

FIRST REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 43

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MERIDETH (80).

2250H.021

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, 7, 9, 10, 30, 31, 35, and 45 of article III of the Constitution of Missouri, and adopting six new sections relating to redistricting of state legislative and congressional districts.

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

That at the general election to be held in the state of Missouri on Tuesday next following
2 the first Monday in November, 2018, there is hereby submitted to the qualified voters of this
3 state, for adoption or rejection, the following amendment to article III of the Constitution of the
4 state of Missouri:

Section A. Sections 2, 5, 7, 9, 10, 30, 31, 35 and 45, article III, Constitution of Missouri,
2 are repealed and six new sections adopted in lieu thereof, to be known as sections 2, 5, 7, 30, 31,
3 and 35, to read as follows:

Section 2. **1.** The house of representatives shall consist of one hundred sixty-three
2 members elected **by the qualified voters of the representative districts** at each general election
3 ~~[and apportioned in the following manner: Within sixty days after the population of this state~~
4 ~~is reported to the President for each decennial census of the United States and, in the event that~~
5 ~~a reapportionment has been invalidated by a court of competent jurisdiction, within sixty days~~
6 ~~after notification by the governor that such a ruling has been made, the congressional district~~
7 ~~committee of each of the two parties casting the highest vote for governor at the last preceding~~
8 ~~election shall meet and the members of the committee shall nominate, by a majority vote of the~~
9 ~~members of the committee present, provided that a majority of the elected members is present,~~
10 ~~two members of their party, residents in that district, as nominees for reapportionment~~
11 ~~commissioners. Neither party shall select more than one nominee from any one state legislative~~

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.

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

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

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

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

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

38 ~~——— The commission shall reapportion the representatives by dividing the population of the~~
39 ~~state by the number one hundred sixty-three and shall establish each district so that the~~
40 ~~population of that district shall, as nearly as possible, equal that figure.—~~

41 ~~——— Each district shall be composed of contiguous territory as compact as may be.—~~

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

46 ~~——— Not later than six months after the appointment of the commission, the commission shall~~
47 ~~file with the secretary of state a final statement of the numbers and the boundaries of the districts~~

48 together with a map of the districts, and no statement shall be valid unless approved by at least
49 seven-tenths of the members.—

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

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

63 ——— No reapportionment shall be subject to the referendum]. **2. Representatives shall**
64 **be elected from districts established as provided in section 7 of this article of the**
65 **Constitution of Missouri.**

Section 5. **1. The senate shall consist of thirty-four members elected by the qualified**
2 voters of the respective districts for four years. [~~For the election of senators, the state shall be~~
3 ~~divided into convenient districts of contiguous territory, as compact and nearly equal in~~
4 ~~population as may be.~~] **Senators shall be classified so that as nearly as possible one-half of**
5 **the members of the senate shall be elected every two years.**

6 **2. Senators shall be elected from districts established as provided in section 7 of this**
7 **article of the Constitution of Missouri.**

8 **3. The general assembly may provide by law for factors in addition to population,**
9 **not in conflict with the Constitution of the United States, that may be considered in the**
10 **apportioning of senatorial districts, but such factors shall not require consideration in such**
11 **apportioning. No law so adopted shall permit the establishment of senatorial districts**
12 **whereby a majority of the members of the senate shall represent less than forty percent of**
13 **the population of the state as shown by the most recent United States decennial census.**

Section 7. [~~Within sixty days after the population of this state is reported to the President~~
2 ~~for each decennial census of the United States, and within sixty days after notification by the~~
3 ~~governor that a reapportionment has been invalidated by a court of competent jurisdiction, the~~
4 ~~state committee of each of the two political parties casting the highest vote for governor at the~~
5 ~~last preceding election shall, at a committee meeting duly called, select by a vote of the~~

6 individual committee members, and thereafter submit to the governor a list of ten persons, and
7 within thirty days thereafter the governor shall appoint a commission of ten members, five from
8 each list, to reapportion the thirty-four senatorial districts and to establish the numbers and
9 boundaries of said districts.—

