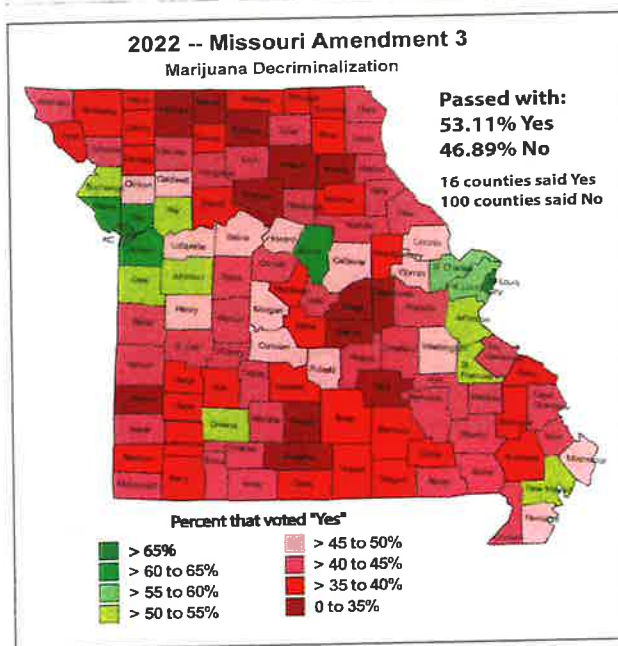


The BEST way to make sure the *ENTIRE STATE* has a say in amending the *Missouri Constitution* is **Concurrent Majority Ratification!**

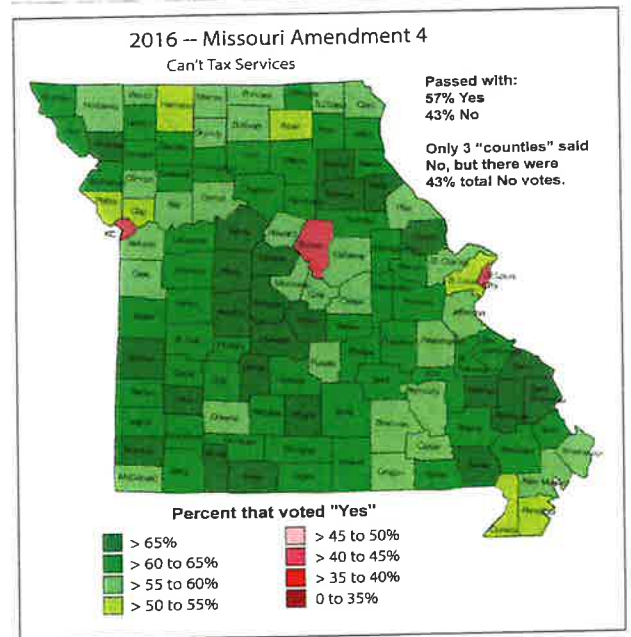
Amendment 3 (2022) was an awful addition to the Missouri Constitution for several reasons. The urban vote was enough to overwhelm tremendous out-state opposition.

This was clearly NOT a common ground issue.



Amendment 4 (2016) was a great addition to the Missouri Constitution for several reasons.

This was clearly WAS a common ground issue, but the vote shows the tremendous influence just a tiny geographic area has.



Concurrent Majority Ratification levels the playing field. Learn more inside...

What Concurrent Majority Ratification is and why it is best.....	Pages 2 – 3
Historical perspective of the Concurrent Majority Principle	Page 4
Reasons to use state House Districts rather than Congressional Districts	Page 5
Constitutional Convention History in Missouri (Raise the bar on proposals by conventions, too.)	Page 7
How Delegates are Selected for a Missouri Constitutional Convention	Page 9

In 2023, [SJR 28](#) and [SJR 33](#) best embody this concept. *They require the vote of the people to result in BOTH a statewide majority AND a majority in each of more than half of the state's 163 House districts in order for proposed amendments to the state constitution to be adopted (ratified), whether proposed by the legislature, petition, or convention.*

Concurrent Majority Ratification

What is it, and why is it a good idea?

What Is It?

Concurrent Majority Ratification can come in various forms, but all are based on the **Concurrent Majority principle**, which is the very foundation of the American form of public policy making.

