FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE JOINT
RESOLUTION NOS. 48, 46 & 47

100TH GENERAL ASSEMBLY

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, 2020, 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Section A. Sections 2, 3, and 7, Article III, Constitution of Missouri, are repealed and three new sections adopted in lieu thereof, to be known as Sections 2, 3, and 7, to read as follows:

Section 2. (a) After December 6, 2018, no person serving as a member of or employed by the general assembly shall act or serve as a paid lobbyist, register as a paid lobbyist, or solicit prospective employers or clients to represent as a paid lobbyist during the time of such service until the expiration of two calendar years after the conclusion of the session of the general assembly in which the member or employee last served and where such service was after December 6, 2018.

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.
(b) No person serving as a member of or employed by the general assembly shall accept directly or indirectly a gift of any tangible or intangible item, service, or thing of value from any paid lobbyist or lobbyist principal in excess of five dollars per occurrence. This Article shall not prevent candidates for the general assembly, including candidates for reelection, or candidates for offices within the senate or house from accepting campaign contributions consistent with this Article and applicable campaign finance law. Nothing in this section shall prevent individuals from receiving gifts, family support or anything of value from those related to them within the fourth degree by blood or marriage. The dollar limitations of this section shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency, and rounded to the nearest dollar amount.

(c) The general assembly shall make no law authorizing unlimited campaign contributions to candidates for the general assembly, nor any law that circumvents the contribution limits contained in this Constitution. In addition to other campaign contribution limitations or restrictions provided for by law, the amount of contributions made to or accepted by any candidate or candidate committee from any person other than the candidate in any one election for the general assembly shall not exceed the following:

1. To elect an individual to the office of state senator, two thousand dollars; and
2. To elect an individual to the office of state representative, two thousand dollars.

The contribution limits and other restrictions of this section shall also apply to any person exploring a candidacy for a public office listed in this subsection.

For purposes of this subsection, "base year amount" shall be the contribution limits prescribed in this section. Contribution limits set forth herein shall be adjusted on the first day of January in each even-numbered year hereafter by multiplying the base year amount by the cumulative Consumer Price Index and rounded to the nearest dollar amount, for all years after 2018.

(d) No contribution to a candidate for legislative office shall be made or accepted, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to, or with the intent to, conceal the identity of the actual source of the contribution. There shall be a rebuttable presumption that a contribution to a candidate for public office is made or accepted with the intent to circumvent the limitations on contributions imposed in this section when a contribution is received from a committee or organization that is primarily funded by a single person, individual, or other committee that has already reached its contribution limit under any law relating to contribution limitations. A committee or
organization shall be deemed to be primarily funded by a single person, individual, or other
commitee when the committee or organization receives more than fifty percent of its annual
funding from that single person, individual, or other committee.
(e) In no circumstance shall a candidate be found to have violated limits on acceptance
of contributions if the Missouri ethics commission, its successor agency, or a court determines
that a candidate has taken no action to indicate acceptance of or acquiescence to the making of
an expenditure that is deemed a contribution pursuant to this section.
(f) No candidate shall accept contributions from any federal political action committee
unless the committee has filed the same financial disclosure reports that would be required of
a Missouri political action committee.

Section 3. [a] There is hereby established the post of "Nonpartisan State Demographer".
The nonpartisan state demographer shall acquire appropriate information to develop procedures
in preparation for drawing legislative redistricting maps on the basis of each federal census for
presentation to the house apportionment commission and the senatorial apportionment
commission.

   (b) The nonpartisan state demographer shall be selected through the following process.
First, state residents may apply for selection to the state auditor using an application developed
by the state auditor to determine an applicant's qualifications and expertise relevant to the
position. Second, the state auditor shall deliver to the majority leader and minority leader of the
senate a list of at least three applicants with sufficient expertise and qualifications, as determined
by the state auditor, to perform the duties of the nonpartisan state demographer. Third, if the
majority leader and minority leader of the senate together agree that a specific applicant should
be selected to be the nonpartisan state demographer, that applicant shall be selected and the
selection process shall cease. Fourth, if the majority leader and minority leader of the senate
cannot together agree on an applicant, they may each remove a number of applicants on the state
auditor's list equal to one-third of the total number of applicants on that list, rounded down to the
next integer, and the state auditor shall then conduct a random lottery of the applicants remaining
after removal to select the nonpartisan state demographer. The state auditor shall prescribe a
time frame and deadlines for this application and selection process that both encourages
numerous qualified applicants and avoids delay in selection. The nonpartisan state demographer
shall serve a term of five years and may be reappointed. To be eligible for the nonpartisan state
demographer position, an individual shall not have served in a partisan, elected position for four
years prior to the appointment. The nonpartisan state demographer shall be disqualified from
holding office as a member of the general assembly for four years following the date of the
presentation of his or her most recent legislative redistricting map to the house apportionment
commission or the senatorial apportionment commission.
1. The house of representatives shall consist of one hundred sixty-three members elected at each general election and apportioned as provided in this section.

