

FIRST REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 47

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TRENT.

2349H.011

DANA RADEMAN MILLER, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing Sections 2 and 10 of Article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the 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Section A. Sections 2 and 10, Article III, Constitution of Missouri, are repealed and two new sections adopted in lieu thereof, to be known as Sections 2 and 10 to read as follows: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.

(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

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 consistent with this Article and applicable campaign finance law. Nothing in this section shall
13 prevent individuals from receiving gifts, family support or anything of value from those related
14 to them within the fourth degree by blood or marriage. ~~[The dollar limitations of this section
15 shall be increased or decreased each year by the percentage of increase or decrease from the end
16 of the previous calendar year of the Consumer Price Index, or successor index as published by
17 the U.S. Department of Labor, or its successor agency, and rounded to the nearest dollar
18 amount.]~~

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

25 (1) To elect an individual to the office of state senator, two thousand ~~[five hundred]~~
26 dollars; and

27 (2) To elect an individual to the office of state representative, two thousand dollars.

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

30 For purposes of this subsection, "base year amount" shall be the contribution limits
31 prescribed in this section. Contribution limits set forth herein shall be adjusted on the first day
32 of January in each even-numbered year hereafter by multiplying the base year amount by the
33 cumulative Consumer Price Index and rounded to the nearest dollar amount, for all years after
34 2018.

35 (d) No contribution to a candidate for legislative office shall be made or accepted,
36 directly or indirectly, in a fictitious name, in the name of another person, or by or through another
37 person in such a manner as to, or with the intent to, conceal the identity of the actual source of
38 the contribution. There shall be a rebuttable presumption that a contribution to a candidate for
39 public office is made or accepted with the intent to circumvent the limitations on contributions
40 imposed in this section when a contribution is received from a committee or organization that
41 is primarily funded by a single person, individual, or other committee that has already reached
42 its contribution limit under any law relating to contribution limitations. A committee or
43 organization shall be deemed to be primarily funded by a single person, individual, or other
44 committee when the committee or organization receives more than fifty percent of its annual
45 funding from that single person, individual, or other committee.

46 (e) In no circumstance shall a candidate be found to have violated limits on acceptance
47 of contributions if the Missouri ethics commission, its successor agency, or a court determines

48 that a candidate has taken no action to indicate acceptance of or acquiescence to the making of
49 an expenditure that is deemed a contribution pursuant to this section.

50 (f) No candidate shall accept contributions from any federal political action committee
51 unless the committee has filed the same financial disclosure reports that would be required of
52 a Missouri political action committee.

Section 10. The last decennial census of the United States shall be used in apportioning
2 representatives and determining the population of senatorial and representative districts. Such
3 districts may be altered from time to time as public convenience may require. **Notwithstanding**
4 **any other provision in this article, senate and representative districts shall be apportioned**
5 **as follows:**

6 (a) **Districts shall be drawn using the following criteria, in order of priority:**

7 1. **Districts shall be as nearly equal in population as possible, and districts shall**
8 **comply with all requirements of the United States Constitution and federal law. Districts**
9 **are as nearly equal in population as possible if no district deviates by more than three**
10 **percent from the ideal population of the district. The ideal population of a district is the**
11 **total state population to be used for making apportionments divided by the number of**
12 **districts.**

13 2. **All territory within a district shall be connected, and areas shall not be connected**
14 **merely by a single point or length of road.**

15 3. **District shapes shall be as compact as possible.**

16 4. **No part of a senate district shall be more than fifty miles, and no part of a house**
17 **district shall be more than thirty miles, from its geographic center.**

18 5. **Communities shall be preserved. Districts shall satisfy this requirement if**
19 **district lines follow political subdivision lines to the extent possible, using the following**
20 **criteria in order of priority. First, a county with a population greater than the ideal district**
21 **population, to include St. Louis City, shall wholly contain as many districts as its**
22 **population allows. Second, no more than two segments of a county or St. Louis City may**
23 **be combined with territory in an adjoining county to form a district. Third, the number**
24 **of split counties and number of county segments, which shall be defined as any part of a**
25 **county that is in a district not wholly within that county, shall each be as low as possible.**
26 **Fourth, municipal lines shall be crossed as few times as possible.**

27 6. **If each of the above criteria is fully satisfied, then the districts shall, if possible,**
28 **meet any other criteria set forth elsewhere in this article.**

29 (b) **No tentative plan of apportionment prepared by the state demographer shall**
30 **become final unless approved by seven of the apportionment commissioners. If the**
31 **commissioners fail to file a duly-approved final plan with the secretary of state within sixty**

32 days after receiving the state demographer's tentative plan, then the commission and
33 demographer shall stand discharged and each chamber shall be apportioned using criteria
34 in subdivisions (1) to (5), as set forth in subsection (b) of this section, by a commission of
35 six members appointed from among the judges of the appellate courts of the state of
36 Missouri by the state supreme court, a majority of whom shall sign and file its
37 apportionment plan and map with the secretary of state within ninety days of the date of
38 discharge of the apportionment commission and demographer.

39 (c) The state demographer shall comply with ethics, conflict of interest, and
40 disclosure laws which may be enacted by the general assembly, in addition to the following
41 self-enforcing restrictions. The demographer shall not:

42 1. Accept payments from any source other than the state of Missouri for
43 performing official duties;

44 2. Employ, contract with, or delegate any other party to perform any part of the
45 work or analysis of reapportionment;

46 3. Engage in direct written or oral communications with any person seeking to
47 influence the demographer's work, except for the receipt of written communications that
48 are preserved for public inspection and accompanied by a contemporaneous disclosure of
49 the true source of any funding that paid for the communication; and

50 4. Destroy communications, drafts, plans, or other documents relating to the
51 demographer's work, which shall be open records under the Missouri Sunshine Law.

52 (d) Any Missouri citizen or the attorney general may bring a civil action in the Cole
53 County Circuit Court against the state auditor for any violation of this section, and a
54 preponderance of the evidence shall establish a violation. The court may remedy a violation
55 of subsection (a) only by adjusting those districts necessary to bring the map into
56 compliance with subsection (a). A violation of subsection (b) or (c), including a violation
57 of any ethics, conflict of interest, or disclosure laws enacted by the general assembly, shall
58 result in a judgment invalidating the entire plan of apportionment, in which case the
59 commission shall promptly adopt a new plan by a simple majority vote. The supreme court
60 shall have exclusive appellate jurisdiction upon the filing of a notice of appeal within ten
61 days after the judgment has become final. A successful plaintiff shall recover reasonable
62 fees and costs from the state.

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

5 "Shall the Missouri Constitution be amended to:

- 6 o Lower the limits on campaign contributions to senate candidates;
- 7 o Prohibit gifts from paid lobbyists to legislators and their employees;
- 8 o Change the criteria and process for redrawing state legislative districts during
- 9 reapportionment; and
- 10 o Require the reapportionment demographer to follow ethics, conflict of interest, and
- 11 disclosure provisions and laws?".

Section C. Pursuant to section 116.155, and other applicable constitutional provisions
2 and the laws of this state authorizing the general assembly to adopt a fiscal note summary for the
3 submission of a joint resolution to the voters of this state, the official fiscal note summary of this
4 resolution shall be as follows:

5 "It is estimated that this proposal will have no significant impact on revenues or costs for
6 state and local governmental entities."

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