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

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

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

22 ——— The commission shall reapportion the senatorial districts by dividing the population of
23 the state by the number thirty-four and shall establish each district so that the population of that
24 district shall, as nearly as possible, equal that figure; no county lines shall be crossed except
25 when necessary to add sufficient population to a multi-district county or city to complete only
26 one district which lies partly within such multi-district county or city so as to be as nearly equal
27 as practicable in population. Any county with a population in excess of the quotient obtained
28 by dividing the population of the state by the number thirty-four is hereby declared to be a
29 multi-district county.—

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

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

38 ——— After the statement is filed senators shall be elected according to such districts until a
39 reapportionment is made as herein provided, except that if the statement is not filed within six
40 months of the time fixed for the appointment of the commission, it shall stand discharged and
41 the senate shall be apportioned by a commission of six members appointed from among the

42 ~~judges of the appellate courts of the state of Missouri by the state supreme court, a majority of~~
43 ~~whom shall sign and file its apportionment plan and map with the secretary of state within ninety~~
44 ~~days of the date of the discharge of the apportionment commission. Thereafter senators shall be~~
45 ~~elected according to such districts until a reapportionment is made as herein provided.~~

46 ~~———— Each member of the commission shall receive as compensation fifteen dollars a day for~~
47 ~~each day the commission is in session, but not more than one thousand dollars, and, in addition,~~
48 ~~shall be reimbursed for his actual and necessary expenses incurred while serving as a member~~
49 ~~of the commission.] 1. (1) As used in this section, the following terms shall mean:~~

50 (a) "Commission", the temporary redistricting advisory commission established
51 under subsection 5 of this section;

52 (b) "Holdover senatorial district", a senatorial district in the plan that is numbered
53 with an even or odd number in the same manner as senatorial districts that were required
54 to elect a senator in the year ending in zero were numbered;

55 (c) "Ideal population", the total population of the state as reported in the most
56 recent United States decennial census divided by the number of districts to be established;

57 (d) "Incumbent state senator", a state senator who holds the office of state senator
58 on the first Wednesday in February of the year ending in two, and whose declared
59 residence on that day is within the district from which the senator was last elected;

60 (e) "Partisan public office":

61 a. An elective or appointive office in the executive or legislative branch or in an
62 independent establishment of the federal government;

63 b. An elective office in the executive or legislative branch of the government of this
64 state, or an office that is filled by appointment and is exempt from the merit system as
65 provided by state law; or

66 c. An office of a county, city, or other political subdivision of this state that is filled
67 by an election process involving nomination and election of candidates on a partisan basis;

68 (f) "Plan", a plan for legislative and congressional reapportionment submitted as
69 required by this section;

70 (g) "Political party office", an elective office in the national or state organization
71 of a political party, as defined by state law;

72 (h) "Quotient", the total of the absolute values of the deviations of all district
73 populations from the applicable ideal district population divided by the number of districts
74 established;

75 (i) "Redistricting division", the nonpartisan staff of the joint committee on
76 legislative research as provided by section 35 of this article of the Constitution of Missouri;

77 (j) "Relative", an individual who is related to the person in question as father,
78 mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband,
79 wife, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law,
80 brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother,
81 stepsister, half-brother, or half-sister;

82 (k) "Selecting authority" or "selecting authorities", the majority floor leader of the
83 state senate, the minority floor leader of the state senate, the majority floor leader of the
84 state house of representatives, and the minority floor leader of the state house of
85 representatives.

86 (2) (a) The general assembly shall, in the year 2021 and in each year immediately
87 following the United States decennial census, determine the number of senators and
88 representatives to be elected to the general assembly, establish state senatorial and
89 representative districts, and establish the United States Congressional districts as provided
90 in this section.

91 (b) The state shall be apportioned into senatorial and representative districts
92 established on the basis of population, and into districts corresponding with the number
93 of representatives for the United States Congress.

94 (c) Each district so established shall be composed of contiguous territory as
95 compact as possible.

96 (d) In establishing senatorial and representative districts, the state shall be divided
97 into as many senatorial districts as there are members of the senate and into as many
98 representative districts as there are members of the house of representatives. One senator
99 shall be elected from each senatorial district and one representative shall be elected from
100 each representative district.

