

SENATE SUBSTITUTE
FOR
SENATE JOINT RESOLUTION NO. 48

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 2 and 7 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to apportionment commissions.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

1 That at the next general election to be held in the state of
2 Missouri, on Tuesday next following the first Monday in November,
3 2012, or at a special election to be called by the governor for
4 that purpose, there is hereby submitted to the qualified voters
5 of this state, for adoption or rejection, the following amendment
6 to article III of the Constitution of the state of Missouri:

7 Section A. Sections 2 and 7, article III, Constitution of
8 Missouri, is repealed and two new sections adopted in lieu
9 thereof, to be known as sections 2 and 7, to read as follows:

10 Section 2. The house of representatives shall consist of
11 one hundred sixty-three members elected at each general election
12 and apportioned in the following manner: Within sixty days after
13 the population of this state is reported to the President for
14 each decennial census of the United States and, in the event that
15 a reapportionment has been invalidated by a court of competent
16 jurisdiction, within sixty days after notification by the
17 governor that such a ruling has been made, the congressional

1 district committee of each of the two parties casting the highest
2 vote for governor at the last preceding election shall meet and
3 the members of the committee shall nominate, by a majority vote
4 of the members of the committee present, provided that a majority
5 of the elected members is present, two members of their party,
6 residents in that district, as nominees for reapportionment
7 commissioners. Neither party shall select more than one nominee
8 from any one state legislative district. The congressional
9 committees shall each submit to the governor their list of
10 elected nominees. Within thirty days the governor shall appoint
11 a commission consisting of one name from each list to reapportion
12 the state into one hundred and sixty-three representative
13 districts and to establish the numbers and boundaries of said
14 districts.

15 If any of the congressional committees fails to submit a
16 list within such time the governor shall appoint a member of his
17 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
20 office as members of the general assembly for **[four]** ten years
21 following the date of **[the filing by the commission of its final**
22 **statement of apportionment]** their appointment to the commission
23 by the governor.

24 For the purposes of this article, the term congressional
25 district committee or congressional district refers to the
26 congressional district committee or the congressional district
27 from which a congressman was last elected, or, in the event
28 members of congress from this state have been elected at large,

1 the term congressional district committee refers to those persons
2 who last served as the congressional district committee for those
3 districts from which congressmen were last elected, and the term
4 congressional district refers to those districts from which
5 congressmen were last elected. Any action pursuant to this
6 section by the congressional district committee shall take place
7 only at duly called meetings, shall be recorded in their official
8 minutes and only members present in person shall be permitted to
9 vote.

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

20 The commission shall reapportion the representatives by
21 dividing the population of the state by the number one hundred
22 sixty-three and shall establish each district so that the
23 population of that district shall, as nearly as possible, equal
24 that figure.

25 Each district shall be composed of contiguous territory as
26 compact as may be.

27 Not later than five months after the appointment of the
28 commission, the commission shall file with the secretary of state

1 a tentative plan of apportionment and map of the proposed
2 districts and during the ensuing fifteen days shall hold such
3 public hearings as may be necessary to hear objections or
4 testimony of interested persons.

5 Not later than six months after the appointment of the
6 commission, the commission shall file with the secretary of state
7 a final statement of the numbers and the boundaries of the
8 districts together with a map of the districts, and no statement
9 shall be valid unless approved by at least seven-tenths of the
10 members.

11 After the statement is filed members of the house of
12 representatives shall be elected according to such districts
13 until a reapportionment is made as herein provided, except that
14 if the statement is not filed within six months of the time fixed
15 for the appointment of the commission, it shall stand discharged
16 and the house of representatives shall be apportioned by a
17 commission of six members appointed from among the judges of the
18 appellate courts of the state of Missouri by the state supreme
19 court, a majority of whom shall sign and file its apportionment
20 plan and map with the secretary of state within ninety days of
21 the date of the discharge of the apportionment commission.
22 Thereafter members of the house of representatives shall be
23 elected according to such districts until a reapportionment is
24 made as herein provided.

25 Each member of the commission shall receive as compensation
26 fifteen dollars a day for each day the commission is in session
27 but not more than one thousand dollars, and, in addition, shall
28 be reimbursed for his actual and necessary expenses incurred

1 while serving as a member of the commission.

2 All meetings of any commission created under this section,
3 including executive meetings, shall be open to the public and
4 such commissions shall be considered a public governmental body
5 for purposes of, and subject to, any general law concerning
6 public meetings and public records.

7 No reapportionment shall be subject to the referendum.

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

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

24 Members of the commission shall be disqualified from holding
25 office as members of the general assembly for **[four]** ten years
26 following the date of **[the filing by the commission of its final**
27 **statement of apportionment]** their appointment to the commission
28 by the governor.

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

11 The commission shall reapportion the senatorial districts by
12 dividing the population of the state by the number thirty-four
13 and shall establish each district so that the population of that
14 district shall, as nearly as possible, equal that figure; no
15 county lines shall be crossed except when necessary to add
16 sufficient population to a multi-district county or city to
17 complete only one district which lies partly within such
18 multi-district county or city so as to be as nearly equal as
19 practicable in population. Any county with a population in
20 excess of the quotient obtained by dividing the population of the
21 state by the number thirty-four is hereby declared to be a
22 multi-district county.

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

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

6 After the statement is filed senators shall be elected
7 according to such districts until a reapportionment is made as
8 herein provided, except that if the statement is not filed within
9 six months of the time fixed for the appointment of the
10 commission, it shall stand discharged and the senate shall be
11 apportioned by a commission of six members appointed from among
12 the judges of the appellate courts of the state of Missouri by
13 the state supreme court, a majority of whom shall sign and file
14 its apportionment plan and map with the secretary of state within
15 ninety days of the date of the discharge of the apportionment
16 commission. Thereafter senators shall be elected according to
17 such districts until a reapportionment is made as herein
18 provided.

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

24 All meetings of any commission created under this section,
25 including executive meetings, shall be open to the public and
26 such commissions shall be considered a public governmental body
27 for purposes of, and subject to, any general law concerning
28 public meetings and public records.

1 No reapportionment shall be subject to the referendum.