JOHN R. ASHCROFT
SECRETARY OF STATE
STATE OF MISSOURI

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

ELECTIONS DIVISION
(573) 751-2301

March 9, 2021

RECEIVED
MAR 0 9 2021
STATE AUDITORS OFFICE

The Honorable Nicole Galloway
State Auditor
State Capitol Building
Jefferson City, MO 65101

RE: Petition approval request from Winston Apple regarding a proposed constitutional amendment to Article III, version 1 (2022-018)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Winston Apple on March 9, 2021.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

John R. Ashcroft

cc: Hon. Eric S. Schmitt
Sheri Hoffman
Trish Vincent

STAPLE HERE

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

County _____

INITIATIVE PETITION

Page No. _____

To the Honorable John R. Ashcroft, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and _____ County (or city of St. Louis), respectfully order that the following proposed amendment to the constitution shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 8th day of November, 2022, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and _____ County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

22-018

RECEIVED
2021 MAR -9 AM 8:15
SEC. OF STATE

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI, COUNTY OF _____ I, _____ being first duly sworn, say (print names of signers)

	Signature	Date Signed	Registered Voting Address	Zip Code	Cong. District	Printed First and Last Name
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ County (or city of St. Louis). FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY. I am at least 18 years of age. I do___ do not ___ (check one) expect to be paid for circulating this petition. If paid, list the payer: _____

_____
Signature of Affiant (Person obtaining signatures)

_____
Street Address of Affiant

_____
Printed Name of Affiant

_____
City, State and Zip Code of Affiant

Subscribed and sworn to before me this _____ day of _____, A.D. _____

(Seal)

_____
Signature of Notary

_____
Address of Notary

Be it resolved by the people of the state of Missouri that the Constitution be amended:

Article III of the Constitution is revised by repealing Sections 9, 10, and 14, and amending Sections 3, 4, 5, 6, 7, 11, 13, 20(d), and 45 to read as follows:

Section 3. [(a)] Upon the convening of the one-hundred-and-third general assembly, the [The] house of representatives shall consist of [one hundred sixty-three members] twenty members from each congressional district and three at-large members elected at each general election [and redistricted as provided in this section] beginning with the general election to be held in the year two thousand and twenty-four.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. Each representative shall be twenty-four years of age, and next before the day of her or his election shall have been a qualified voter for two years and, with the exception of at-large representatives, a resident of the county or district which she or he is chosen to represent for one year, if such county or district shall have been so long established, and if not, then of the county or district from which the same shall have been taken.

Section 5. The senate shall consist of thirty-four members elected by the qualified voters of the [senatorial districts] state of Missouri for a term of four years. [Senatorial districts shall be apportioned as provided for in Article III, Section 7.]

Section 6. Each senator shall be thirty years of age, and next before the day of his or her election shall have been a qualified voter of the state for three years [and a resident of the district which he is chosen to represent for one year, if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken].

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

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

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

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

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

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

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

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

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

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

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

(a) Beginning with the election of senators and representatives to be held in the year two thousand and twenty-four there shall be no primary election for those offices. For the general election, all candidates who file to run, and are qualified to run, for the house of representatives will be listed on the ballot in the congressional district in which they reside, candidates for both senator and representative shall be grouped on the ballot by political party affiliation. Independent candidates shall be grouped together on the ballot.

(b) General elections shall be carried out using a system of ranked choice voting under which each voter shall be able to rank a minimum of three candidates for senator and a minimum of three candidates for representative in order of preference. If feasible, the ballot shall permit voters to rank up to ten candidates for each office, or as close to that number as feasible. Voters shall be able to request a general ballot listing all of the candidates for all political parties and all independent candidates, a single-party ballot listing only the candidates of a single political party, or a ballot listing only independent candidates.

(c) A number of spaces equal to the number of choices voters are able to rank shall be provided to write in the names of candidates not appearing on the ballot. Write-in votes may be cast for candidates for the house of representatives who are on the ballot in congressional districts other than a voter's congressional district. Those write-in votes from other districts will not be counted as part of the process of determining which candidates are elected to represent each congressional district in the house of representatives but shall be utilized for purposes of determining which candidates are elected as at-large representatives, and shall be added to the cumulative vote total of candidates who are elected to the house of representatives to determine the value of each representative's weighted vote.

(d) The ballot shall be simple and easy to understand, with instructions necessary to enable voters to successfully cast ballots under the system.

(e) The results of each general election shall be tabulated in two rounds.

(f) In the first round of tabulation, only first-choice votes shall be counted. The seventeen candidates for the senate with the most first choice votes are elected. For candidates for the house of representatives, separate vote totals shall be calculated and recorded for "in-district votes" (which are votes for candidates residing in each congressional district cast by the voters of that district) and for "cumulative votes" (which are the sum of in-district votes plus write-in votes from voters in districts other than the district in which a candidate resides). The twenty candidates with the most in-district votes are elected to represent each congressional district. The three candidates with the most cumulative votes, who were not elected to represent the district in which they reside shall serve as at-large representatives.