2. Within ten sixty days after the population of this state is reported to the President for each decennial census of the United States or, in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within ten sixty days after such a ruling has been made, the [nonpartisan state demographer] house independent bipartisan citizens commission shall begin the preparation of legislative districting plans and maps using the following methods, listed in order of priority:

   a. Districts shall be established on the basis of total as nearly equal as practicable in population. Legislative districts shall each have a total population as nearly equal as practicable to the ideal population for such districts, determined by dividing the number of districts to be established into the total population of the state, and districts shall be drawn on the basis of one person, one vote, using data reported in the federal decennial census. Districts are as nearly equal in population as practicable 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 subdivision lines consistent with paragraph d.;

   b. Districts shall be established in a manner so as to comply with all requirements of the United States Constitution and applicable federal laws, including, but not limited to, the Voting Rights Act of 1965 (as amended). [Notwithstanding any other provision of this Article, districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or diminishing their ability to elect representatives of their choice, whether by themselves or by voting in concert with other persons.] The following principles shall take precedence over any other part of this constitution: no district shall be drawn in a manner which results in a denial or abridgment of the right of any citizen of the United States to vote on account of race or color; and no district shall be drawn such that members of any community of citizens protected by the preceding clause have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice;

   [Districts shall be designed in a manner that achieves both partisan fairness and, secondarily, competitiveness. "Partisan fairness" means that parties shall be able to translate their popular support into legislative representation with approximately equal efficiency. "Competitiveness" means that parties' legislative representation shall be substantially and similarly responsive to shifts in the electorate's preferences.]

To this end, the nonpartisan state demographer shall calculate the average electoral performance of the two parties receiving the most votes in the three preceding elections for
governor, for United States Senate, and for President of the United States. This index shall be
defined as the total votes received by each party in the three preceding elections for governor,
for United States Senate, and for President of the United States, divided by the total votes cast
for both parties in these elections. Using this index, the nonpartisan state demographer shall
calculate the total number of wasted votes for each party, summing across all of the districts in
the plan. "Wasted votes" are votes cast for a losing candidate or for a winning candidate in
excess of the fifty percent threshold needed for victory. In any plan of apportionment and map
of the proposed districts submitted to the respective apportionment commission, the nonpartisan
state demographer shall ensure the difference between the two parties' total wasted votes, divided
by the total votes cast for the two parties, is as close to zero as practicable.

To promote competitiveness, the nonpartisan state demographer shall use the electoral
performance index to simulate elections in which the hypothetical statewide vote shifts by one
percent, two percent, three percent, four percent, and five percent in favor of each party. The
vote in each individual district shall be assumed to shift by the same amount as the statewide
vote. The nonpartisan state demographer shall ensure that, in each of these simulated elections;
the difference between the two parties' total wasted votes, divided by the total votes cast for the
two parties, is as close to zero as practicable;

c. Subject to the requirements of paragraphs a. and b. of this subdivision, districts shall
be composed of contiguous territory as compact as may be. Areas which meet only at the
points of adjoining corners are not contiguous. In general, compact districts are those which
are square, rectangular, or hexagonal in shape to the extent permitted by natural or
political boundaries;

d. To the extent consistent with paragraphs a. to c. of this subdivision, 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. When there is a
choice between dividing local political subdivisions, the more populous subdivisions shall be
divided before the less populous, but this preference shall not apply to a legislative district
boundary drawn along a county line which passes through a city that lies in more than one
county;

e. [Preference shall be that districts are compact in form, but the standards established
by paragraphs a. to d. of this subdivision take precedence over compactness where a conflict
arises between compactness and these standards. In general, compact districts are those which
are square, rectangular, or hexagonal in shape to the extent permitted by natural or political
boundaries.] Districts shall be designed in a manner that achieves both partisan fairness
and, secondarily, competitiveness, but the standards established by paragraphs a. to d. of
this subdivision shall take precedence over partisan fairness and competitiveness where a
conflict arises. "Partisan fairness" means that parties shall be able to translate their
popular support into legislative representation with approximately equal efficiency.
"Competitiveness" means that parties' legislative representation shall be substantially and
similarly responsive to shifts in the electorate's preferences.

