

SENATE APPORTIONMENT COMMISSION MEETING

HELD AT: Jefferson Building
205 Jefferson Street, Room 1310
Jefferson City, Missouri

WEDNESDAY, FEBRUARY 22, 2012
11:00 A.M.

SENATE COMMISSIONERS PRESENT

Douglas Harpool, Chairman
Marc Ellinger, Vice Chairman
Nicholas Myers, Secretary
Nicole Colbert-Botchway
Jean Paul Bradshaw, II
Steven Ehlmann
Mitchell Elliott
Todd Patterson
Lowell Pearson
Trent Skaggs

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1 REPRESENTATIVES OF THE OFFICE OF ADMINISTRATION:

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3 Matt Hesser, Redistricting Staff, State Demographer

4 Frank Hutto, Redistricting Staff, GIS Analyst

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1 P R O C E E D I N G S

2 CHAIRMAN HARPOOL: The Senate Apportionment
3 Commission session comes to order. For purposes of
4 roll, all members are present. Let the record reflect
5 that.

6 First, we need to approve the minutes of our
7 February meeting. I think you've been provided copies
8 both by e-mail and then hard copy this morning.

9 Are there any corrections or additions to the
10 minutes?

11 COMMISSIONER ELLINGER: I would move adoption
12 of the minutes, Mr. Chairman.

13 CHAIRMAN HARPOOL: Is there a second?

14 COMMISSIONER PATTERSON: Second.

15 CHAIRMAN HARPOOL: All in favor, say I.

16 COMMISSIONERS: I.

17 CHAIRMAN HARPOOL: Opposed, no? I's have it.

18 Unlike the last three meetings we have had,
19 this is not a meeting to receive public comment, but a
20 meeting to begin our actual work of drawing maps. So
21 make sure all members have been on a hurried schedule,
22 and I guess maybe the first thing that's appropriate
23 for all of us to do is, give kudos to our staff for the
24 yeoman's work they've done in the last three days.

25 COMMISSIONER ELLINGER: And nights.

1 CHAIRMAN HARPOOL: And nights. When
2 you're -- when you're getting e-mails from your staff
3 at one o'clock in the morning, you know they're working
4 really hard. And we -- we do so much appreciate that.
5 And then ask them to come back early this morning.

6 Last night, additional maps were posted on
7 the Internet. The public will be aware of that. I
8 think they're a matter of public record. But each of
9 you should have gotten an e-mail in advance of that.

10 In addition, there was significant testimony
11 by written form that was submitted, I think primarily
12 by Nick Myers, pertaining to the Springfield, Greene
13 County, Christian County issue. And hopefully you all
14 got that and should -- if not, then you make sure you
15 review it before you make any vote today so you'll be
16 aware of that part of the record also.

17 COMMISSIONER ELLINGER: Do we need to
18 formally incorporate that into the record since we
19 agreed we'd keep it open until 11, until this meeting
20 starting, we could close the record on testimony?

21 CHAIRMAN HARPOOL: I think we -- we certainly
22 should include that.

23 Nick, do you have a --

24 COMMISSIONER MYERS: There was one more that
25 came in from the Greene County Commission early --

1 about an hour ago that I forwarded to Matt, so . . .

2 MR. HESSER: I don't think I got that out to
3 every commissioner, but I can take a break here in just
4 a second and I will forward that.

5 COMMISSIONER MYERS: I think it's safe to
6 say that it was of the general tenor as the previous
7 e-mail.

8 CHAIRMAN HARPOOL: Is there any -- any
9 objection then of including the letters we received
10 last night by e-mail and the letter just referred to by
11 Nick Myers into the official record?

12 Hearing no objection, we'll do so then.

13 And my understanding is, by agreement of the
14 Commission then, the record will be deemed closed in
15 terms of public input; is that correct?

16 COMMISSIONER ELLINGER: That's correct, yes.

17 CHAIRMAN HARPOOL: We want everyone in the
18 public to know that, while the official record is
19 closed, our ears are still open and they may still feel
20 free to contact and discuss with us their ideas. The
21 difference is, it won't be part of any official record.

22 And, of course, as members of the Commission,
23 we each always have the opportunity to provide input
24 and share input as we deem appropriate.

