



BREAKING DOWN THE CLEAN MISSOURI INITIATIVE

Common Questions and Answers

Lobbyists, big donors, and small groups of political insiders have too much control and influence over Missouri state government. **But it doesn't have to be this way.** We're taking a desperately-needed legislative reform measure directly to voters to make our state government more transparent, limit the power of big money in our legislature, and ensure we're able to hold legislators accountable when they fail to act in the public interest.

Together, we will:

- **Eliminate almost all lobbyist gifts in the General Assembly**, by banning any gift worth more than \$5.
- **Require politicians to wait two years before becoming lobbyists**, after the conclusion of their final legislative session.
- **Lower campaign contribution limits for state legislative candidates** to limit the influence of big money and lobbyists in state government.
 - Establish new campaign contribution limits for General Assembly candidates—\$2,500 for state senate, and \$2,000 for state house.
 - Limit the ability of individuals and organizations to circumvent caps by counting money from single-source committees towards totals for original, actual donors.
 - Stop legislative fundraising on state property.
- **Require that legislative records be open to the public** by ensuring that the legislature operate under the same open records law as other public entities in Missouri.
- **Ensure neither political party is given an unfair advantage when new maps are drawn after the next census**, by asking a nonpartisan expert to draw fair legislative district maps, which would then be reviewed by a citizen commission.
 - Add fairness and competitiveness as required criteria for new district maps.
 - Protect the political power of minority communities against vote dilution.
 - Ask an independent state demographer to lead on technical work in creating district maps, instead of entrusting political appointees to do all of that work.

BIG PICTURE

What will voters actually see on the November 2018 ballot?

The official ballot summary language, written by the Missouri Secretary of State, is outlined below. The time period during which opponents could challenge this language in court has passed, so there will be no changes to what you see here.

Shall the Missouri Constitution be amended to:

- *change process and criteria for redrawing state legislative districts during reapportionment;*
- *change limits on campaign contributions that candidates for state legislature can accept from individuals or entities;*
- *establish a limit on gifts that state legislators, and their employees, can accept from paid lobbyists;*
- *prohibit state legislators, and their employees, from serving as paid lobbyists for a period of time;*
- *prohibit political fundraising by candidates for or members of the state legislature on State property; and*
- *require legislative records and proceedings to be open to the public?*

State governmental entities estimate annual operating costs may increase by \$189,000. Local governmental entities report no fiscal impact.

Who is supporting Clean Missouri?

Clean Missouri has earned support from across the political spectrum, including the NAACP, League of Women Voters, Missouri AFL-CIO, Missouri NEA, Missouri Faith Voices, Sierra Club, and individual reform leaders like Senator Rob Schaaf (R-St. Joseph).

While the campaign is driven by in-state leaders, the Clean Missouri policy has also been vetted and endorsed by national reform organizations like Take Back Our Republic, the Campaign Legal Center, Demos, MAYDAY.US, and Represent.Us.

Most importantly, Clean Missouri is also powered by over 11,000 grassroots volunteers and small donors.

A running list of endorsements may be found at www.cleanmissouri.org/support.

Why doesn't the measure set new rules for the governor, super PACS, or 501(c)(4) organizations?

The Missouri Constitution states that a ballot initiative must address only a single subject in a single article in the Missouri Constitution, so Clean Missouri focuses on changing rules governing the legislature in Article 3 of the Constitution.

Clean Missouri is one step of many in getting our politics back on track. Some members of our coalition may tackle those important subjects as well. But first, we must win Clean Missouri to win these reforms now and show that voters demand a government that works for them, not special interests.

How does the Clean Missouri measure comply with single-subject requirements for initiative petitions?

Clean Missouri hired Chuck Hatfield of Stinson Leonard Street LLP, Missouri's leading ballot measure attorney, to ensure that our policy abides by all relevant rules. Clean Missouri is a legislative reform measure, and amends only Article III of the state constitution. We expect our opposition to file lawsuits at some point in the future — they always do! — but we feel very confident in our language.

