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16-093

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

JASON KANDER
SECRETARY OF STATE
STATE OF MISSOURI

ELECTIONS DIVISION
(573) 751-2301

September 10, 2015

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

RE: Petition approval request from Bradley Ketcher regarding a proposed constitutional amendment to Article III, version 1 (2016-093)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Bradley Ketcher on September 10, 2015.

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,

Jason Kander

Jason Kander

cc: Hon. Chris Koster
Sheri Hoffman
Barbara Wood

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County _____
Page No. _____

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.

INITIATIVE PETITION

To the Honorable Jason Kander, 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, 2016, 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.

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[Official Ballot title]

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI, COUNTY OF _____

I, _____, being first duly sworn, say (print or type names of signers)

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Number) (Street), (City, Town, or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
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.

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:

_____
(Name of payer)

_____
Signature of Affiant (Person obtaining signatures)

_____
Printed Name of Affiant

_____
Address of Affiant (Street, City, State & Zip Code)

Subscribed and sworn to before me this _____day of _____, A.D. 201_____.

Notary Public (Seal)

_____
Signature of Notary

My commission expires _____

_____
Address of Notary (Street, City, State & Zip Code)

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

Section A. Article III of the Constitution is revised by amending Sections 2, 7, 12 and 19 and adopting 3 new sections to be known as Article III Sections 16(a), 20(c) and 20(d), to read as follows:

Section 2. 1. The house of representatives shall consist of one hundred sixty-three members elected at each general election and apportioned in the following manner: Within sixty days after the population of this state is reported to the President for each decennial census of the United States [and] or, in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within sixty days after notification by the governor that such a ruling has been made, the congressional district committee of each of the two parties casting the highest vote for governor at the last preceding election shall meet and the members of the committee shall nominate, by a majority vote of the members of the committee present, provided that a majority of the elected members is present, two members of their party, residents in that district, as nominees for reapportionment commissioners. Neither party shall select more than one nominee from any one state legislative district. The congressional committees shall each submit to the governor their list of elected nominees. Within thirty days the governor shall appoint a commission consisting of one name from each list to reapportion the state into one hundred and sixty-three representative districts and to establish the numbers and boundaries of said districts.

If any of the congressional committees fails to submit a list within such time the governor shall appoint a member of his own choice from that district and from the political party of the committee failing to make the appointment.

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 statement of apportionment.

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.

The commissioners so selected shall on the fifteenth day, excluding Sundays and holidays, after all members have been selected, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman and secretary and shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held. 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.

2. The commission shall reapportion the representatives by dividing the population of the state by the number one hundred sixty-three and shall establish each district so that the population of that district shall, as nearly as possible, equal that figure.
Each district shall be composed of contiguous territory as compact as may be.

The commission shall create districts in a manner which maximizes partisan fairness and competitiveness, treating similarly-situated parties equitably so that each receives the same fraction of legislative seats for a particular vote percentage as the other party would receive if it had received the same percentage of the vote. The commission shall draw districts that meet as closely as possible the tests for partisan fairness and competitiveness.

To that end, the commission shall calculate the average statewide electoral performance by determining the number of votes cast for the two top vote-getting parties and then calculating the percentage of those votes won by each of the two parties casting the

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highest vote for governor at the last three preceding gubernatorial elections, for United States Senate at the last three preceding United States Senate elections, and for President of the United States at the last three preceding Presidential elections. Using the resultant statewide electoral performance index, the commission shall test the plan, simulating an evenly split statewide election by normalizing district-level results by the amount by which the statewide electoral performance index varies from fifty percent. In a hypothetical evenly divided statewide election under the proposed plan, the legislative seats should be distributed evenly between parties.

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The commission shall promote competitiveness by ensuring the plan is drawn so as to be equally responsive to surges in the electorate favoring either party. To test this, the commission shall again use the normalized district-level results within the proposed plan to simulate separate elections in which the hypothetical statewide vote varies from fifty percent by one percent, two percent, three percent, four percent and five percent in favor of each party. The number of additional seats yielded by the simulation for any party for any amount it performs over fifty percent should be matched by the number of seats gained by the other party when it performs the same amount over fifty percent.

Not later than five months after the appointment of the commission, the commission shall file with the secretary of state a tentative plan of apportionment 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.
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.

After the statement is filed members of the house of representatives shall be elected according to such districts until a reapportionment is made as herein provided, except that if the statement is not filed within six months of the time fixed for the appointment of the commission, it shall stand discharged and the house of representatives shall be apportioned consistent with the criteria 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 apportionment plan and map with the secretary of state within ninety days of the date of the discharge of the apportionment commission. Thereafter members of the house of representatives shall be elected according to such districts until a reapportionment is made as herein provided.