101 (e) The redistricting division shall, if necessary in establishing senatorial districts,
102 shorten the term of any senator before completion of the term. No senator whose term is
103 so terminated shall be compensated for the uncompleted part of the term.

104 (f) The general assembly shall complete the apportionment before September first
105 of the year so required. If the apportionment fails to become law before September
106 fifteenth of such year as required by this section, the supreme court shall cause the state
107 to be apportioned into senatorial and representative districts to comply with the
108 requirements of the constitution before December thirty-first of such year as provided in
109 this section.

110 (g) Upon verified application by any qualified elector, the supreme court shall
111 review an apportionment plan adopted by the general assembly. If the supreme court
112 determines such plan does not comply with the requirements of the constitution, the court

shall within ninety days adopt the apportionment plan created by the redistricting division with the smallest overall range percentage variances that complies with the requirements of the constitution. The supreme court shall have original jurisdiction of all litigation questioning the apportionment of the general assembly or any apportionment plan adopted by the general assembly.

(h) The establishment of senatorial and representative districts and the apportionment required under this section shall be accomplished by the redistricting division.

(i) In establishing Congressional districts, the state shall be divided into the number of districts to which it is entitled and those districts shall be contiguous territory as compact and as nearly equal in population as possible.

2. (1) The redistricting division shall acquire appropriate information, review and evaluate available facilities, and develop programs and procedures in preparation for drawing legislative redistricting plans on the basis of each United States decennial census. No funds shall be expended for the purchase or lease of equipment and materials except funds that are appropriated for such purposes, and such funds shall be expended only with prior approval of the joint committee on legislative research.

(2) By December thirty-first of each year ending in zero, the redistricting division shall obtain from the United States Bureau of the Census information regarding geographic and political units in this state for which United States decennial census population data has been gathered and will be tabulated. The redistricting division shall use the data so obtained to:

(a) Prepare necessary descriptions of geographic and political units for which census data will be reported, and that are suitable for use as components of legislative districts; and

(b) Prepare maps of counties, cities, and other geographic units within the state that may be used to illustrate the locations of legislative district boundaries proposed in plans drawn in accordance with subsection 4 of this section.

(3) As soon as possible after January first of each year ending in one, the redistricting division shall obtain from the United States Bureau of the Census the population data needed for legislative redistricting that the Bureau is required to provide to this state under United States P.L. No. 94-171, and shall use that data to assign a population figure based upon certified United States decennial census data to each geographic or political unit described in paragraph (a) of subdivision (2) of this subsection. Upon completing that task, the redistricting division shall begin the preparation of legislative redistricting plans as required by this section.

149 (4) Any census information required by the redistricting division under this section
150 may be obtained from or with the assistance of any entity created by state law for receiving
151 and maintaining such information from the Bureau of the Census.

152 (5) Upon each delivery by the redistricting division to the general assembly of a bill
153 embodying a plan under subsection 3 of this section, the redistricting division shall at the
154 earliest feasible time make available to the public the following information:

155 (a) Copies of the bill delivered by the redistricting division to the general assembly;

156 (b) Maps illustrating the plan;

157 (c) A summary of the standards prescribed by subsection 4 of this section for
158 development of the plan; and

159 (d) A statement of the population of each district included in the plan, and the
160 relative deviation of each district population from the ideal district population.

161 3. (1) (a) Not later than April first of each year ending in one, the redistricting
162 division shall deliver to the secretary of the senate and the chief clerk of the house of
163 representatives identical bills embodying a plan of legislative redistricting prepared in
164 accordance with subsection 4 of this section. The general assembly shall bring the bill to
165 a vote in either the senate or the house of representatives expeditiously, but not less than
166 three days after the report of the commission required by subdivision (3) of subsection 5
167 of this section is received and made available to the members of the general assembly,
168 under a procedure or rule permitting no amendments except those of a purely corrective
169 nature. If the bill is approved by the first chamber in which it is considered, it shall
170 expeditiously be brought to a vote in the second chamber under a similar procedure or
171 rule. If the bill embodying the plan submitted by the redistricting division under this
172 subdivision fails to be approved by a constitutional majority in either the senate or the
173 house of representatives, the secretary of the senate or the chief clerk of the house, as the
174 case may be, shall at once, but in no event later than seven days after the date the bill failed
175 to be approved, transmit to the redistricting division information that the senate or house
176 may direct by resolution regarding the reasons the plan was not approved.

