

HOUSE JOINT RESOLUTION NO. 63

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE OTTO.

4972H.011

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, and 35 of article III of the Constitution of Missouri, and adopting six new sections relating to redistricting of state senatorial and representative 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, 2016, 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, and 35, 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2 are repealed and six new sections adopted in lieu thereof, to be known as sections 2, 5, 7, 30, 31,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 **twenty** members elected by the **qualified voters of the representative districts** at each general
3 election [and apportioned in the following manner: Within sixty days after the population of this
4 state is reported to the President for each decennial census of the United States and, in the event
5 that a reapportionment has been invalidated by a court of competent jurisdiction, within sixty
6 days after notification by the governor that such a ruling has been made, the congressional
7 district committee of each of the two parties casting the highest vote for governor at the last
8 preceding election shall meet and the members of the committee shall nominate, by a majority
9 vote of the members of the committee present, provided that a majority of the elected members
10 is present, 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].

64 **2. Representatives shall be elected from districts established as provided in section**
65 **7 of this article of the Constitution of Missouri.**

Section 5. **1.** The senate shall consist of [thirty-four] **forty** members elected by the
2 qualified voters of the respective districts for four years. [For the election of senators, the state
3 shall be divided into convenient districts of contiguous territory, as compact and nearly equal in
4 population as may be.] **The number of senators shall total not more than one-third the**
5 **membership of the house of representatives. Each senatorial district shall contain three**
6 **representative districts. Senators shall be classified so that as nearly as possible one-half**
7 **of the members of the senate shall be elected every two years.**

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

10 **3. The general assembly may provide by law for factors in addition to population,**
11 **not in conflict with the Constitution of the United States, that may be considered in the**
12 **apportioning of senatorial districts, but such factors shall not require consideration in such**
13 **apportioning. No law so adopted shall permit the establishment of senatorial districts**
14 **whereby a majority of the members of the senate shall represent less than forty percent of**
15 **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 and establish state senatorial and
89 representative districts as provided in this section.

90 (b) The state shall be apportioned into senatorial and representative districts
91 established on the basis of population.

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

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

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

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

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

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

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

119 2. (1) The redistricting division shall acquire appropriate information, review and
120 evaluate available facilities, and develop programs and procedures in preparation for
121 drawing legislative redistricting plans on the basis of each United States decennial census.
122 No funds shall be expended for the purchase or lease of equipment and materials except
123 funds that are appropriated for such purposes, and such funds shall be expended only with
124 prior approval of the joint committee on legislative research.

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

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

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

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

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

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

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

151 **(b) Maps illustrating the plan;**

152 **(c) A summary of the standards prescribed by subsection 4 of this section for**
153 **development of the plan; and**

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

156 **3. (1) (a) Not later than April first of each year ending in one, the redistricting**
157 **division shall deliver to the secretary of the senate and the chief clerk of the house of**
158 **representatives identical bills embodying a plan of legislative redistricting prepared in**
159 **accordance with subsection 4 of this section. The general assembly shall bring the bill to**
160 **a vote in either the senate or the house of representatives expeditiously, but not less than**
161 **three days after the report of the commission required by subdivision (3) of subsection 5**
162 **of this section is received and made available to the members of the general assembly,**
163 **under a procedure or rule permitting no amendments except those of a purely corrective**
164 **nature. If the bill is approved by the first chamber in which it is considered, it shall**
165 **expeditiously be brought to a vote in the second chamber under a similar procedure or**
166 **rule. If the bill embodying the plan submitted by the redistricting division under this**
167 **subdivision fails to be approved by a constitutional majority in either the senate or the**
168 **house of representatives, the secretary of the senate or the chief clerk of the house, as the**
169 **case may be, shall at once, but in no event later than seven days after the date the bill failed**
170 **to be approved, transmit to the redistricting division information that the senate or house**
171 **may direct by resolution regarding the reasons the plan was not approved.**

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

181 **(2) If the bill embodying the plan submitted by the redistricting division under**
182 **subdivision (1) of this subsection fails to be enacted, the redistricting division shall prepare**

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

205 (3) If the bill embodying the plan submitted by the redistricting division under
206 subdivision (2) of this subsection fails to be enacted, the same procedure as prescribed by
207 subdivision (2) of this subsection shall be followed. If a third plan is required under this
208 subdivision, the bill embodying it shall be delivered to the secretary of the senate and the
209 chief clerk of the house of representatives not later than thirty-five days after the date of
210 the vote by which the senate or the house of representatives fails to approve the bill
211 submitted under subdivision (2) of this subsection. The redistricting division shall submit
212 a bill under this subdivision sufficiently in advance of September first of the year ending
213 in one to permit the general assembly to consider the plan before that date. If it is
214 necessary to submit a bill under this subdivision, the general assembly shall convene a
215 special session as provided in section 20(b) of this article of the Constitution of Missouri
216 solely for the purpose of considering the bill embodying the third plan submitted under
217 this subdivision. The bill shall be brought to a vote within the same time period after its
218 delivery to the secretary of the senate and the chief clerk of the house of representatives as

219 is prescribed for the bill submitted under subdivision (2) of this subsection, but shall be
220 subject to amendment in the same manner as other bills under this article of the
221 Constitution of Missouri.