(g) Ballots with a vote for a winning candidate for both offices as the voter's first choice are then considered completed and set aside. For each ballot that did not include a winning candidate for either one, or both, offices as a voter's first choice a single vote shall be added to the total number of cumulative votes of each senator or representative who was elected and is the highest remaining choice on each such ballot.

(h) With the exception of votes taken to override a governor's veto, for which each senator and representative will cast a single non-weighted vote, candidates who are elected to the general assembly shall have weighted votes in all matters before the general assembly based on the total number of cumulative votes each member received. The value of each representative's weighted vote shall be determined by dividing the number of cumulative votes received by each representative by the number of cumulative votes received by the representative with the lowest number of cumulative votes. The value of each senator's weighted vote shall be determined by dividing the number of cumulative votes received by each senator by the number of cumulative votes received by the senator with the lowest number of cumulative votes.

(i) If a voter inadvertently casts a vote for more than a single candidate among any of their ranked choices, each candidate listed will be given the appropriate fraction of a whole vote. If a voter inadvertently fails to fill in a choice among their ranked choices but has additional lower-ranked choices, the missing ranked choice will be ignored. A ballot with no remaining choices for candidates who were elected is an "exhausted ballot" and shall be set aside.

(j) Officials shall determine a random selection algorithm, prior to tabulation, to resolve ties between candidates for the last remaining seat, or seats, in the General Assembly or to determine which members are elected to the senate.

(k) The candidates of all political parties that had at least one candidate for the general assembly or statewide office who received cumulative votes in the preceding election totaling at least one percent of the votes cast for governor at the preceding gubernatorial election shall be listed on the ballot.

(l) A political party having no candidate for the general assembly or statewide office receiving cumulative votes in the preceding general election totaling at least one percent of the total vote in the preceding gubernatorial election, may qualify for a place on the ballot for the general assembly in each congressional district by presenting petitions signed by one per cent of the legal voters in that congressional district. An independent candidate may qualify for a place on the ballot in a congressional district by presenting petitions signed by one-half of one percent of the legal voters in the congressional district in which they reside. The number of "legal voters" is equal to, and determined by, the total vote for governor in the preceding gubernatorial election. Said petitions are to be delivered to the secretary of state no later than one hundred and twenty days preceding the general election.

(m) The signatures on petitions submitted by independent candidates and political parties shall be subject to verification according to the procedures in the code of state regulations for independent candidate petitions in force at the time the petitions are submitted.

[Section 9. Until the convening of the Seventy-fourth General Assembly the House of Representatives shall consist of one hundred sixty-three members elected from the one hundred sixty-three representative districts, as they existed January 1, 1965.**]**

[Section 10. 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.**]**

Section 11. The first election of senators and representatives under this constitution, shall be held at the general election in the year one thousand nine hundred and forty-six when the whole number of representatives and the senators from the districts having even numbers, who shall compose the first class, shall be elected, and two years thereafter the whole number of representatives and the senators from districts having odd numbers, who shall compose the second class, shall be elected, and so on at each succeeding general election. Beginning with the general election to be held in the year two thousand and twenty-four senators will continue to be divided into two classes, with senators from each class, as the term of each class expires, to be elected at large on a state-wide basis. In the one-hundred-and-third general assembly only, the total number of votes received in the general election held in two thousand and twenty-two by each senator who was elected in that election will be used as her or his cumulative vote total for purposes of determining the value of each senator's weighted vote.

Section 13. If any senator or representative removes her or his residence from the **[**district or county for which he was elected, his**]** state of Missouri, their office shall thereby be vacated. If any representative removes her or his residence from the district from which they were elected, they may serve out their term as long as they continue to reside in Missouri.

[Section 14. Writs of election to fill vacancies in either house of the general assembly shall be issued by the governor.**]**

Section 20(d). If any provision of sections 2, 3, 4, 5, 6, 7, 11, 13, 19, **[or]** 20(c), 20(d) or 45 or the application thereof to anyone or to any circumstance is held invalid, the remainder of those provisions and the application of such provisions to others or other circumstances shall not be affected thereby.

Section 45. When the number of representatives to which the state is entitled in the House of the Congress of the United States under the census of 1950 and each census thereafter is certified to the governor, the general assembly shall by law divide the state into districts corresponding with the number of representatives to which it is entitled, which districts shall be composed of contiguous territory as compact and as nearly equal in population as may be. Beginning with the general election to be held in two thousand and twenty-four, the boundaries established for congressional districts under this Constitution shall also serve as the boundaries for legislative districts for purposes of electing members of the house of representatives. If the Congress of the United States enacts legislation giving states the right to elect members of the House of the Congress of the United States from multiple-member districts or at-large, the state of Missouri shall elect its members at-large, if given a choice of the two, or from multiple-member districts, if that is the only choice, with those multiple-member districts composed of contiguous territory as compact and as nearly equal in population as may be. In either case, the general assembly shall by law continue to divide the state into a number of districts corresponding with the number of representatives to which the state is entitled in the House of Congress, composed according to the guidelines provided in this section and those districts shall continue to serve as senatorial districts and legislative districts to be used in electing members of the general assembly and for electing delegates to a convention to revise and amend the constitution of Missouri if voters should vote in favor of such a convention.