The common thought is that “*majority rules*” drives public policy, but, actually, the basis for the American concept of public policy making is the protection of the rights of individuals and minorities – the prevention of “*tyranny of the majority*.”

Benjamin Franklin expressed what the founding generation knew all too well. He said, “When the people discover they can vote themselves money, that will herald the end of the republic.”

James Madison expressed similar concerns, and that’s why the concept of a **written constitution** with separation and distribution of powers was so important to him.

The Founders were committed to the idea that the laws affecting our lives and liberty should be based on “**common ground**” values and interests, with as much as possible left up to individuals and families to decide for themselves.

Both the U.S. Constitution and the Missouri Constitution were originally designed, first and foremost, to **protect individual liberty** from encroachments by those *more powerful or more numerous*. Therein guards of our natural rights are entrenched, and fences around government are erected – fences that prohibit even a majority of our peers from using government to infringe on those God-given natural rights.

The Concurrent Majority principle is the NORM in American policy-making:

- The delineation and separation of the powers of the federal government and the states
- The **ratification process** for amendments to the U.S. Constitution
- The Electoral College method of selecting the president
- The distribution of government powers into the legislative, administrative, and judiciary
- Bicameral legislatures, and legislatures comprised of representatives based on geographic distribution.

That said, **Concurrent Majority Ratification** can be defined as a process that requires **concurrence**, or agreement, from a broad section of society before adopting changes to the Missouri Constitution.

In 2023, [HJR 30](#), [SJR 28](#) and [SJR 33](#) best embody this concept. ***They require the vote of the people to result in BOTH a statewide majority AND a majority in each of more than half of the state’s 163 House districts in order for proposed amendments to the state constitution to be adopted (ratified).***

Missouri's Current Simple Majority Ratification Process is an Affront to the Concurrent Majority Principle

Missouri's fifty percent plus one method of adopting amendments to the state Constitution allows for tyranny of the majority where it matters most. It allows a **small geographic region** of the state to run roughshod over the rest of the people.

Notice that only 16 out of the 116 voting jurisdictions approved the 38 page Amendment 3 in November, 2022. If the proponents of that amendment had needed broader consensus, they would probably have proposed a more reasonable amendment.

Simply Raising the Required Vote to 60% or 2/3 is Not the Solution

Although it might seem that raising the ratification threshold to 60% or 2/3 of a statewide popular vote is a good idea, a closer look at the current problems and the ramifications of such a plan reveals grave problems with that approach.

The most important thing to understand is that *the courts* have had the greatest impact on "constitutional law" – more so than the initiative petition process or legislatively proposed amendments. Every time an appellate court renders an opinion on a case, and that happens virtually every week, there is the potential for new "constitutional law."

Raising the bar for approving bonafide amendments too high could make it all but impossible to make the sort of changes needed to correct their judicial indiscretions. Consider that a 2/3 ratification requirement would allow for only 1/3 of the state to "veto" constitutional changes needed to protect the minority – the very sort of protections a constitution is designed to provide.

The Petition Process is NOT the Problem – We Need Ratification Reform

In spite of the fact that very few petitions make it to the ballot, it has become common to call for "IP Reform." The initiative petition process is not the real problem, though, and to damage it is to throw the baby out with the bath water.

The power of the people to alter their constitution or form of government without the permission of the government is the most basic principle of an American republic. The Declaration of Independence declares just that in the list of "self-evident" truths: *"That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,--That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government..."*

And in at least two places, the Missouri Constitution reiterates those truths. Article I, Section 1 declares, *"That all political power is vested in and derived from the people..."* and Section 3 explains the ramification of that fact, *"That the people of this state have the inherent, sole and exclusive right to regulate the internal government and police thereof, and to alter and abolish their constitution and form of government whenever they may deem it necessary to their safety and happiness..."*

Finally, the people, through their Constitution, implement a *peaceful means* through which to accommodate those “truths.” Right after defining the role of the legislature and placing limits on its powers, they let the world know that “*The people reserve power to propose and enact or reject laws and amendments to the constitution by the initiative, independent of the general assembly, and also reserve power to approve or reject by referendum any act of the general assembly, except as hereinafter provided.*” -- Article III, Section 49

(From Wikipedia)

“**Concurrent majority** refers in general to the concept of *preventing majorities from oppressing minorities* by allowing various minority groups veto power over laws. The most vocal proponents of the theory have tended to be minority groups, such as farmers in an industrial society, or people of color in a predominately white society. The *concurrent majority is intended to prevent tyranny of the majority* that probably might otherwise occur in an unlimited democracy.”