To this end, the average electoral performance of the two parties receiving the most
votes in the three preceding elections for governor, for United States Senate, and for
President of the United States shall be calculated. This index shall be defined as the total
votes received by each party in the three preceding elections for governor, for United States
Senate, and for President of the United States, divided by the total votes cast for both
parties in these elections. Using this index, the total number of wasted votes for each party,
summing across all of the districts in the plan shall be calculated. "Wasted votes" are votes
cast for a losing candidate or for a winning candidate in excess of the fifty percent
threshold needed for victory. In any plan of apportionment and map of the proposed
districts, the difference between the two parties' total wasted votes, divided by the total
votes cast for the two parties, shall be as close to zero as practicable.

To promote competitiveness, the electoral performance index shall be used to
simulate elections in which the hypothetical statewide vote shifts by one percent, two
percent, three percent, four percent, and five percent in favor of each party. The vote in
each individual district shall be assumed to shift by the same amount as the statewide vote.
In each of these simulated elections, the difference between the two parties' total wasted
votes, divided by the total votes cast for the two parties, shall be as close to zero as
practicable.

[(2)] 3. Within [sixty] ten days after the population of this state is reported to the
President for each decennial census of the United States or, in the event that a reapportionment
has been invalidated by a court of competent jurisdiction, within [sixty] ten days that such a
ruling has been made, the state committee and the congressional district committees of each of the two political parties casting the highest vote for governor at the last preceding election shall meet and the members of the each committee shall nominate, by a
majority vote of the members of the committee present, provided that a majority of the elected
members is present, two members of their party, residents in that district, in the case of a congressional district committee, as nominees for the house independent bipartisan citizens commission. Neither party shall select more than one
nominee from any one state legislative district. The congressional district committees shall each submit to the governor their list of two elected nominees. The state committees shall each submit their list of five nominees to the governor. Within thirty days the governor shall appoint a house independent bipartisan citizens commission consisting of one name from each
list submitted by each congressional district committee and two names from each list
submitted by each state committee to reapportion the state into one hundred and sixty-three
representative districts and to establish the numbers and boundaries of said districts. No person
shall be appointed to both the house independent bipartisan citizens commission and the
senate independent bipartisan citizens commission during the same reapportionment cycle.

If any [of the congressional committees] committee fails to submit a list within such
time, the governor shall appoint a member of his or her own choice [from that district and] from
the political party of the committee failing to [make the appointment] submit a list, provided
that in the case of a congressional district committee failing to submit a list, the person
appointed to the commission by the governor shall reside in the congressional district of
such committee.

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

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

[3] Within six months after the population of this state is reported to the President for
each decennial census of the United States or, in the event that a reapportionment has been
invalidated by a court of competent jurisdiction, within six months after such a ruling has been
made, the nonpartisan state demographer shall make public and file with the secretary of state
and with the house apportionment commission a tentative plan of apportionment and map of the
proposed districts, as well as all demographic and partisan data used in the creation of the plan
and map.]

4. The commissioners so selected shall, [within ten days of receiving the tentative plan
of apportionment and map of the proposed districts,] on the fifteenth day, excluding Sundays
and state holidays, after all members have been appointed, meet in the capitol building and
proceed to organize by electing from their number a chairman, vice chairman and secretary. The
commission shall adopt an agenda establishing at least three hearing dates on which hearings
open to the public shall be held to hear objections or testimony from interested persons. A copy
of the agenda shall be filed with the clerk of the house of representatives within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable.

[The commission may make changes to the tentative plan of apportionment and map of the proposed districts received from the nonpartisan state demographer provided that such changes are consistent with this section and approved by a vote of at least seven-tenths of the commissioners. If no changes are made or approved as provided for in this subsection, the tentative plan of apportionment and map of proposed districts shall become final. Not later than two months of receiving the tentative plan of apportionment and map of the proposed districts; the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts.]

