

HOUSE SUBSTITUTE AMENDMENT NO. \_\_\_\_\_

for

HOUSE \_\_\_\_\_ AMENDMENT NO. \_\_\_\_\_

Offered By

AMEND House Committee Substitute for House Joint Resolution No. 67, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"Section 3. (a) ~~[The]~~ Before the 2030 decennial census, 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 after the 2030 decennial census, the house of representatives shall consist of one hundred sixty-three members elected at each general election and redistricted as provided in this section.

(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;

(2) 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). 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;

(3) Subject to the requirements of subdivisions (1) and (2) of this subsection, 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;

(4) To the extent consistent with subdivisions (1) to (3) of this subsection, communities shall be preserved. Districts shall satisfy this requirement if district lines follow political subdivision lines to the extent possible, using the following criteria, in order of priority. First, each county shall wholly contain as many districts as its population allows. Second, if a county wholly contains one

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 or more districts, the remaining population shall be wholly joined in a single district made up of  
 2 population from outside the county. If a county does not wholly contain a district, then no more  
 3 than two segments of a county shall be combined with an adjoining county. Third, split counties  
 4 and county segments, defined as any part of the county that is in a district not wholly within that  
 5 county, shall each be as few as possible. Fourth, as few municipal lines shall be crossed as possible;

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

12 To this end, the average electoral performance of the two political parties receiving the most  
 13 votes in the three preceding general elections for governor, for United States Senate, and for  
 14 President of the United States shall be calculated. This index shall be defined as the total votes  
 15 received by each party in the three preceding general elections for governor, for United States  
 16 Senate, and for President of the United States, divided by the total votes cast for both parties in these  
 17 elections. Using this index, the total number of wasted votes for each party, summing across all of  
 18 the districts in the plan shall be calculated. "Wasted votes" are votes cast for a losing candidate or  
 19 for a winning candidate in excess of the threshold needed for victory. In any redistricting plan and  
 20 map of the proposed districts, the difference between the two parties' total wasted votes, divided by  
 21 the total votes cast for the two parties, shall not exceed fifteen percent.

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

28 (c) Within sixty days after the population of this state is reported to the President for each  
 29 decennial census of the United States or, in the event that a redistricting plan has been invalidated by  
 30 a court of competent jurisdiction, within sixty days that such a ruling has been made, the state  
 31 committee and the congressional district committees of each of the two political parties casting the  
 32 highest vote for governor at the last preceding general election shall meet and the members of each  
 33 committee shall nominate, by a majority vote of the elected members of the committee present,  
 34 provided that a majority of the elected members is present, members of their party, residents in that  
 35 district, in the case of a congressional district committee, as nominees for the house independent  
 36 bipartisan citizens commission. No party shall select more than one nominee from any one state  
 37 legislative district. The congressional district committees shall each submit to the governor their list  
 38 of two elected nominees. The state committees shall each submit to the governor their list of five  
 39 elected nominees. Within thirty days thereafter, the governor shall appoint a house independent  
 40 bipartisan citizens commission consisting of one nominee from each list submitted by each  
 41 congressional district committee and two nominees from each list submitted by each state  
 42 committee to redistrict the state into one hundred and sixty-three representative districts and to  
 43 establish the numbers and boundaries of said districts. No person shall be appointed to both the  
 44 house independent bipartisan citizens commission and the senate independent bipartisan citizens  
 45 commission during the same redistricting cycle.

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

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

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

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

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

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

30 (g) After the final statement is filed, members of the house of representatives shall be  
31 elected according to such districts until a new redistricting plan is made as provided in this section,  
32 except that if the final statement is not filed within six months of the time fixed for the appointment  
33 of the commission, the commission shall stand discharged and the house of representatives shall be  
34 redistricted using the same methods and criteria as described in subsection (b) of this section by a  
35 commission of 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 redistricting plan and  
37 map with the secretary of state within ninety days of the date of the discharge of the house  
38 independent bipartisan citizens commission. The judicial commission shall make public the  
39 tentative redistricting plan and map of the proposed districts, as well as all demographic and partisan  
40 data used in the creation of the plan and map. Thereafter, members of the house of representatives  
41 shall be elected according to such districts until a redistricting plan is made as provided in this  
42 section.

