

HOUSE JOINT RESOLUTION NO. 96

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ALDRIDGE.

4781H.011

DANA RADEMAN MILLER, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing Section 10 of Article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the use of census data for the purposes of redistricting.

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Section A. Section 10, Article III, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as Section 10, to read as follows:

Section 10. **(1)** The last decennial census of the United States shall be used in apportioning representatives and determining the population of senatorial and representative districts. Such districts may be altered from time to time as public convenience may require.

(2) (a) In each year in which the decennial census of the United States is taken, and in which the United States Census Bureau allocates incarcerated persons as residents of correctional facilities, the department of corrections shall deliver to the nonpartisan state demographer a report that includes:

a. A unique identifier for each incarcerated person subject to the jurisdiction of the department of corrections on the date the population is reported;

b. The street address of the correctional facility in which each incarcerated person was confined at the time of such report;

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 c. The last known address of each incarcerated person prior to confinement or
13 other legal residence, if known; and

14 d. The incarcerated person's race, whether he or she is of Hispanic or Latino origin,
15 and whether he or she is over eighteen years of age, if known.

16 (b) The information required to be provided to the nonpartisan state demographer
17 under paragraph (a) of this subdivision shall not include the name of any incarcerated
18 person and shall not allow for the identification of any such person therefrom, except to
19 the department of corrections. The information shall be treated as confidential, and shall
20 not be disclosed by the nonpartisan state demographer except as redistricting data
21 aggregated by census block for purposes specified in subdivision (4) of this section.

22 (3) In each year in which the decennial census of the United States is taken, and in
23 which the United States Census Bureau allocates incarcerated persons as residents of
24 correctional facilities, the nonpartisan state demographer shall request each agency that
25 operates a federal facility in this state that incarcerates persons convicted of a criminal
26 offense to provide the nonpartisan state demographer with a report including the
27 information listed in paragraph (a) of subdivision (2) of this section.

28 (4) The nonpartisan state demographer shall prepare redistricting population data
29 to reflect incarcerated persons at their residential address under subdivision (5) of this
30 section. The data prepared by the nonpartisan state demographer under subdivision (5)
31 of this section shall be the basis of representative and senatorial districts established under
32 sections 3 and 7 of this article. Incarcerated populations residing at unknown geographic
33 locations within the state shall not be used to determine the ideal population of any set of
34 districts.

35 (5) (a) For each person included in a report received under subdivisions (2) and
36 (3) of this section, the nonpartisan state demographer shall determine the geographic units
37 for which population counts are reported in the decennial census of the United States that
38 contain the facility of incarceration and the legal residence as listed according to the report.

39 (b) For each person included in a report received under subdivisions (2) and (3) of
40 this section, if the legal residence is known and in this state, the nonpartisan state
41 demographer shall:

42 a. Ensure that the person is not represented in any population counts reported by
43 the nonpartisan state demographer for the geographic units that include the facility at
44 which the person was incarcerated, unless that geographic unit also includes the person's
45 legal residence; and

46 **b. Ensure that any population counts reported by the nonpartisan state**
47 **demographer reflect the person's residential address as reported under subdivisions (2) or**
48 **(3) of this section.**

49 **(c) For each person included in a report received under subdivisions (2) and (3) of**
50 **this section for whom a legal residence is unknown or not in this state, and for all persons**
51 **reported in the census as residing in a federal correctional facility for whom a report was**
52 **not provided, the nonpartisan state demographer shall:**

53 **a. Ensure that the person is not represented in any population counts reported by**
54 **the nonpartisan state demographer for the geographic units that include the facility at**
55 **which the person was incarcerated; and**

56 **b. Allocate the person to a state unit not tied to a specific determined geography,**
57 **as other state residents with unknown state addresses are allocated including, but not**
58 **limited to, military and federal government personnel stationed overseas.**

59 **(6) The data prepared by the nonpartisan state demographer under this section**
60 **shall be completed and published no later than thirty days from the date that the decennial**
61 **census data is published for the state.**

✓