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

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

7. After the final statement is filed, members of the house of representatives shall be elected according to such districts until a reapportionment is made as provided in this section, except that if the statement is not filed within six months of the time fixed for the appointment of the commission, the commission shall stand discharged and the house of representatives shall be apportioned by a commission of six members appointed from among the judges of the appellate courts of the state of Missouri by the state supreme court, a majority of whom shall sign and file its apportionment plan and map with the secretary of state within ninety days of the date of the discharge of the house independent bipartisan citizens commission. The judicial commission shall make public the tentative plan of apportionment and map of the proposed districts, as well as all demographic and partisan data used in the creation of the plan and map. Thereafter, members of the house of representatives shall be elected according to such districts until the house of representatives is reapportioned as provided in this section.
8. Each member of the commission shall receive as compensation fifteen dollars a day for each day the commission is in session but not more than one thousand dollars, and, in addition, shall be reimbursed for his or her actual and necessary expenses incurred while serving as a member of the commission.

9. No reapportionment shall be subject to the referendum.

10. Any action alleging a violation of this section shall be filed in the circuit court of Cole County and shall name the body that approved the challenged plan of apportionment as a defendant. Only an eligible Missouri voter who sustains an individual injury by virtue of living in a district drawn in violation of this constitution, and whose injury is remedied by a differently drawn district, shall have standing. If the court renders a judgment in which it finds that a completed plan of apportionment violates this constitution, its judgment shall adjust only those districts, and only those parts of district boundaries, necessary to bring the map into compliance. The supreme court shall have exclusive appellate jurisdiction upon the filing of a notice of appeal within ten days after the judgment has become final.

Section 7. [(a)] Within ten days after the population of this state is reported to the President for each decennial census of the United States or, in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within ten days after such a ruling has been made, the nonpartisan state demographer authorized in Article III, Section 3 shall begin the preparation of senatorial districting plans and maps using the same methods and criteria as those required by Article III, Section 3 for the establishment of districts for the house of representatives.

[(b)] 1. Within [sixty] ten days after the population of this state is reported to the President for each decennial census of the United States, or within [sixty] ten days after a reapportionment has been invalidated by a court of competent jurisdiction, the state committee and the congressional district committees of each of the two political parties casting the highest vote for governor at the last preceding election shall, at a committee meeting duly called, select by a vote of the individual committee members, and thereafter submit to the governor a list of ten persons, and meet and the members of each committee shall nominate, by a majority vote of the members of the committee present, provided that a majority of the elected members is present, members of their party, residents in that district, in the case of a congressional district committee, as nominees for the senate independent bipartisan citizens commission. No party shall select more than one nominee from any one state legislative district. The congressional district committees shall each submit their list of two elected nominees to the governor. The state committees shall each submit their list of five elected nominees to the governor. Within thirty days thereafter the governor shall appoint a
senate independent bipartisan citizens commission consisting of [ten members, five] two names from each list submitted by each state committee and one name from each list submitted by each congressional district committee, to reapportion the thirty-four senatorial districts and to establish the numbers and boundaries of said districts. No person shall be appointed to both the house independent bipartisan citizens commission and the senate independent bipartisan citizens commission during the same reapportionment cycle. If [either of the party committees] any committee fails to submit a list within such time, the governor shall appoint [five members] a member of his or her own choice from the political party of the committee [so] failing to [act] submit a list, provided that in the case of a congressional district committee failing to submit a list, the person appointed to the commission by the governor shall reside in the congressional district of such committee. Members of the commission shall be disqualified from holding office as members of the general assembly for four years following the date of the filing by the commission of its final statement of apportionment.

(e) Within six months after the population of this state is reported to the President for each decennial census of the United States or in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within six months after such a ruling has been made, the nonpartisan state demographer shall file with the secretary of state and with the senatorial apportionment commission a tentative plan of apportionment and map of the proposed districts.