25 We have loaded the Harpool 2 map, which was

1 filed last night, and it's on the OA site. I believe
2 the Ellinger map is loaded on the OA site.

3 And I believe the citizen's map that we were
4 provided -- or which -- which was subject to testimony
5 in St. Louis yesterday, that has also been loaded?

6 MR. HESSER: Yes. It is labeled Bray, with
7 yesterday's date.

8 CHAIRMAN HARPOOL: All right. And so that is
9 also loaded for you all to look at and compare.

10 I had some preliminary discussions with some
11 folks, and it seems like we can each kind of tell by
12 the public input some of the concerns about the
13 previous maps.

14 We probably want some time to review the maps
15 that have just been filed by our own caucuses. And so
16 it would seem to me maybe the next step would be for us
17 to adjourn into -- recess into caucuses, and let the
18 gentlemen across from the table discuss and the lady
19 and gentlemen on this side will discuss. And then
20 hopefully get together and see if we can move this
21 process forward.

22 Is there any objection to -- to moving in
23 that direction? Does that seem like a reasonable plan
24 to you?

25 COMMISSIONER ELLINGER: How long would you

1 like to recess for?

2 CHAIRMAN HARPOOL: I will tell you that it
3 takes longer on these maps than you think it's going
4 to.

5 So, what, a couple hours maybe?

6 COMMISSIONER ELLINGER: One o'clock?

7 CHAIRMAN HARPOOL: One o'clock?

8 COMMISSIONER ELLINGER: Can we do one -- can
9 we do 1:30?

10 CHAIRMAN HARPOOL: 1:30's fine.

11 During that period of time -- I would tell
12 you, during that period of time, we will have a -- a
13 mutual lunch period.

14 Am I right?

15 MR. HESSER: Yes.

16 CHAIRMAN HARPOOL: All right. So what we'll
17 do is, we'll adjourn, and why don't we just kind of
18 grab lunch and continue our caucuses. And then
19 at 1:30, reconvene and reassess, see if it's reason for
20 us to stay and work more at this time, or if not, we'll
21 go a different way. Okay?

22 COMMISSIONER ELLINGER: Recess, not adjourn.

23 CHAIRMAN HARPOOL: Recess. We are recessing
24 at this time.

25 COMMISSIONER ELLINGER: Great.

1 MR. HESSER: Mr. Chairman?

2 CHAIRMAN HARPOOL: Yes.

3 MR. HESSER: I just need to let you guys
4 know, especially with some of the people who haven't
5 been here before, we have one pretty nice roomy
6 facility for a caucus room. We have one that's small
7 and cramped and not nearly as nicely furnished. So
8 there may --

9 CHAIRMAN HARPOOL: So that's -- you mean
10 that's the Republican caucus room?

11 MR. HESSER: Well, there may be a need for an
12 Indian leg wrestling or something like that.

13 CHAIRMAN HARPOOL: All right. I -- I think
14 what we'll do, we'll be fair; this time we'll let the
15 Republicans have the nicer room. We'll take the
16 smaller room and we'll switch later if we need to,
17 being as bipartisan as I always try to be in everything
18 I do. All right?

19 COMMISSIONER BRADSHAW: It makes me wonder
20 what's in that other room.

21 CHAIRMAN HARPOOL: All right. Do we need a
22 formal motion to adjourn into -- to recess into caucus?

23 COMMISSIONER ELLINGER: I would move that we
24 recess until 1:30.

25 COMMISSIONER COLBERT-BOTCHWAY: Second.

1 CHAIRMAN HARPOOL: All in favor, say I.

2 COMMISSIONERS: I.

3 CHAIRMAN HARPOOL: Thank you, folks.

4 Thank you.

5 (Commission recessed at 11:11 a.m.,
6 until 1:30 p.m.)

7 (Proceedings resumed at 2:00 p.m.)

8 CHAIRMAN HARPOOL: We are resuming the
9 meeting of the Senate Reapportionment Commission.

10 Each party has had the opportunity to caucus
11 among themselves.

12 I would report on behalf of the Democratic
13 caucus that we've reviewed carefully the maps that the
14 Republicans had previously posted. We've considered
15 the testimony that we'd had, the concerns we think that
16 we interpreted based on a mapping you all have
17 provided. And we have revised our map that, Harpool 2
18 further, we hope in a direction toward compromise with
19 the Republicans.

