

FIRST REGULAR SESSION

SENATE JOINT RESOLUTION NO. 25

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR FITZWATER.

0698S.01I

KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 3, 7, 8, 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 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, 7, 8, and 9, article III,
2 Constitution of Missouri, are repealed and four new sections
3 adopted in lieu thereof, to be known as sections 3, 7, 8, and
4 9, to read as follows:

Section 3. (a) **Until the convening of the one hundred**
2 **seventh general assembly**, the house of representatives shall
3 consist of one hundred sixty-three members elected at each
4 general election and redistricted as provided in this
5 section. **Beginning with the convening of the one hundred**
6 **seventh general assembly**, the house of representatives shall
7 **consist of one hundred thirty-six members elected at each**
8 **general election and redistricted as provided in this**
9 **section.**

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

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

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

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

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

41 rectangular, or hexagonal in shape to the extent permitted
42 by natural or political boundaries;

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

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

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

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

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

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

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

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

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

136 years following the date of the filing by the commission of
137 its final redistricting plan.

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

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

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

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

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

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

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

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

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

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

Section 7. (a) Within sixty days after the population
2 of this state is reported to the President for each
3 decennial census of the United States, or within sixty days
4 after a redistricting plan has been invalidated by a court
5 of competent jurisdiction, the state committee and the

6 congressional district committees of each of the two
7 political parties casting the highest vote for governor at
8 the last preceding general election shall meet and the
9 members of each committee shall nominate, by a majority vote
10 of the elected members of the committee present, provided
11 that a majority of the elected members is present, members
12 of their party, residents in that district, in the case of a
13 congressional district committee, as nominees for the senate
14 independent bipartisan citizens commission. No party shall
15 select more than one nominee from any one state legislative
16 district. The congressional district committees shall each
17 submit to the governor their list of two elected nominees.
18 The state committees shall each submit to the governor their
19 list of five elected nominees. Within thirty days
20 thereafter the governor shall appoint a senate independent
21 bipartisan citizens commission consisting of two nominees
22 from each list submitted by each state committee and one
23 nominee from each list submitted by each congressional
24 district committee, to redistrict the thirty-four senatorial
25 districts and to establish the numbers and boundaries of
26 said districts. No person shall be appointed to both the
27 house independent bipartisan citizens commission and the
28 senate independent bipartisan citizens commission during the
29 same redistricting cycle.

30 If any committee fails to submit a list within such
31 time, the governor shall appoint a member of his or her own
32 choice from the political party of the committee failing to
33 submit a list, provided that in the case of a congressional
34 district committee failing to submit a list, the person
35 appointed to the commission by the governor shall reside in
36 the congressional district of such committee.

37 Members of the commission shall be disqualified from
38 holding office as members of the general assembly for four
39 years following the date of the filing by the commission of
40 its final redistricting plan.

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

53 (c) The senate independent bipartisan citizens
54 commission shall redistrict the senate using the same
55 methods and criteria as those required by subsection (b),
56 section 3 of this Article for the redistricting of the house
57 of representatives. **Beginning with the one hundred seventh**
58 **general assembly, each senatorial district shall contain**
59 **four representative districts.**

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

68 proposed districts, as well as all demographic and partisan
69 data used in the creation of the plan and map.

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

76 (f) After the final statement is filed, senators shall
77 be elected according to such districts until a new
78 redistricting plan is made as provided in this section,
79 except that if the final statement is not filed within six
80 months of the time fixed for the appointment of the
81 commission, the commission shall stand discharged and the
82 senate shall be redistricted using the same methods and
83 criteria as described in subsection (b) of section 3 of this
84 Article by a commission of six members appointed from among
85 the judges of the appellate courts of the state of Missouri
86 by the state supreme court, a majority of whom shall sign
87 and file its redistricting plan and map with the secretary
88 of state within ninety days of the date of the discharge of
89 the senate independent bipartisan citizens commission. The
90 judicial commission shall make public the tentative
91 redistricting plan and map of the proposed districts, as
92 well as all demographic and partisan data used in the
93 creation of the plan and map. Thereafter, senators shall be
94 elected according to such districts until a redistricting
95 plan is made as provided in this section.

96 (g) Each member of the commission shall receive as
97 compensation fifteen dollars a day for each day the
98 commission is in session, but not more than one thousand
99 dollars, and, in addition, shall be reimbursed for his or

100 her actual and necessary expenses incurred while serving as
101 a member of the commission.

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

104 (i) Any action expressly or implicitly alleging that a
105 redistricting plan violates this Constitution, federal law,
106 or the United States Constitution shall be filed in the
107 circuit court of Cole County and shall name the body that
108 approved the challenged redistricting plan as a defendant.
109 Only an eligible Missouri voter who sustains an individual
110 injury by virtue of residing in a district that exhibits the
111 alleged violation, and whose injury is remedied by a
112 differently drawn district, shall have standing. If the
113 court renders a judgment in which it finds that a completed
114 redistricting plan exhibits the alleged violation, its
115 judgment shall adjust only those districts, and only those
116 parts of district boundaries, necessary to bring the map
117 into compliance. The supreme court shall have exclusive
118 appellate jurisdiction upon the filing of a notice of appeal
119 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. **Beginning**
11 **on December 5, 2024, no person shall be elected to serve**
12 **more than twelve years total in the general assembly. In**

13 applying this subsection, service of less than one year, in
14 the case of a member of the house of representatives, or two
15 years, in the case of a member of the senate, by a person
16 elected after the effective date of this section to complete
17 the term of another person shall not be counted. Any
18 service in the general assembly resulting from an election
19 occurring prior to December 5, 2024, shall count towards the
20 limitations provided in this section.

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

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