

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 77

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SASSMANN.

3976H.011

DANA RADEMAN MILLER, Chief Clerk

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing Sections 3 and 8 of Article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to terms of office for members of the general assembly.

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*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2022, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article III of the Constitution of the state of Missouri:

Section A. Sections 3 and 8, Article III, Constitution of Missouri, are repealed and two new sections adopted in lieu thereof, to be known as Sections 3 and 8, to read as follows:

Section 3. (a) The house of representatives shall consist of one hundred sixty-three members elected at each general election and redistricted as provided in this section. **Beginning with the general election in 2024, members shall be elected to four year terms.**

(b) The house independent bipartisan citizens commission shall redistrict the house of representatives using the following methods, listed in order of priority:

(1) Districts shall be as nearly equal as practicable in population, and shall be drawn on the basis of one person, one vote. Districts are as nearly equal as practicable in population if no district deviates by more than one percent from the ideal population of the district, as measured by dividing the number of districts into the statewide population data being used, except that a district may deviate by up to three percent if necessary to follow political subdivision lines consistent with subdivision (4) of this subsection;

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

49 cast for a losing candidate or for a winning candidate in excess of the threshold needed for  
50 victory. In any redistricting plan and map of the proposed districts, the difference between the  
51 two parties' total wasted votes, divided by the total votes cast for the two parties, shall not  
52 exceed fifteen percent.

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

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

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

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

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

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

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

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

114 (g) After the final statement is filed, members of the house of representatives shall be  
115 elected according to such districts until a new redistricting plan is made as provided in this  
116 section, except that if the final statement is not filed within six months of the time fixed for  
117 the appointment of the commission, the commission shall stand discharged and the house of  
118 representatives shall be redistricted using the same methods and criteria as described in  
119 subsection (b) of this section by a commission of six members appointed from among the  
120 judges of the appellate courts of the state of Missouri by the state supreme court, a majority of  
121 whom shall sign and file its redistricting plan and map with the secretary of state within  
122 ninety days of the date of the discharge of the house independent bipartisan citizens

123 commission. The judicial commission shall make public the tentative redistricting plan and  
124 map of the proposed districts, as well as all demographic and partisan data used in the  
125 creation of the plan and map. Thereafter, members of the house of representatives shall be  
126 elected according to such districts until a redistricting plan is made as provided in this section.

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

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

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

Section 8. No one shall be elected to serve more than eight years total in any one  
2 house of the General Assembly nor more than sixteen years total in both houses of the  
3 General Assembly. In applying this section, service in the General Assembly resulting from  
4 an election prior to December 3, 1992, or service of less than one year, in the case of a  
5 member of the house of representatives, or two years, in the case of a member of the senate,  
6 by a person elected after the effective date of this section to complete the term of another  
7 person, shall not be counted. **Beginning with the general election in 2024, no one shall be**  
8 **elected to serve more than twelve years total in any one house of the General Assembly**  
9 **nor more than twenty-four years total in both houses of the General Assembly. Service**  
10 **in the General Assembly prior to December 5, 2024, shall be counted.**

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