2. The commissioners so selected shall [within ten days of receiving the tentative plan of apportionment and map of the proposed districts required by this subsection], on the fifteenth day, excluding Sundays and state holidays, after all members have been appointed, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman and secretary. The commission shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held to hear objections or testimony from interested persons. A copy of the agenda shall be filed with the secretary of the senate within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable. [The commission may make changes to the tentative plan of apportionment and map of the proposed districts received from the nonpartisan state demographer provided that such changes are consistent with this section and the methods and criteria required by Section 3 of this Article for the establishment of districts for the house of representatives and approved by a vote of at least seven-tenths of the commissioners. If no changes are made or approved as provided for in this subsection, the tentative plan of apportionment and map of proposed districts shall become final. Not later than two months after receiving the tentative plan of apportionment and map of the proposed districts, the commission]
shall file with the secretary of state a final statement of the numbers and the boundaries of the
districts together with a map of the districts.]

3. The senate independent bipartisan citizens commission shall reapportion the
thirty-four senatorial districts using the same methods and criteria as those required by
Article III, Section 3, Subsection 2, of this constitution for the establishment of districts for
the house of representatives.

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

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

6. After the statement is filed, senators shall be elected according to such districts
until a reapportionment is made as provided in this section, except that if the statement is
not filed within six months of the time fixed for the appointment of the commission, it shall
stand discharged and the senate shall be apportioned by a commission of six members
appointed from among the judges of the appellate courts of the state of Missouri by the
state supreme court, a majority of whom shall sign and file its apportionment plan and
map with the secretary of state within ninety days of the date of the discharge of the senate
independent bipartisan citizens commission. The judicial commission shall make public
the tentative plan of apportionment and map of the proposed districts, as well as all
demographic and partisan data used in the creation of the plan and map. Thereafter,
senators shall be elected according to such districts until a reapportionment is made as
provided in this section.

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

8. No reapportionment shall be subject to the referendum.

9. For purposes of this subsection, the following terms and phrases shall mean:
(1) "Bipartisan citizens commission" the independent citizens commissions defined under Article III, Sections 3 and 7 of the Constitution of Missouri;

(2) "Redistricting process", the process of preparing and drawing legislative maps pursuant to Article III, Sections 3 and 7 of the Constitution of Missouri;

(3) "Redistricting public comment portal", the website established under this subsection for the purpose of allowing the bipartisan citizens commission to publicly receive comments, records, documents, maps, data files, communication, or information of any kind relating to the redistricting process;

(4) "Redistricting records", any comments, records, documents, maps, or information of any kind accepted from a person or entity that is not the bipartisan citizens commission and any comments, records, documents, maps, data files, communication, or information created by such commission as part of the redistricting process.

10. (1) The bipartisan citizens commission shall establish a website, to be known as the "Redistricting Public Comment Portal", for the purpose of allowing the public acceptance of comments, records, documents, maps, data files, communication, or information of any kind relating to the redistricting process.

(2) The commission shall accept public comments, records, documents, maps, data files, communication, and information of any kind relating to the redistricting process solely through the redistricting public comment portal.

(3) Any comments, records, documents, maps, data files, communication, or information of any kind submitted through the redistricting public comment portal by any person or entity shall be accompanied by a disclosure form that indicates whether:

(a) The person or entity making the submission was responsible in whole or in part for such submission; or

(b) A person or entity other than the person or entity making the submission contributed money that was intended to fund the preparation of the submission and, if so, the disclosure form shall additionally identify each such person or entity.

11. Any action alleging a violation of this section shall be filed in the circuit court of Cole County and shall name the body that approved the challenged plan of apportionment as a defendant. Only an eligible Missouri voter who sustains an individual injury by virtue of living in a district drawn in violation of this constitution, and whose injury is remedied by a differently drawn district, shall have standing. If the court renders a judgment in which it finds that a completed plan of apportionment violates this constitution, its judgment shall adjust only those districts, and only those parts of district boundaries, necessary to bring the map into compliance. The supreme court shall have
exclusive appellate jurisdiction upon the filing of a notice of appeal within ten days after the judgment has become final.

Section B. Pursuant to chapter 116, and other applicable constitutional provisions and laws of this state allowing the general assembly to adopt ballot language for the submission of this joint resolution to the voters of this state, the official summary statement of this resolution shall be as follows:

"Shall the Missouri Constitution be amended to:
  • Ban lobbyist gifts to legislators and their employees; and
  • Ensure that the independent bipartisan citizens commissions prepare state legislative district maps that are equal in population, follow the U.S. Constitution and federal law, and are as compact and contiguous as possible?"