20 If somebody wants to report on -- on your
21 caucus briefly?

22 COMMISSIONER ELLINGER: We've -- we,
23 likewise, have reviewed both the maps that you have
24 posted, Harpool 1 and Harpool 2, looked at the record
25 that's before us, including the testimony in the

1 letters that have been submitted, looked at our map,
2 discussed it extensively, and have worked at revising
3 our map in an attempt to -- to address some of the
4 concerns that both you and -- your caucus has raised
5 and has come up in the testimony.

6 CHAIRMAN HARPOOL: Do you think it would be
7 beneficial perhaps for each caucus to reconvene and
8 further analyze the latest compromises expressed by the
9 caucuses?

10 COMMISSIONER ELLINGER: I think it would be
11 very beneficial if we could take a couple of hours to
12 work that through. Maybe we could recess until 3:30?

13 CHAIRMAN HARPOOL: I'm good with that.
14 Does -- is there a motion that we recess into caucuses
15 once again until 3:30?

16 COMMISSIONER MYERS: So moved.

17 CHAIRMAN HARPOOL: Second?

18 COMMISSIONER COLBERT-BOTCHWAY: Second.

19 CHAIRMAN HARPOOL: All in favor, say I.

20 COMMISSIONERS: I.

21 CHAIRMAN HARPOOL: Opposed, no?

22 Let me say, I appreciate that we're making
23 constructive progress, hopefully, and we're going to
24 keep trying.

25 COMMISSIONER SKAGGS: Mr. -- Mr. Chairman?

1 Mr. Chairman?

2 CHAIRMAN HARPOOL: Yes, sir?

3 COMMISSIONER SKAGGS: Just a quick question.
4 I'm assuming if we come to terms quicker than that, you
5 guys can -- we could come back before 3:30? If --

6 COMMISSIONER BRADSHAW: We'd have no
7 objection if that's legal. Actually, Doug and I were
8 talking about that and we're --

9 CHAIRMAN HARPOOL: Yeah, and my only concern
10 is that -- is for the press people. Why don't we -- do
11 you want to say, at three o'clock, we'll provide a
12 report to the press?

13 COMMISSIONER SKAGGS: Yeah. I -- yeah.

14 COMMISSIONER ELLINGER: It's two o'clock
15 already. Or it's --

16 CHAIRMAN HARPOOL: It's already two.

17 COMMISSIONER SKAGGS: Okay.

18 COMMISSIONER ELLINGER: So we'll -- we'll
19 provide a report at three?

20 CHAIRMAN HARPOOL: Certainly.

21 COMMISSIONER ELLINGER: That works fine.

22 (Commission recessed at 2:00 p.m.,
23 until 3:00 p.m., and will provide a report to the press
24 at 3:00 p.m.)

25 (Proceedings resumed on the record at 4:15

1 p.m.)

2 CHAIRMAN HARPOOL: All right. Everybody in
3 here?

4 We will reconvene this meeting of the Senate
5 Apportionment Commission. We've been in recess in
6 caucuses, discussing among ourselves and having
7 exchanged maps earlier in the day and looking for
8 common ground.

9 On behalf of the Democratic Commissioners, we
10 feel that we are making progress, albeit it's slow.
11 And we're willing to continue to talk and exchange
12 further ideas. We have come up with a couple ideas we
13 need to finish tweaking that we think will move it
14 forward.

15 What say the Republican Commissioners, Mr.
16 Ellinger?

17 COMMISSIONER ELLINGER: Well, we have also
18 been caucusing the entire time, discussing the
19 proposals that we've exchanged. It would behoove us to
20 continue those discussions, and locate coming back some
21 time later on this evening and see if we can continue
22 our progress, because I feel like we are moving
23 forward.

24 CHAIRMAN HARPOOL: Well, it's -- and with
25 every negotiation and -- and compromise, the hard --

1 last issues are sometimes the most difficult to finish.

2 But let me say that I was on the first
3 reapportionment commission, and we've made more
4 progress today in five hours or six hours than we made
5 the entire -- the entire time last time. So I -- I'm
6 encouraged.