When will Clean Missouri's new provisions take effect?

Clean Missouri will become law soon after the November 2018 elections, meaning that legislators will have to abide by the new ethics, campaign finance, and transparency rules in the 2019 elections. New rules for state redistricting will be followed once the reapportionment process begins in 2021, after the 2020 census.

Will Clean Missouri be listed on the November ballot as Amendment 1, Amendment 2, or something else?

We'll know in July or August.

CAMPAIGN FINANCE PROVISIONS

What new rules will the Clean Missouri measure impose on contributions for legislative candidates?

The Clean Missouri initiative will establish new campaign contribution limits for state legislative candidates to limit the influence of big money and lobbyists in state government. Specifically:

- Contributions to State Senate candidates will be capped at \$2,500.
- Contributions to State House candidates will be capped at \$2,000.
- Fundraising in the Capitol and on other state properties will be banned.
- Donations from PACs that receive more than 50% of their funds from a single source (an individual, union, or corporation) will count towards the allowable totals for those source donors.

Didn't we just pass something like this in 2016?

Amendment 2 was a well-intentioned but flawed measure, and Amendment 2 only dealt with rules for campaign contributions. Court challenges have weakened many of the original provisions.

One significant loophole left open by Amendment 2 allows for single donors to establish numerous PACs, and then have each of those PACs make donations to a single candidate. In 2007, St. Louis megadonor Rex Sinquefeld exploited a similar loophole to set up almost 100 PACs, which then all gave the maximum allowable donation to then-senator Chris Koster.

Clean Missouri addresses this loophole by requiring any contributions from a PAC that receives most of its money from a single donor to count towards that donor's maximum allowable contributions.

LOBBYIST GIFT PROVISIONS

What new rules will the Clean Missouri measure impose on gift giving from registered lobbyists?

Clean Missouri would eliminate almost all lobbyist gifts in the General Assembly, by banning any single gift worth more than \$5 — that means no more steak dinners, expensive booze, junkets or sports tickets. This rule would eliminate more than 99% of the lobbyist gift giving happening in Missouri.

Why not an outright ban?

Other states have a similar “cup of coffee” rule that has worked well. We think capping potential gifts at no more than \$5 per occurrence limits potential legal challenges — while also preventing lobbyists from paying for vacations, dinners, and drinks that create too much access and favor-trading.

REVOLVING DOOR PROVISIONS

What new rules will the Clean Missouri measure impose on state legislators who want to become registered lobbyists?

Clean Missouri will require politicians to wait two years before becoming lobbyists after the conclusion of their final legislative session.

Didn't the legislature claim they addressed this issue in 2016?

For years, there were no limits of any kind for how quickly a state legislator could become a paid lobbyist. In the spring of 2016, the General Assembly established a six-month waiting period — but it was roundly condemned as a sham. Legislators could resign after the regular session, and begin lobbying their former colleagues the very next year. In fact, [all four](#) of the Republican candidates for governor in 2016 were vocal in their criticism of current law:

- **Former U.S Attorney Catherine Hanaway:** "The six-month revolving door legislation only pays lip service to ethics reform. As governor, I will pass real ethics reforms including a revolving door ban of at least four years or more and banning all lobbyist gifts."
- **Former Lt. Governor Peter Kinder:** "The Lt. Governor's stated position on ethics reform is that there should be a two-year cooling off period before legislators can become lobbyists."
- **John Brunner:** "Mr. Brunner does not believe the revolving door ban recently approved goes far enough."
- **Eric Greitens' proposal:** "When I'm Governor, we'll end the culture of cashing in with a simple rule: For every year you serve in office, you have to wait a year before you can do paid lobbying in Missouri."

REDISTRICTING

How will the Clean Missouri initiative improve our redistricting process for the General Assembly?