222 4. (1) (a) Senatorial and representative districts, respectively, shall each have a
223 population as nearly equal as practicable to the ideal population for such districts.
224 Senatorial districts and representative districts shall not vary in population from the
225 respective ideal populations for such districts except as necessary to comply with one of the
226 other standards enumerated in this subsection. In no case shall the quotient exceed one
227 percent of the applicable ideal population for such district. No senatorial district shall
228 have a population that exceeds that of any other senatorial district by more than five
229 percent, and no representative district shall have a population that exceeds that of any
230 other representative district by more than five percent.

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

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

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

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

250 (a) Length-width compactness. The compactness of a district is greatest if the
251 length of the district and the width of the district are equal. The measure of a district's
252 compactness is the absolute value of the difference between the length and the width of the
253 district. In general, the length-width compactness of a district is calculated by measuring
254 the distance from the northernmost point or portion of the boundary of a district to the

255 southernmost point or portion of the boundary of the same district and the distance from
256 the westernmost point or portion of the boundary of the district to the easternmost point
257 or portion of the boundary of the same district. The absolute values computed for
258 individual districts under this paragraph may be cumulated for all districts in a plan in
259 order to compare the overall compactness of two or more alternative redistricting plans for
260 the state, or for a portion of the state; or

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

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

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

271 (b) Political affiliations of registered voters;

272 (c) Previous election results; or

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

275 (6) In order to minimize electoral confusion and to facilitate communication within
276 state legislative districts, each plan drawn under this subsection shall provide that each
277 representative district is wholly included within a single senatorial district and that, so far
278 as possible, each representative and each senatorial district shall be included within a
279 single congressional district. However, the standards established by subdivisions (1) to (5)
280 of this subsection shall take precedence if a conflict arises between these standards and the
281 requirement, so far as possible, of including a senatorial or representative district within
282 a single congressional district.

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

288 (8) Each bill embodying a plan drawn under this subsection shall include
289 provisions for election of senators to the general assemblies that take office in the years
290 ending in three and five, which shall be in conformity with subsection 1 of section 5 of this

291 **article of the Constitution of Missouri. With respect to any plan drawn for consideration**
292 **in a year ending in one, those provisions shall be substantially as follows:**

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

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

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

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

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

313 **b. Each holdover senatorial district to which subparagraph a. is not applicable**
314 **shall elect a senator in the year ending in two for a two-year term commencing in January**
315 **of the year ending in three. However, if more than one incumbent state senator is residing**
316 **in a holdover senatorial district on the first Wednesday in February of the year ending in**
317 **two, and, on or before the third Wednesday in February of the year ending in two, all but**
318 **one of the incumbent senators resigns from office effective no later than January of the**
319 **year ending in three, the remaining incumbent senator shall represent the district in the**
320 **senate for the general assembly commencing in January of the year ending in three. A**
321 **copy of each resignation shall be filed in the office of the secretary of state no later than**
322 **5:00 p.m. on the third Wednesday in February of the year ending in two.**

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

327 **5. (1) Not later than February fifteenth of each year ending in one, a five-member**
328 **temporary redistricting advisory commission shall be established as provided by this**
329 **subsection. The commission's only functions shall be those prescribed in subdivision (3)**
330 **of this subsection.**

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

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

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

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

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

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

349 **(b) Holds partisan public office or political party office; or**

350 **(c) Is a relative of or is employed by any member of the general assembly or of the**
351 **United States Congress, or is employed directly by the general assembly or by the United**
352 **States Congress.**

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

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

358 **(b) Before delivering any plan and the bill embodying that plan to the secretary of**
359 **the senate and the chief clerk of the house of representatives in accordance with subsection**
360 **3 of this section, the redistricting division shall provide to persons outside the redistricting**
361 **division only such information regarding the plan as may be required by policies agreed**

362 upon by the commission. This subsection shall not apply to population data furnished to
363 the redistricting division by the United States Bureau of the Census; and

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

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

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

378 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 after each United States decennial census as provided in section 7**
13 **of this article of the Constitution of Missouri.**

14 (2) **No person shall directly or indirectly influence or attempt to influence any staff**
15 **member of the redistricting division who is acting within the staff member's capacity as an**
16 **employee of the redistricting division in the performance of the staff member's redistricting**
17 **duties. Any person who violates this subdivision shall be guilty of a class D felony as**
18 **provided by state law, and if such person holds any elected or appointed office of this state**
19 **or any of the state's political subdivisions or is a candidate for any such elected or**
20 **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 B. Under chapter 116, RSMo, and other applicable constitutional provisions and
3 laws of this state allowing the general assembly to adopt ballot language for the submission of
4 a joint resolution to the voters of this state, the official ballot title of the amendment proposed
5 in section A shall be as follows:

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

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