

SS#3 SJR 38 -- SPECIAL INTEREST

SPONSOR: Hegeman

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on General Laws by a vote of 9 to 4. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 6 to 3.

Upon voter approval, this proposed Constitutional amendment modifies laws pertaining to the influence of special interest groups on the state legislature.

GIFT BAN

Currently, a member of the General Assembly, a staff member of a member of the General Assembly, or a person employed by the General Assembly to receive a gift of no more than \$5 per occurrence from a lobbyist or lobbyist principal. This amendment prohibits all such gifts from lobbyists or lobbyist principals (Article III, Section 2(b)).

CAMPAIGN CONTRIBUTION LIMITATIONS

The amendment provides that in any election to the office of State Senator, the amount of contributions made to or accepted by any candidate or candidate committee from any person other than the candidate shall not exceed \$2,400, rather than \$2,500. The amendment additionally repeals a provision subjecting campaign contribution limitations for state senate and state house races to inflation (Article III, Section 2(c)).

REDISTRICTING

Independent Bipartisan Citizens Commissions

Currently, the nonpartisan state demographer is responsible for preparing new redistricting plans for the House of Representatives and the Senate, which plans may be disapproved by bipartisan commissions nominated by the major political parties and appointed by the Governor. This amendment repeals the post of nonpartisan state demographer and gives all redistricting responsibility to the currently-existing commissions, renamed as the House Independent Bipartisan Citizens Commission and the Senate Independent Bipartisan Citizens Commission, respectively. The membership of each commission is modified such that each commission consists of members (20 each, under the current Congressional apportionment) to be appointed by the Governor from lists provided by the state committee and Congressional district committees of each of the two political parties casting the highest vote for Governor at the last

preceding gubernatorial election. For each commission, each state committee shall submit a list of 5 nominees to the Governor and each Congressional district committee shall submit a list of 2 nominees to the Governor. The Governor shall select 2 nominees from each list submitted by each state committee and 1 nominee from each list submitted by each Congressional district committee. No member of either commission may be a member of the other commission (Article III, Sections 3 & 7).

REDISTRICTING CRITERIA

The order of priority for the criteria that is to be used in preparing redistricting plans is as follows:

- 1) No district shall be drawn in a manner which would result in the denial or abridgment of the right of any person to vote on account of race or color. Furthermore, no district shall be drawn such that members of a community of protected citizens have less of an opportunity than other members of the electorate to participate in the political process and elect representatives of their choice.
- 2) Districts shall be as nearly equal as practicable in population and shall be drawn on the basis of one person, one vote. Districts shall not deviate from the ideal population by more than 1%, provided that deviation may be up to 3% if necessary to follow political subdivision lines.
- 3) Districts must be established in a manner that complies with all requirements of federal law, specifically including the Voting Rights Act of 1965.
- 4) Districts must consist of contiguous territory as compact as may be, to the extent permitted in conjunction with the above criteria.
- 5) To the extent permitted in conjunction with the above criteria, communities must be preserved, as described in the amendment.
- 6) Districts must be drawn to achieve partisan fairness and competitiveness, provided that all preceding criteria shall take precedence. Furthermore, current law provides that, in any redistricting plan, the difference between the total "wasted votes" of the two major political parties divided by the total votes cast for such parties shall be as close to zero as practicable. This amendment modifies that requirement by prohibiting such difference from exceeding 15%.

REDISTRICTING TIMELINE

Each commission must file a tentative redistricting plan and proposed maps with the Secretary of State within 5 months of appointment. A final statement of such plan and maps must be filed within 6 months with the approval of at least seven-tenths of the respective commission (14 out of 20 members under the current Congressional apportionment). If either commission fails to file its plan with the Secretary of State within such time period, then the commission failing to do so shall stand discharged and the respective chamber of the General Assembly shall be redistricted using the same criteria listed above by a commission of six members appointed by the Supreme Court from among the judges of the appellate courts of the state of Missouri.

ACTIONS CHALLENGING REDISTRICTING PLANS

Any action expressly or implicitly alleging that a redistricting plan violates the Missouri Constitution, federal law, or the United States Constitution must be filed in the Circuit Court of Cole County and shall name the respective commission that approved the challenged plan as a defendant. In order to bring such an action, a plaintiff must be a Missouri voter who resides in a district that exhibits an alleged violation and who would be remedied by a differently drawn district. If the court renders a judgment in which it finds that a completed redistricting plan exhibits the alleged violation, the court may only adjust those districts necessary to bring the map into compliance. The Supreme Court shall have exclusive appellate jurisdiction upon the filing of a notice of appeal within 10 days after the judgment has become final.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that this bill will ensure that the majority representation is protected. Proponents believe that the changes to the amendment would help avoid judicial proceedings and future litigation. They said that this bill applies to the Voters Act and will help preserve communities. The penalty provision that was initially in the bill was added to show the public that the General Assembly are sincere. Proponents believe that Clean Missouri is gerrymandering and want communities to stay together. Accordingly, proponents testified that this bill will help rural areas be represented and eliminate gerrymandering. Proponents stated that Clean Missouri erodes rural representation.

Testifying for the bill was Senator Hegeman.

OPPOSERS: Opponents testified that Missouri voters were aware of

what Clean Missouri entailed. They further testified that Clean Missouri has not been implemented long enough to see if it is helpful. The major point of redistricting is to ensure that the redistricting map is fair. Opponents also stated that the ballot language in the bill is extremely deficient and that Clean Missouri is good for the state.