

FIRST REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 34

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FITZWATER.

1700H.011

DANA RADEMAN MILLER, Chief Clerk

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing Sections 3 and 7 of Article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the general assembly, with a delayed effective date.

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*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Section A. Sections 3 and 7, Article III, Constitution of Missouri, is repealed and two new sections adopted in lieu thereof, to be known as Sections 3 and 7, to read as follows:

Section 3. (a) The house of representatives shall consist of one hundred ~~[sixty-three]~~ **thirty-six** 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 district may deviate by up to three percent if necessary to follow political subdivision lines consistent with subdivision (4) of this subsection;

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

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

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

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

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

47 summing across all of the districts in the plan shall be calculated. "Wasted votes" are votes cast  
48 for a losing candidate or for a winning candidate in excess of the threshold needed for victory.  
49 In any redistricting plan and map of the proposed districts, the difference between the two parties'  
50 total wasted votes, divided by the total votes cast for the two parties, shall not exceed fifteen  
51 percent.

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

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

76 If any committee fails to submit a list within such time, the governor shall appoint a  
77 member of his or her own choice from the political party of the committee failing to submit a list,  
78 provided that in the case of a congressional district committee failing to submit a list, the person  
79 appointed to the commission by the governor shall reside in the congressional district of such  
80 committee.

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

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

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

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

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

111 (g) After the final statement is filed, members of the house of representatives shall be  
112 elected according to such districts until a new redistricting plan is made as provided in this  
113 section, except that if the final statement is not filed within six months of the time fixed for the  
114 appointment of the commission, the commission shall stand discharged and the house of  
115 representatives shall be redistricted using the same methods and criteria as described in  
116 subsection (b) of this section by a commission of six members appointed from among the judges

117 of the appellate courts of the state of Missouri by the state supreme court, a majority of whom  
118 shall sign and file its redistricting plan and map with the secretary of state within ninety days of  
119 the date of the discharge of the house independent bipartisan citizens commission. The judicial  
120 commission shall make public the tentative redistricting plan and map of the proposed districts,  
121 as well as all demographic and partisan data used in the creation of the plan and map. Thereafter,  
122 members of the house of representatives shall be elected according to such districts until a  
123 redistricting plan is made as provided in this section.

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

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

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

139 Section 7. (a) Within sixty days after the population of this state is reported to the  
140 President for each decennial census of the United States, or within sixty days after a redistricting  
141 plan has been invalidated by a court of competent jurisdiction, the state committee and the  
142 congressional district committees of each of the two political parties casting the highest vote for  
143 governor at the last preceding general election shall meet and the members of each committee  
144 shall nominate, by a majority vote of the elected members of the committee present, provided  
145 that a majority of the elected members is present, members of their party, residents in that  
146 district, in the case of a congressional district committee, as nominees for the senate independent  
147 bipartisan citizens commission. No party shall select more than one nominee from any one state  
148 legislative district. The congressional district committees shall each submit to the governor their  
149 list of two elected nominees. The state committees shall each submit to the governor their list  
150 of five elected nominees. Within thirty days thereafter the governor shall appoint a senate  
151 independent bipartisan citizens commission consisting of two nominees from each list submitted  
152 by each state committee and one nominee from each list submitted by each congressional district

153 committee, to redistrict the thirty-four senatorial districts and to establish the numbers and  
154 boundaries of said districts. No person shall be appointed to both the house independent  
155 bipartisan citizens commission and the senate independent bipartisan citizens commission during  
156 the same redistricting cycle. **The number of senators shall not total more than one-fourth**  
157 **the membership of the house of representatives. Each senatorial district shall contain four**  
158 **representative districts.**

159 If any committee fails to submit a list within such time, the governor shall appoint a  
160 member of his or her own choice from the political party of the committee failing to submit a list,  
161 provided that in the case of a congressional district committee failing to submit a list, the person  
162 appointed to the commission by the governor shall reside in the congressional district of such  
163 committee.

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

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

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

178 (d) Not later than five months after the appointment of the senate independent bipartisan  
179 citizens commission, the commission shall file with the secretary of state a tentative redistricting  
180 plan and map of the proposed districts and during the ensuing fifteen days shall hold such public  
181 hearings as may be necessary to hear objections or testimony of interested persons. The  
182 commission shall make public the tentative redistricting plan and map of the proposed districts,  
183 as well as all demographic and partisan data used in the creation of the plan and map.

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

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

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

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

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

Section B. The repeal and reenactment of Sections 3 and 7 of this resolution shall  
2 become effective on January 1, 2030.

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