177 (b) If the population data for legislative redistricting that the United States Bureau
178 of the Census are required to provide this state under P.L. No. 94-171 and, if used by the
179 redistricting division, the corresponding topologically integrated geographic encoding and
180 referencing data file for that population data are not available to the redistricting division
181 on or before February fifteenth of the year ending in one, the dates set forth in paragraph
182 (a) of this subdivision shall be extended by a number of days equal to the number of days
183 after February fifteenth of the year ending in one that the United States decennial census

184 population data and the topologically integrated geographic encoding and referencing data
185 file for legislative redistricting become available.

186 (2) If the bill embodying the plan submitted by the redistricting division under
187 subdivision (1) of this subsection fails to be enacted, the redistricting division shall prepare
188 a bill embodying a second plan of legislative redistricting. The bill shall be prepared in
189 accordance with subsection 4 of this section and, insofar as it is possible to do so within the
190 requirements of subsection 4 of this section, with the reasons cited by the senate or house
191 of representatives by resolution for the failure to approve the plan. If a second plan is
192 required under this subdivision, the bill embodying it shall be delivered to the secretary
193 of the senate and the chief clerk of the house of representatives not later than thirty-five
194 days after the date of the vote by which the senate or the house of representatives fails to
195 approve the bill submitted under subdivision (1) of this subsection. If it is necessary to
196 submit a bill under this subdivision, the general assembly shall convene a special session
197 as provided in section 20(b) of this article of the Constitution of Missouri solely for the
198 purpose of bringing to a vote the bill embodying the second plan submitted under this
199 subdivision. The bill shall be brought to a vote not less than seven days after the bill is
200 submitted and made available to the members of the general assembly, under a procedure
201 or rule permitting no amendments except those of a purely corrective nature. If the bill
202 is approved by the first chamber in which it is considered, it shall expeditiously be brought
203 to a vote in the second chamber under a similar procedure or rule. If the bill embodying
204 the plan submitted by the redistricting division under this subdivision fails to be approved
205 by a constitutional majority in either the senate or the house of representatives, the
206 secretary of the senate or the chief clerk of the house, as the case may be, shall transmit to
207 the redistricting division in the same manner as described in subdivision (1) of this
208 subsection, information that the senate or house may direct by resolution regarding
209 reasons the plan was not approved.

210 (3) If the bill embodying the plan submitted by the redistricting division under
211 subdivision (2) of this subsection fails to be enacted, the same procedure as prescribed by
212 subdivision (2) of this subsection shall be followed. If a third plan is required under this
213 subdivision, the bill embodying it shall be delivered to the secretary of the senate and the
214 chief clerk of the house of representatives not later than thirty-five days after the date of
215 the vote by which the senate or the house of representatives fails to approve the bill
216 submitted under subdivision (2) of this subsection. The redistricting division shall submit
217 a bill under this subdivision sufficiently in advance of September first of the year ending
218 in one to permit the general assembly to consider the plan before that date. If it is
219 necessary to submit a bill under this subdivision, the general assembly shall convene a

special session as provided in section 20(b) of this article of the Constitution of Missouri solely for the purpose of considering the bill embodying the third plan submitted under this subdivision. The bill shall be brought to a vote within the same time period after its delivery to the secretary of the senate and the chief clerk of the house of representatives as is prescribed for the bill submitted under subdivision (2) of this subsection, but shall be subject to amendment in the same manner as other bills under this article of the Constitution of Missouri.

4. (1) (a) Senatorial and representative districts, respectively, shall each have a population as nearly equal as practicable to the ideal population for such districts. Senatorial districts and representative districts shall not vary in population from the respective ideal populations for such districts except as necessary to comply with one of the other standards enumerated in this subsection. In no case shall the quotient exceed one percent of the applicable ideal population for such district. No senatorial district shall have a population that exceeds that of any other senatorial district by more than five percent, and no representative district shall have a population that exceeds that of any other representative district by more than five percent.