“Prior to the American Revolution, all governments were controlled by small minorities of ruling elites; large parts of the population were completely disfranchised, even in countries like Switzerland whose governments - local, regional, and federal - were constitutionally democratic by modern standards. The conception of government that materialized during the separation of the United States from England marked movement away from such control **towards wider enfranchisement**. The problem of tyranny then became a problem of limiting the power of a majority.”

“Even so, the widening of the franchise caused concern. The framers of the United States Constitution, even while reiterating that the people held national sovereignty, **worked to ensure that a simple majority of voters could not infringe upon the liberty of the rest of the people**. One protection from this was separation of powers, such as bicameralism in the Congress and the three “separate” branches of the central government - legislative, executive, and judicial. Having two houses was intended to serve as a brake on popular movements that might threaten particular groups, with the House representing the common people and the Senate defending the interests of the state governments. The House was to be elected by popular vote, while Senators were appointed by state legislators. Executive veto, the implied power of judicial review by the Supreme Court, the possibility of state nullification of central government laws, outright secession by states, and armed rebellion of citizens all created further obstacles to overbearing majority rule.”

Concurrent Majority Ratification

Reasons to use State House Districts rather than Congressional Districts

- State House Districts provide better granularity, so they do a better job establishing a consensus of the People. It is fundamentally the most fair form of ratification.
- Getting approval of more than half of the State House Districts would require a larger geographic area than getting more than half of the Congressional Districts. **Rural Missouri would be MUCH better represented.**
- Using State House Districts is strategically better. It would do a better job countering a well-financed opposition.
 - Fighting a battle on a Congressional District level is an expensive proposition that requires a lot of broadcast media and typically requires a lot of organization that never seems to materialize when fighting bad ballot measures.
 - In a House District model, the “swing districts” could be identified and targeted with a message much more efficiently than dealing with even one or two Congressional Districts.
 - In a House District model, party affiliated human resources could be leveraged much more readily. Central Committees and State House Committees in the critical areas would be more effective moving the ball.
 - In a House District model, state reps would be in a better position to make a difference by using the bully pulpit they already have. They would have a personal interest in taking the message to their districts.
 - Grassroots efforts would be much more effective using State House Districts.
- Using House districts will isolate, or quarantine, voter fraud to the urban House districts, where it is the greatest problem.
- Perhaps the MOST IMPORTANT reason for using State House Districts is that it stands a better chance of voter approval than Congressional Districts and, especially simply raising the percentage. The only way HJR 43 can help is by passing it at the ballot box to begin with.
 - Right now, urban areas have the upper hand. Voter approval of ratification reform will require a tremendous level of support from rural Missourians.
 - The proposal MUST be something they are excited about, not just accepting of.
 - The membership of the many farm organizations will be critical in getting the message out to their neighbors.
 - Farm Bureau's 170,000 member families, alone, will be a huge resource.

Constitutional Conventions In Missouri

Constitutional Conventions are the THIRD WAY the Missouri Constitution can be amended and should be included in I/P or Ratification Reform legislation.

A Constitutional Convention can be scheduled by the legislature or ballot.

“Shall there be a convention to revise and amend the constitution?”

That question is required to be placed on the ballot every twenty years by Article XII, Section 3(a) of our *state* Constitution.

The last four times that question was asked of voters only about 35% of them said “yes,” but we live in “special” times and it would be foolish to fail to consider the possibility that the answer could be different in November.

A convention would draw money from far and wide in unprecedented amounts to influence the outcome.

What's At Stake

- ▶ A simple majority of Convention delegates might propose *amendments* to the Missouri Constitution, OR
- ▶ A simple majority of Convention delegates could propose a *complete replacement* state constitution.
- ▶ It would take **only a simple majority vote** of the people to adopt either.

Who Would Serve As Delegates?

Article XII, Section 3(a) lays out the process for selecting 83 delegates.

That process will not at all reflect the political makeup of the General Assembly, which is the closest reflection of the values of the people of Missouri.

Political party insiders will select 68 delegates. The two major parties will surely end up with 34 delegates, each.