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

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

48 (j) Any action expressly or implicitly alleging that a redistricting plan violates this  
49 Constitution, federal law, or the United States Constitution shall be filed in the circuit court of Cole

1 County and shall name the body that approved the challenged redistricting plan as a defendant.  
2 Only an eligible Missouri voter who sustains an individual injury by virtue of residing in a district  
3 that exhibits the alleged violation, and whose injury is remedied by a differently drawn district, shall  
4 have standing. If the court renders a judgment in which it finds that a completed redistricting plan  
5 exhibits the alleged violation, its judgment shall adjust only those districts, and only those parts of  
6 district boundaries, necessary to bring the map into compliance. The supreme court shall have  
7 exclusive appellate jurisdiction upon the filing of a notice of appeal within ten days after the  
8 judgment has become final.

9 Section 7. (a) Within sixty days after the population of this state is reported to the President  
10 for each decennial census of the United States, or within sixty days after a redistricting plan has  
11 been invalidated by a court of competent jurisdiction, the state committee and the congressional  
12 district committees of each of the two political parties casting the highest vote for governor at the  
13 last preceding general election shall meet and the members of each committee shall nominate, by a  
14 majority vote of the elected members of the committee present, provided that a majority of the  
15 elected members is present, members of their party, residents in that district, in the case of a  
16 congressional district committee, as nominees for the senate independent bipartisan citizens  
17 commission. No party shall select more than one nominee from any one state legislative district.  
18 The congressional district committees shall each submit to the governor their list of two elected  
19 nominees. The state committees shall each submit to the governor their list of five elected  
20 nominees. Within thirty days thereafter the governor shall appoint a senate independent bipartisan  
21 citizens commission consisting of two nominees from each list submitted by each state committee  
22 and one nominee from each list submitted by each congressional district committee, to redistrict the  
23 thirty-four senatorial districts and to establish the numbers and boundaries of said districts. No  
24 person shall be appointed to both the house independent bipartisan citizens commission and the  
25 senate independent bipartisan citizens commission during the same redistricting cycle.

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

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

33 (b) The commissioners so selected shall, on the fifteenth day, excluding Sundays and state  
34 holidays, after all members have been appointed, meet in the capitol building and proceed to  
35 organize by electing from their number a chairman, vice chairman and secretary. The commission  
36 shall adopt an agenda establishing at least three hearing dates on which hearings open to the public  
37 shall be held to hear objections or testimony from interested persons. A copy of the agenda shall be  
38 filed with the secretary of the senate within twenty-four hours after its adoption. Executive  
39 meetings may be scheduled and held as often as the commission deems advisable.

40 (c) The senate independent bipartisan citizens commission shall redistrict the senate using  
41 the same methods and criteria as those required by subsection (b), section 3 of this Article for the  
42 redistricting of the house of representatives.

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

49 (e) Not later than six months after the appointment of the commission, the commission shall

1 file with the secretary of state a final statement of the numbers and the boundaries of the districts  
2 together with a map of the districts, and no statement shall be valid unless approved by at least  
3 seven-tenths of the members.

4 (f) After the final statement is filed, senators shall be elected according to such districts until  
5 a new redistricting plan is made as provided in this section, except that if the final statement is not  
6 filed within six months of the time fixed for the appointment of the commission, the commission  
7 shall stand discharged and the senate shall be redistricted using the same methods and criteria as  
8 described in subsection (b) of section 3 of this Article by a commission of six members appointed  
9 from among the judges of the appellate courts of the state of Missouri by the state supreme court, a  
10 majority of whom shall sign and file its redistricting plan and map with the secretary of state within  
11 ninety days of the date of the discharge of the senate independent bipartisan citizens commission.  
12 The judicial commission shall make public the tentative redistricting plan and map of the proposed  
13 districts, as well as all demographic and partisan data used in the creation of the plan and map.  
14 Thereafter, senators shall be elected according to such districts until a redistricting plan is made as  
15 provided in this section.

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

20 (h) No redistricting plan shall be subject to the referendum.

21 (i) Any action expressly or implicitly alleging that a redistricting plan violates this  
22 Constitution, federal law, or the United States Constitution shall be filed in the circuit court of Cole  
23 County and shall name the body that approved the challenged redistricting plan as a defendant.  
24 Only an eligible Missouri voter who sustains an individual injury by virtue of residing in a district  
25 that exhibits the alleged violation, and whose injury is remedied by a differently drawn district, shall  
26 have standing. If the court renders a judgment in which it finds that a completed redistricting plan  
27 exhibits the alleged violation, its judgment shall adjust only those districts, and only those parts of  
28 district boundaries, necessary to bring the map into compliance. The supreme court shall have  
29 exclusive appellate jurisdiction upon the filing of a notice of appeal within ten days after the  
30 judgment has become final."; and  
31

32 Further amend said bill by amending the title, enacting clause, and intersectional references  
33 accordingly.  
34

35 THIS SUBSTITUTES 2103H02.01H