(b) If a challenge is filed with the supreme court alleging excessive population variance among districts established in a plan adopted by the general assembly, the general assembly has the burden of justifying any variance in excess of one percent between the population of a district and the applicable ideal district population.

(2) To the extent consistent with subdivision (1) of this subsection, district boundaries shall coincide with the boundaries of political subdivisions of the state. The number of counties and cities divided among more than one district shall be as small as possible. If there is a choice between dividing local political subdivisions, the more populous political subdivisions shall be divided before the less populous, but this provision shall not apply to a legislative district boundary drawn along a county line that passes through a city that lies in more than one county.

(3) Districts shall be composed of convenient contiguous territory. Areas that meet only at the points of adjoining corners shall not be deemed contiguous.

(4) Districts shall be reasonably compact in form, to the extent consistent with the standards established by subdivisions (1) to (3) of this subsection. In general, reasonably compact districts are those that are square, rectangular, or hexagonal in shape, and not irregularly shaped, to the extent permitted by natural or political boundaries. If it is necessary to compare the relative compactness of two or more districts, or of two or more alternative redistricting plans, the following tests shall be used:

(a) Length-width compactness. The compactness of a district is greatest if the length of the district and the width of the district are equal. The measure of a district's compactness is the absolute value of the difference between the length and the width of the district. In general, the length-width compactness of a district is calculated by measuring the distance from the northernmost point or portion of the boundary of a district to the southernmost point or portion of the boundary of the same district and the distance from the westernmost point or portion of the boundary of the district to the easternmost point or portion of the boundary of the same district. The absolute values computed for individual districts under this paragraph may be cumulated for all districts in a plan in order to compare the overall compactness of two or more alternative redistricting plans for the state, or for a portion of the state; or

(b) Perimeter compactness. The compactness of a district is greatest if the distance needed to traverse the perimeter boundary of a district is as short as possible. The total perimeter distance computed for individual districts under this paragraph may be cumulated for all districts in a plan in order to compare the overall compactness of two or more alternative redistricting plans for the state, or for a portion of the state.

(5) No district shall be drawn for the purpose of favoring any political party, any incumbent legislator or member of Congress, or any other person or group, or for the purpose of augmenting or diluting the voting strength of a language or racial minority group. In establishing districts, no use shall be made of any of the following data:

(a) Addresses of incumbent legislators or members of Congress;

(b) Political affiliations of registered voters;

(c) Previous election results; or

(d) Demographic information, other than population head counts, except as required by the Constitution and the laws of the United States.

(6) Each bill embodying a plan drawn under this subsection shall provide that any vacancy in the general assembly that takes office in the year ending in one, occurring at a time that makes it necessary to fill the vacancy at a special election held as provided by law, shall be filled from the same district that elected the senator or representative whose seat is vacant.

(7) Each bill embodying a plan drawn under this subsection shall include provisions for election of senators to the general assemblies that take office in the years ending in three and five, which shall be in conformity with subsection 1 of section 5 of this article of the Constitution of Missouri. With respect to any plan drawn for consideration in a year ending in one, those provisions shall be substantially as follows:

(a) Each senatorial district in the plan that is not a holdover senatorial district shall elect a senator in the year ending in two for a four-year term commencing in January of the year ending in three. If an incumbent senator who was elected to a four-year term that commenced in January of the year ending in one, or was subsequently elected to fill a vacancy in such a term, is residing in a senatorial district in the plan that is not a holdover senatorial district on the first Wednesday in February of the year ending in two, that senator's term of office shall be terminated on January first of the year ending in three;

(b) Each holdover senatorial district in the plan shall elect a senator in the year ending in four for a four-year term commencing in January of the year ending in five;

a. If one and only one incumbent state senator is residing in a holdover senatorial district in the plan on the first Wednesday in February of the year ending in two, and that senator meets all of the following requirements, the senator shall represent the district in the senate for the general assembly commencing in January of the year ending in three:

(i) The senator was elected to a four-year term that commenced in January of the year ending in one or was subsequently elected to fill a vacancy in such a term;

(ii) The senatorial district in the plan that includes the place of residence of the state senator on the date of the senator's last election to the senate is the same as the holdover senatorial district in which the senator resides on the first Wednesday in February of the year ending in two, or is contiguous to such holdover senatorial district. Areas that meet only at the points of adjoining corners are not contiguous;

b. Each holdover senatorial district to which subparagraph a. is not applicable shall elect a senator in the year ending in two for a two-year term commencing in January of the year ending in three. However, if more than one incumbent state senator is residing in a holdover senatorial district on the first Wednesday in February of the year ending in two, and, on or before the third Wednesday in February of the year ending in two, all but one of the incumbent senators resign from office effective no later than January of the year ending in three, the remaining incumbent senator shall represent the district in the senate for the general assembly commencing in January of the year ending in three. A copy of each resignation shall be filed in the office of the secretary of state no later than 5:00 p.m. on the third Wednesday in February of the year ending in two.

(c) The secretary of state shall prescribe a form to be completed by all senators to declare their residences as of the first Wednesday in February of the year ending in two. The form shall be filed with the secretary of state no later than 5:00 p.m. on the first Wednesday in February of the year ending in two.

5. (1) Not later than February fifteenth of each year ending in one, a five-member temporary redistricting advisory commission shall be established as provided by this

326 subsection. The commission's only functions shall be those prescribed in subdivision (3)
327 of this subsection.

328 (a) Each of the four selecting authorities shall certify to the secretary of state the
329 authority's appointment of a person to serve on the commission. The certifications may
330 be made at any time after the majority and minority floor leaders have been selected for
331 the general assembly that takes office in the year ending in one, even though that general
332 assembly's term of office has not actually begun.

333 (b) Within thirty days after the four selecting authorities have certified their
334 respective appointments to the commission, but in no event later than February fifteenth
335 of the year ending in one, the four commission members so appointed shall select, by a vote
336 of at least three members, and certify to the secretary of state the fifth commission member,
337 who shall serve as chair.

338 (c) A vacancy on the commission shall be filled by the initial selecting authority
339 within fifteen days after the vacancy occurs.

340 (d) Each member of the commission shall receive as compensation fifteen dollars
341 a day for each day the commission is in session but not more than one thousand dollars,
342 and, in addition, shall be reimbursed for actual and necessary expenses incurred while
343 serving as a member of the commission.

344 (2) No person shall be appointed to the commission who:

345 (a) Is not an eligible elector of the state at the time of selection;

346 (b) Holds partisan public office or political party office; or

347 (c) Is a relative of or is employed by any member of the general assembly or of the
348 United States Congress, or is employed directly by the general assembly or by the United
349 States Congress.

350 (3) The functions of the commission shall be as follows:

351 (a) If, in preparation of plans as required by this section, the redistricting division
352 is confronted with the necessity to make any decision for which no clearly applicable
353 guideline is provided by subsection 4 of this section, the redistricting division may submit
354 a written request for direction to the commission;

355 (b) Before delivering any plan and the bill embodying that plan to the secretary of
356 the senate and the chief clerk of the house of representatives in accordance with subsection
357 3 of this section, the redistricting division shall provide to persons outside the redistricting
358 division only such information regarding the plan as may be required by policies agreed
359 upon by the commission. This subsection shall not apply to population data furnished to
360 the redistricting division by the United States Bureau of the Census; and

361 (c) Upon the delivery by the redistricting division to the general assembly of a bill
362 embodying an initial plan, as required by subdivision (1) of subsection 3 of this section, the
363 commission shall:

364 a. As expeditiously as reasonably possible, schedule and conduct at least three
365 public hearings, in different geographic regions of the state, on the plan embodied in the
366 bill delivered by the redistricting division to the general assembly; and

367 b. Following the hearings, promptly prepare and submit to the secretary of the
368 senate and the chief clerk of the house a report summarizing information and testimony
369 received by the commission in the course of the hearings. The commission's report shall
370 include any comments and conclusions that its members deem appropriate on the
371 information and testimony received at the hearings, or otherwise presented to the
372 commission. The report shall be submitted no later than fourteen days after the date the
373 bill embodying an initial plan of legislative redistricting is delivered to the general
374 assembly.