3. 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 actual and necessary expenses incurred while serving as a member of the commission.

4. No reapportionment shall be subject to the referendum.

5. Any taxpayer of this state shall have standing to bring suit in a circuit court of proper venue to enforce the provisions of this section.

Section 7. 1. Within sixty days after the population of this state is reported to the President for each decennial census of the United States, and within sixty days after notification by the governor that a reapportionment has been invalidated by a court of competent jurisdiction, the state committee of each of the two political parties casting the highest vote for governor at the last preceding election shall, at a committee meeting duly called, select by a vote of the individual committee members, and thereafter submit to the governor a list of ten persons, and within thirty days thereafter the governor shall appoint a commission of ten members, five from each list, to reapportion the thirty-four senatorial districts and to establish the numbers and boundaries of said districts.

If either of the party committees fails to submit a list within such time the governor shall appoint five members of his own choice from the party of the committee so failing to act.

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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 statement of apportionment.

The commissioners so selected shall on the fifteenth day, excluding Sundays and holidays, after all members have been selected, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman and secretary and shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held. 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.

2. The commission shall reapportion the senatorial districts by dividing the population of the state by the number thirty-four and shall establish each district so that the population of that district shall, as nearly as possible, equal that figure; no county lines shall be crossed except when necessary to add sufficient population to a multi-district county or city to complete only one district which lies partly within such multi-district county or city so as to be as nearly equal as practicable in population. Any county with a population in excess of the quotient obtained by dividing the population of the state by the number thirty-four is hereby declared to be a multi-district county.

The commission shall create districts in a manner which maximizes partisan fairness and competitiveness, treating similarly-situated parties equitably so that each receives the same fraction of legislative seats for a particular vote percentage as the other party would receive if it had received the same percentage of the vote. The commission shall draw districts that meet as closely as possible the tests for partisan fairness and competitiveness.

To that end, the commission shall calculate the average statewide electoral performance by determining the number of votes cast for the two top vote-getting parties and then calculating the percentage of those votes won by each of the two parties casting the highest vote for governor at the last three preceding gubernatorial elections, for United States Senate at the last three preceding United States Senate elections, and for President of the United States at the last three preceding Presidential elections. Using the resultant statewide electoral performance index, the commission shall test the plan, simulating an evenly split statewide election by normalizing district-level results by the amount by which the statewide electoral performance index varies from fifty percent. In a hypothetical evenly divided statewide election under the proposed plan, the legislative seats should be distributed evenly between parties.

The commission shall promote competitiveness by ensuring the plan is drawn so as to be equally responsive to surges in the electorate favoring either party. To test this, the commission shall again use the normalized district-level results within the proposed plan to simulate separate elections in which the hypothetical statewide vote varies from fifty percent by one percent, two percent, three percent, four percent and five percent in favor of each party. The number of additional seats yielded by the simulation for any party for any amount it performs over fifty percent should be matched by the number of seats gained by the other party when it performs the same amount over fifty percent.

Not later than five months after the appointment of the commission, the commission shall file with the secretary of state a tentative plan of apportionment 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.

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 members.

After the statement is filed senators shall be elected according to such districts until a reapportionment is made as herein provided, except that if the statement is not filed within six months of the time fixed for the appointment of the commission, it shall stand

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discharged and the senate shall be apportioned consistent with the criteria 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 apportionment plan and map with the secretary of state within ninety days of the date of the discharge of the apportionment commission. Thereafter senators shall be elected according to such districts until a reapportionment is made as herein provided.

3. 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 actual and necessary expenses incurred while serving as a member of the commission.

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4. No reapportionment shall be subject to the referendum.

5. Any taxpayer of this state shall have standing to bring suit in a circuit court of proper venue to enforce the provisions of this section.

Section 12. 1. No person holding any lucrative office or employment under the United States, this state or any municipality thereof shall hold the office of senator or representative. When any senator or representative accepts any office or employment under the United States, this state or any municipality thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary as senator or representative. During the term for which he was elected no senator or representative shall accept any appointive office or employment under this state which is created or the emoluments of which are increased during such term. This subsection shall not apply to members of the organized militia, of the reserve corps and of school boards, and notaries public.

2. No senator or representative or their employees shall act or serve as a paid lobbyist, register as a paid lobbyist, or solicit prospective employers or clients to represent as a paid lobbyist until the expiration of one calendar year after the conclusion of the session of the general assembly in which the member or employee last served. When any senator or representative violates this subsection their office shall thereby be vacated and shall thereafter perform no duty and receive no salary as senator or representative. In addition, any violation of this subsection shall be punishable by a term of imprisonment of up to four years and the imposition of a fine of up to five thousand dollars or both.