We will ensure that neither political party is given an unfair advantage when new maps are drawn after the next census, with two changes to the current process for redistricting.

1. A nonpartisan expert will be tasked with drawing fair legislative district maps, which would then be reviewed by a citizen commission.
2. New criteria requiring political fairness, prioritizing competitiveness, and prohibiting racial gerrymandering will be added to the state constitution, governing how all maps will be evaluated — whether drawn by the nonpartisan state demographer or one of the state redistricting commissions.

What's wrong with Missouri's current legislative district maps?

Missourians aren't being offered a real choice at the ballot box. Fewer than 10% of state legislative races are even somewhat competitive, and half of the state legislative elections with our current maps have only had *one* major party candidate on the ballot.

This means that political insiders and a small group of partisan primary voters make the choices for who represents the overwhelming majority of Missourians.

How can we be sure we're getting a fair shake in the process proposed by Clean Missouri?

Right now, our maps are drawn by redistricting commissions made up of political insiders, or by judicial panels (if the commissions fail to create a new plan). These appointees often work to promote their party's interests, or protect favored candidates, leaving most Missourians unrepresented in the process. The Clean Missouri proposal will give citizens back their voice, and make the whole process more transparent:

- New criteria will ensure that no party has an unfair advantage in the process.
- The nonpartisan state demographer will ensure that all Missourians have a meaningful voice — not just the political insiders.
- Data used to create the maps will be made public.
- The citizens commissions still have a place in the process to review and adjust the proposal of the nonpartisan state demographer.
- These new criteria are public, objective, and transparent, and would allow any citizen to review and evaluate proposed plans.

Taken together, these proposed reforms will:

- Introduce fairness and competitiveness into the redistricting process for the first time to ensure that the interests of urban, suburban, and rural districts are represented fairly,
- Protect minority interests by preventing racial gerrymandering,
- Insist on objective statistical metrics rather than subjective considerations in assessing future maps, and
- Modernize and streamline the technical aspects of plan creation.

What will the Nonpartisan State Demographer's role be in the new process?

The Nonpartisan State Demographer will draw the first draft of new maps for State House and State Senate districts, following transparent guidelines designed to ensure that every voter has an effective voice in choosing their state legislator, and ensuring that no political party has an unfair advantage. New legislative district plans will:

- Have districts with as equal in population as is practicable
- Follow the rules of the Voting Rights Act, and not be drawn to limit equal opportunities for racial or language minorities
- Be fair to both political parties
- Have as many competitive districts as possible
- Have contiguous, compact districts

- Use the boundaries for existing political subdivisions (e.g. counties and cities) when possible, dividing as few cities and counties as possible

How does this impact the work of the Senate and House Commissions?

After the Nonpartisan State Demographer proposes new plans to the House and Senate apportionment commissions, those commissions will review the plans over a two-month period. The commissions may amend the proposed plans with a seven-tenths vote.

No matter how the map is crafted — by the demographer, or with changes made by the commissions — the same clear, transparent criteria will be used to evaluate the maps.

Will we get to see the data used by the Nonpartisan State Demographer for map drawing?

Yes! The Clean Missouri language makes it explicit that all demographic and partisan data for map creation must be turned over to the Secretary of State, where all Missourians will be able to see and review it.

How will the Nonpartisan State Demographer be selected?

The Clean Missouri initiative establishes a multi-step process that involves leaders of both major political parties to ensure that the selected candidate is as qualified and as independent as possible. Here's how it will work:

1. State residents will be invited to apply by the State Auditor, using an application developed by the Auditor to determine applicants' qualifications and expertise.
2. The State Auditor shall deliver to the Senate Majority Leader and Senate Minority Leader a list of at least three applicants with sufficient expertise and qualifications.
3. If the Majority Leader and Minority Leader agree together that a specific applicant is the best choice, that person is selected as the new Nonpartisan State Demographer.
4. If the Leaders don't reach consensus, each Leader can remove up to $\frac{1}{3}$ of the names on the list. The State Auditor will then conduct a lottery with the names that remain to select the Nonpartisan State Demographer.

