of this section by a commission of six members appointed from among the judges  
122 of the appellate courts of the state of Missouri by the state supreme court, a majority of whom  
123 shall sign and file its redistricting plan and map with the secretary of state within ninety days of  
124 the date of the discharge of the house independent bipartisan citizens commission. The judicial  
125 commission shall make public the tentative redistricting plan and map of the proposed districts,  
126 as well as all demographic and partisan data used in the creation of the plan and map. Thereafter,  
127 members of the house of representatives shall be elected according to such districts until a  
128 redistricting plan is made as provided in this section.

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

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

134 (j) Any action expressly or implicitly alleging that a redistricting plan violates this  
135 Constitution, federal law, or the United States Constitution shall be filed in the circuit court of  
136 Cole County and shall name the body that approved the challenged redistricting plan as a  
137 defendant. Only an eligible Missouri voter who sustains an individual injury by virtue of  
138 residing in a district that exhibits the alleged violation, and whose injury is remedied by a  
139 differently drawn district, shall have standing. If the court renders a judgment in which it finds  
140 that a completed redistricting plan exhibits the alleged violation, its judgment shall adjust only  
141 those districts, and only those parts of district boundaries, necessary to bring the map into  
142 compliance. The supreme court shall have exclusive appellate jurisdiction upon the filing of a  
143 notice of appeal within ten days after the judgment has become final.

Section 5. The senate shall consist of thirty-four members **and, beginning with the one**  
2 **hundred seventh general assembly, thirty-two members,** elected by the qualified voters of  
3 the senatorial districts for a term of four years. Senatorial districts shall be apportioned as  
4 provided for in Article III, Section 7.

Section 7. (a) Within sixty days after the population of this state is reported to the  
2 President for each decennial census of the United States, or within sixty days after **either** a  
3 redistricting plan has been invalidated by a court of competent jurisdiction **or an amendment**  
4 **has been passed altering the number of members,** the state committee and the congressional  
5 district committees of each of the two political parties casting the highest vote for governor at  
6 the last preceding general election shall meet and the members of each committee shall  
7 nominate, by a majority vote of the elected members of the committee present, provided that a

8 majority of the elected members is present, members of their party, residents in that district, in  
9 the case of a congressional district committee, as nominees for the senate independent bipartisan  
10 citizens commission. No party shall select more than one nominee from any one state legislative  
11 district. The congressional district committees shall each submit to the governor their list of two  
12 elected nominees. The state committees shall each submit to the governor their list of five  
13 elected nominees. Within thirty days thereafter the governor shall appoint a senate independent  
14 bipartisan citizens commission consisting of two nominees from each list submitted by each state  
15 committee and one nominee from each list submitted by each congressional district committee,  
16 to redistrict the ~~thirty-four~~ **thirty-two** senatorial districts and to establish the numbers and  
17 boundaries of said districts. No person shall be appointed to both the house independent  
18 bipartisan citizens commission and the senate independent bipartisan citizens commission during  
19 the same redistricting cycle.

20 If any committee fails to submit a list within such time, the governor shall appoint a  
21 member of his or her own choice from the political party of the committee failing to submit a list,  
22 provided that in the case of a congressional district committee failing to submit a list, the person  
23 appointed to the commission by the governor shall reside in the congressional district of such  
24 committee.

25 Members of the commission shall be disqualified from holding office as members of the  
26 general assembly for four years following the date of the filing by the commission of its final  
27 redistricting plan.

28 (b) The commissioners so selected shall, on the fifteenth day, excluding Sundays and  
29 state holidays, after all members have been appointed, meet in the capitol building and proceed  
30 to organize by electing from their number a chairman, vice chairman and secretary. The  
31 commission shall adopt an agenda establishing at least three hearing dates on which hearings  
32 open to the public shall be held to hear objections or testimony from interested persons. A copy  
33 of the agenda shall be filed with the secretary of the senate within twenty-four hours after its  
34 adoption. Executive meetings may be scheduled and held as often as the commission deems  
35 advisable.

36 (c) The senate independent bipartisan citizens commission shall redistrict the senate  
37 using the same methods and criteria as those required by subsection (b), section 3 of this Article  
38 for the redistricting of the house of representatives.

39 (d) Not later than five months after the appointment of the senate independent bipartisan  
40 citizens commission, the commission shall file with the secretary of state a tentative redistricting  
41 plan and map of the proposed districts and during the ensuing fifteen days shall hold such public  
42 hearings as may be necessary to hear objections or testimony of interested persons. The

43 commission shall make public the tentative redistricting plan and map of the proposed districts,  
44 as well as all demographic and partisan data used in the creation of the plan and map.

45 (e) Not later than six months after the appointment of the commission, the commission  
46 shall file with the secretary of state a final statement of the numbers and the boundaries of the  
47 districts together with a map of the districts, and no statement shall be valid unless approved by  
48 at least seven-tenths of the members.

49 (f) After the final statement is filed, senators shall be elected according to such districts  
50 until a new redistricting plan is made as provided in this section, except that if the final statement  
51 is not filed within six months of the time fixed for the appointment of the commission, the  
52 commission shall stand discharged and the senate shall be redistricted using the same methods  
53 and criteria as described in subsection (b) of section 3 of this Article by a commission of six  
54 members appointed from among the judges of the appellate courts of the state of Missouri by the  
55 state supreme court, a majority of whom shall sign and file its redistricting plan and map with  
56 the secretary of state within ninety days of the date of the discharge of the senate independent  
57 bipartisan citizens commission. The judicial commission shall make public the tentative  
58 redistricting plan and map of the proposed districts, as well as all demographic and partisan data  
59 used in the creation of the plan and map. Thereafter, senators shall be elected according to such  
60 districts until a redistricting plan is made as provided in this section.

61 (g) Each member of the commission shall receive as compensation fifteen dollars a day  
62 for each day the commission is in session, but not more than one thousand dollars, and, in  
63 addition, shall be reimbursed for his or her actual and necessary expenses incurred while serving  
64 as a member of the commission.

65 (h) No redistricting plan shall be subject to the referendum.

66 (i) Any action expressly or implicitly alleging that a redistricting plan violates this  
67 Constitution, federal law, or the United States Constitution shall be filed in the circuit court of  
68 Cole County and shall name the body that approved the challenged redistricting plan as a  
69 defendant. Only an eligible Missouri voter who sustains an individual injury by virtue of  
70 residing in a district that exhibits the alleged violation, and whose injury is remedied by a  
71 differently drawn district, shall have standing. If the court renders a judgment in which it finds  
72 that a completed redistricting plan exhibits the alleged violation, its judgment shall adjust only  
73 those districts, and only those parts of district boundaries, necessary to bring the map into  
74 compliance. The supreme court shall have exclusive appellate jurisdiction upon the filing of a  
75 notice of appeal within ten days after the judgment has become final.

Section 9. Until the convening of the Seventy-fourth General Assembly the House of  
2 Representatives shall consist of one hundred sixty-three members elected from the one hundred  
3 sixty-three representative districts, as they existed January 1, 1965. **Beginning with the one**

4 **hundred seventh general assembly, the house of representatives shall consist of one**  
5 **hundred twenty-eight members as prescribed under Section 3 of this Article.**

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