375 6. No reapportionment shall be subject to the referendum.

Section 30. 1. No bill shall become a law until it is signed by the presiding officer of
2 each house in open session, who first shall suspend all other business, declare that the bill shall
3 now be read and that if no objection be made he will sign the same.

4 2. If in either house any member shall object in writing to the signing of a bill, the
5 objection shall be noted in the journal and annexed to the bill to be considered by the governor
6 in connection therewith.

7 3. When a bill has been signed, the secretary, or the chief clerk, of the house in which
8 the bill originated shall present the bill in person to the governor on the same day on which it was
9 signed and enter the fact upon the journal.

10 4. Subsections 2 and 3 of this section shall not apply to any legislative redistricting
11 bill that has passed the house of representatives and the senate as provided in section 7 of
12 this article of the Constitution of Missouri.

Section 31. Every bill which shall have passed the house of representatives and the
2 senate shall be presented to and considered by the governor, and, within fifteen days after
3 presentment, he shall return such bill to the house in which it originated endorsed with his
4 approval or accompanied by his objections. If the bill be approved by the governor it shall
5 become a law. When the general assembly adjourns, or recesses for a period of thirty days or
6 more, the governor shall return within forty-five days any bill to the office of the secretary of
7 state with his approval or reasons for disapproval. If any bill shall not be returned by the
8 governor within the time limits prescribed by this section it shall become law in like manner as
9 if the governor had signed it. **This section shall not apply to any legislative redistricting bill**

10 **that has passed the house of representatives and the senate as provided in section 7 of this**
11 **article of the Constitution of Missouri.**

Section 35. 1. There shall be a permanent joint committee on legislative research,
2 selected by and from the members of each house as provided by law. The general assembly, by
3 a majority vote of the elected members, may discharge any or all of the members of the
4 committee at any time and select their successors. The committee may employ a staff as
5 provided by law. The committee shall meet when necessary to perform the duties, advisory to
6 the general assembly, assigned to it by law. The members of the committee shall receive no
7 compensation in addition to their salary as members of the general assembly, but may receive
8 their necessary expenses while attending the meetings of the committee.

9 **2. (1) There is hereby created a "Redistricting Division" within the joint committee**
10 **on legislative research, which shall consist of the nonpartisan legal staff employed by the**
11 **joint committee. The redistricting division shall establish the state senatorial and**
12 **representative districts and the United States Congressional districts after each United**
13 **States decennial census as provided in section 7 of this article of the Constitution of**
14 **Missouri.**

15 **(2) No person shall directly or indirectly influence or attempt to influence any staff**
16 **member of the redistricting division who is acting within the staff member's capacity as an**
17 **employee of the redistricting division in the performance of the staff member's redistricting**
18 **duties. Any person who violates this subdivision shall be guilty of a class D felony as**
19 **provided by state law, and if such person holds any elected or appointed office of this state**
20 **or any of the state's political subdivisions or is a candidate for any such elected or**
21 **appointed office, such person shall be immediately removed from office or from the ballot.**

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

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

2 ~~[Section 45. When the number of representatives to which the state is~~
3 ~~entitled in the House of the Congress of the United States under the census of~~
4 ~~1950 and each census thereafter is certified to the governor, the general assembly~~
5 ~~shall by law divide the state into districts corresponding with the number of~~
6 ~~representatives to which it is entitled, which districts shall be composed of~~
~~contiguous territory as compact and as nearly equal in population as may be.]~~

7

Section B. Under chapter 116, RSMo, and other applicable constitutional provisions and laws of this state allowing the general assembly to adopt ballot language for the submission of a joint resolution to the voters of this state, the official ballot title of the amendment proposed in section A shall be as follows:

"Shall the Constitution of Missouri be amended to establish nonpartisan procedures for apportioning the state into state senatorial and representative districts and United States Congressional districts on the basis of population for any redistricting required after each United States decennial census?"

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