3. No senator or representative or their employees or any entity controlled by a senator or representative or their employees shall act or serve as a paid employee or paid consultant to a political committee or political candidate or solicit prospective employers or clients as a paid employee or paid consultant to a political committee or political candidate. When any senator or representative violates this subsection their office shall thereby be vacated and shall thereafter perform no duty and receive no salary as senator or representative. In addition, any violation of this subsection shall be punishable by a term of imprisonment of up to four years and the imposition of a fine of up to five thousand dollars or both.

4. For purposes of this section, the term "lobbyist" means any natural person who acts for the purpose of attempting to influence the taking, passage, amendment, delay or defeat of any official action on any bill, appropriation, resolution, amendment, nomination, appointment, report or any other action or matter in either house of the general assembly or in a legislative committee in either house of the general assembly; or any natural person who acts for the purpose of attempting to influence any action by the executive branch of government or by any elected or appointed official, employee, department, division, agency or board or commission thereof; or any natural person who acts for the purpose of attempting to influence any purchasing decision by the judicial branch of government or by any elected or appointed official or any employee thereof; or any natural person employed specifically for the purpose of attempting to influence any action by a locally elected government official.

Section 16(a). 1. No senator or representative or their employees or staff shall accept directly or indirectly a gift of any tangible or intangible item, service, or thing of value

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from any lobbyist or lobbyist principal in excess of five dollars per occurrence. Senators or representatives and their employees and staff may accept informational material relevant to the general assembly's official functions and items that are available or distributed free of charge to members of the general public. All gifts by a lobbyist or lobbyist principal to a senator or representative or their employees or staff shall be reported to the ethics commission, or its successor agency, in a manner that identifies the gift, its value and the individual recipient. Candidates for senator or representative, including candidates for reelection, or candidates for offices within the senate or house may accept campaign contributions consistent with this article and applicable campaign finance law. Any violation of this section shall be punishable by a term of imprisonment of up to six months and the imposition of a fine of up to five hundred dollars or both.

2. For purposes of this section, the following terms mean:

"Lobbyist", any natural person who acts for the purpose of attempting to influence the taking, passage, amendment, delay or defeat of any official action on any bill, appropriation, resolution, amendment, nomination, appointment, report or any other action or matter in either house of the general assembly or in a legislative committee in either house of the general assembly and is registered as a lobbyist with the ethics commission or its successor agency.

"Lobbyist principal", any person, business entity, governmental entity, religious organization, nonprofit entity, corporation, association or other entity who retains, designates, employs, contracts for or compensates a lobbyist and is listed as a principal with the ethics commission or its successor agency.

Section 19. 1. Senators and representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and for the fifteen days next before the commencement and after the termination of each session; and they shall not be questioned for any speech or debate in either house in any other place.

2. Legislative records shall be public records and subject to generally applicable state laws governing public access to public records, including the "sunshine law." Legislative records include, but are not limited to, all records, in whatever form or format, of the official acts of the general assembly, of the official acts of legislative committees, of the official acts of members of the general assembly, of individual legislators their employees and staff, of the conduct of legislative business and all records that are created, stored or distributed through legislative branch facilities, equipment or mechanisms, including electronic. Each member of the general assembly is the custodian of legislative records under the custody and control of the member, their employees and staff. The chief clerk of the house or the secretary of the senate are the custodians for all other legislative records relating to the house and the senate, respectively.

3. Legislative proceedings, including committee proceedings, shall be public meetings subject to generally applicable law governing public access to public meetings, including the "sunshine law." Open public meetings of legislative proceedings shall be subject to recording by citizens, so long as the proceedings are not materially disrupted.

Section 20(c). No political fundraising activities or political fundraising event, including the solicitation or delivery of contributions, supporting or opposing any candidate, initiative petition, referendum petition, ballot measure, political party or political party committee, shall occur in or on any premises, property or building owned, leased or controlled by the house of representatives, senate or general assembly. Any violation of this section shall be punishable by imprisonment for up to one year and or a fine of up to one thousand dollars plus an amount equal to the illegal contributions or both.

Section 20(d). No senator or representative or their employees or staff shall engage in sexual harassment. For purposes of this section, "sexual harassment" means any unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature where submission to such conduct is made either explicitly or implicitly a term or condition of employment or education, submission to or rejection of

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such conduct by an individual is used as the basis for employment or educational decisions affecting such individuals, or such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment. In addition to any civil or administrative remedy provided for by policy or law for the victim, any violation of this section shall be punishable by imprisonment for up to one year and or a fine of up to one thousand dollars.

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