How will Clean Missouri ensure partisan fairness and competition in future maps?

Clean Missouri outlines a simple mathematical test for evaluating whether there is partisan bias in a map, using the election results from the three preceding presidential, US Senate and gubernatorial campaigns. This test has come to be known as the “efficiency gap,” and here's [how it works](#):

- In general, when there is partisan bias in a redistricting plan (i.e. partisan gerrymandering) both parties “waste” votes. There are two types of wasted votes:
 - All the votes cast for the losing candidate
 - All the “extra” votes for the winning candidate
- This happens because of packing and cracking:
 - With packing, one party’s votes are concentrated into a district, resulting in wasted votes in lopsided victories.
 - With cracking, one party’s votes are split among several districts that lean safely to the other side.
- The efficiency gap measurement aims to summarize the effect of partisan bias by identifying all of the wasted votes in victory and defeat for both parties. It then adds them up, finds the difference between the two sides, and divides that by the total number of votes in a state. This yields a single percentage figure: the efficiency gap.
- In summary:
 - Clean Missouri ensures that you have a voice in choosing your state senator and state representative
 - Fair and competitive districts make legislators accountable to the best interests of their constituents, instead of narrow interest groups.
 - Fair and competitive maps ensure that neither Democratic nor Republican insiders can rig the process in the future to evade accountability for their actions.

How are Republicans and Democrats coming together to promote fair maps that give citizens a real voice in who represents them?

There is a growing, bipartisan movement to promote fair maps that empower voters across the country. From a [recent article](#) in the *American Prospect* magazine:

"There is now... bipartisan support to curb gerrymandering. In addition to many Democrats who take that position, the Republicans in favor of reform include Arnold Schwarzenegger, John McCain, Richard Lugar, John Danforth, Alan Simpson, John Kasich, Bob Dole, and other current and former congresspersons and state legislators who have filed pro-reform amicus briefs in the Wisconsin case."

Both Republicans and Democrats have complained that extremely safe districts make it more difficult for voters to fire a member of the legislature who's not doing a good job, no matter what party they're from. As Lee Atwater wrote, "The gerrymander is unfair to voters. ... With a predetermined outcome, people have little reason to vote. ... We must emphasize that gerrymandering is an ethical issue. When lawmakers can avoid competition, they can evade accountability." And as Ronald Reagan said, gerrymandering is “un-American.” The Clean Missouri initiative will help take the power out of the hands of political appointees and ensure that maps of the future are competitive and fair to everyone.

From the [amicus brief](#) in the Wisconsin redistricting case before the Supreme Court right now, which was signed by Senators Danforth and Dole: "Partisan gerrymanders frustrate majority rule

by entrenching political parties in ways they do not earn on the merits. They turn republican government upside down..."

What does Clean Missouri do to limit vote dilution or other attacks on minority voters' rights?

Clean Missouri adds very clear language to the state constitution to prohibit racial gerrymandering. From page two of the initiative text:

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). Notwithstanding any other provision of this Article, districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or diminishing their ability to elect representatives of their choice, whether by themselves or by voting in concert with other persons.

How will the current Supreme Court cases impact Missouri?

However the Supreme Court rules in the case about the pro-Democratic gerrymander in Maryland, or the pro-Republican gerrymander in Wisconsin, Missouri will be setting a new standard for nonpartisan, fair redistricting.

If the Supreme Court rules for the plaintiffs in *Whitford v. Gill*, the statistical measure proposed by Clean Missouri will be in alignment with their new standard. If not, then we will still be setting a standard of competitiveness and fairness. Either way, Missourians win.

Questions?

Contact Communications Director Benjamin Singer at benjamin@cleanmissouri.org.