Qualifications

“Each delegate shall possess the qualifications of a senator; and no person holding any other office of trust or profit (officers of the organized militia, school directors, justices of the peace and notaries public excepted) shall be eligible to be elected a delegate.” - Article XII, Section 3(a)

Delegate Selection Process

Two Delegates are selected from each state senate district:

The “...senatorial district committee [of] each political party shall nominate but one candidate for delegate from each senatorial district...” to be placed on “a separate ballot bearing the party designation, each [voter] shall vote for but one of the candidates, and the two candidates receiving the highest number of votes in each senatorial district shall be elected.”

For all intents and purposes, there will be **one Republican and one Democrat delegate** from each state senate district, 34 of each.

Fifteen additional “delegates at large”:

“Candidates for delegates-at-large shall be nominated by **nominating petitions**” when such candidate garners “five percent of the legal voters in the senatorial district in which the candidate resides.”

“All such candidates shall be voted for on a **separate ballot without party designation**, and the fifteen receiving the highest number of votes shall be elected” as delegates.

A Convention Can Be “Gamed”

Even if you trust the parties’ senatorial district committees to select good delegates, the 15 at large delegates could drastically tip the scale.

Moneyed interests from in or out of state can **stack the ballot** by simply paying for signature collection for a host of delegate candidates.

There is no limit to the number of delegate candidates, and they ALL go on a statewide ballot without party designation

There are NO RULES Limiting the Convention

The delegates, themselves, make the rules for the Convention, and will be “the judge of the election, returns and qualifications of its delegates.” Presumably, any challenge to the appropriateness of the selection of a delegate would not go to the courts.

Fortunately, one of the few stipulations placed on the Convention requires that proceedings be open to the public.

Constitutional Convention History in Missouri

Missouri voters have been asked 6 times whether to hold a constitutional convention. Twice they said “yes” and the last four times they have rejected the idea. The other four conventions were called by the legislature.

1820 – 1st Convention:

The convention of 1820 produced the first short and sweet Missouri Constitution in only 38 days.

1845 – 2nd Convention:

The legislature called a second convention in 1845, but the resulting draft was rejected by voters.

1865 – 3rd Convention:

The Union dominated legislature called for another convention in 1865, resulting in voter adoption (ratification) of the constitution it drafted.

1875 – 4th Convention:

Just ten years later, the legislature, which had changed significantly after the end of federal occupation of the state government, proposed a convention which drafted the 1875 Constitution. It was ratified by voters that same year and remained, with only amendments, until replaced by the 1945 Constitution.

1920 – On November 2, 1920 a ballot initiative approved by 55.38% of the voters added a requirement to the Constitution that a question to hold a constitutional convention be placed on the ballot every twenty years. This was the first ballot measure in Missouri history to be initiated and approved by voters.

1921 – 5th Convention:

August 2, 1921 – A legislative proposal to hold a constitutional convention was approved by 57.98% of voters. The convention, held in 1922-1923, did not propose a new constitution, but rather proposed 21 individual amendments, six of which were ratified by the voters.

1942 – Convention called for:

The first constitutionally required ballot question whether to hold a convention was approved by 57.98% of the voters on November 3, 1942. That set up the convention of 1943-1944.

1945 – 6th Convention:

The 1943-1944 constitutional convention drafted a new constitution, which build on the 1875 Constitution and the roughly one-per-year amendments to it since 1875. Voters ratified that Constitution with 62.70% yes vote on the unusual election date of February 27, 1945. That Constitution, with the several amendments since then, is Missouri’s current Constitution.

1962 – On November 6, 1962, voters rejected a call for another convention. 36.29% of the voters approved the question.

1982 – On November 2, 1982, voters rejected a call for another convention. 30.48% of the voters approved the question.

2002 – On November 5, 2002, voters rejected a call for another convention. 34.55% of the voters approved the question.

2022 – On November 11, 2022, voters rejected a call for another convention. 32.30% of the voters approved the question.

Interactive database of Missouri Ballot History: <http://www.libertytools.org/BillTracking/MO-Ballot-History.php>
Details of Missouri Ballot Measures: https://ballotpedia.org/List_of_Missouri_ballot_measures
Missouri History Timeline: <https://www.sos.mo.gov/archives/history/timeline/1>