7 We probably need to think about a dinner
8 break too. So far, the media would probably be quick
9 to point out that every break we've said we're going to
10 take was actually longer than the one we said we're
11 going to take. Can we assure the media that we will
12 reconvene at, say, 6:30, and that we will not take any
13 meeting -- business in session before then, so they
14 don't have to worry about -- I mean, they have
15 schedules. They want to go write that we've done
16 nothing all day, whatever it is that -- basically,
17 they've been stuck sitting here, I understand.

18 COMMISSIONER BRADSHAW: If -- if we need a
19 motion to that effect, I would so move.

20 CHAIRMAN HARPOOL: Let's then -- is there --
21 is there a second that we recess until 6:30?

22 COMMISSIONER ELLIOTT: Second.

23 CHAIRMAN HARPOOL: All right. Then we are
24 recessed with caucus -- potential caucuses between now
25 and 6:30, with each caucus to set its own deliberation

1 time and its own dinner break as they wish.

2 Thank you all.

3 (Commission recessed at 4:30 p.m.,
4 until 6:30 p.m.)

5 (Chairman Harpool announced both caucuses are
6 still in session, therefore, nothing was presented on
7 the record.)

8 (Proceedings resumed on the record at 12:40
9 a.m., on February 23, 2012.)

10 CHAIRMAN HARPOOL: I would reconvene this
11 meeting of the Senate Apportionment Commission.

12 It is my understanding that we have a
13 proposed tentative map which must be voted on by the
14 members of the Commission.

15 Let's vote before we say anything further.

16 Do all Republican members of the Commission
17 feel they understand the boundaries of the proposed
18 map?

19 REPUBLICAN COMMISSIONERS: Yes.

20 CHAIRMAN HARPOOL: All Democratic members
21 feel they understand the boundaries of the proposed
22 map?

23 DEMOCRATIC COMMISSIONERS: Yes.

24 CHAIRMAN HARPOOL: Is everyone ready to vote?

25 COMMISSIONERS: Yes.

1 COMMISSIONER ELLINGER: The secretary has to
2 call the vote, since we actually have a secretary.

3 CHAIRMAN HARPOOL: Well, do you want to have
4 the staff do it for you?

5 COMMISSIONER MYERS: No, I -- I would prefer
6 to do that.

7 CHAIRMAN HARPOOL: All right. That's fine.

8 COMMISSIONER MYERS: And I -- I would like to
9 say before I do that, that I feel like we have actually
10 designed a Mustang in this case and not an Edson.

11 Commissioner Trent Skaggs?

12 COMMISSIONER SKAGGS: Yes.

13 COMMISSIONER MYERS: Lowell Pearson?

14 COMMISSIONER PEARSON: Yes.

15 COMMISSIONER MYERS: Todd Patterson?

16 COMMISSIONER PATTERSON: No.

17 COMMISSIONER MYERS: W. Mitchell Elliott?

18 COMMISSIONER ELLIOTT: Yes.

19 COMMISSIONER MYERS: Nicole

20 Colbert-Botchway?

21 COMMISSIONER COLBERT-BOTCHWAY: Yes.

22 COMMISSIONER MYERS: Jean Paul Bradshaw?

23 COMMISSIONER BRADSHAW: Yes.

24 COMMISSIONER MYERS: Secretary Nick Myers

25 votes yes.

1 Marc Ellinger?

2 COMMISSIONER ELLINGER: Yes.

3 COMMISSIONER MYERS: Steve Ehlmann?

4 COMMISSIONER EHLMANN: No.

5 COMMISSIONER MYERS: Chairman Doug Harpool?

6 CHAIRMAN HARPOOL: Yes.

7 COMMISSIONER MYERS: The vote is eight yes,
8 two no.

9 CHAIRMAN HARPOOL: By a vote of eight-two,
10 this Commission has adopted a tentative map. This map
11 will now be submitted to the Secretary of State's
12 Office.

13 Public comment may be received here at the
14 Office of Administration in writing, the -- for a
15 period of 15 days from the date that the staff of the
16 redistricting office are able to put this map in final
17 form with proper data files and census block references
18 and all the things they have to do. They will file it
19 with the Secretary of State. That will start
20 the 15-day period.

21 At the end of that 15-day period, this
22 Commission will reconvene for a meeting for the sole
23 purpose of voting on a final map. At that time, a vote
24 of seven members will be sufficient to make it a final
25 map.

1 Mr. Myers, did you have comments?

2 COMMISSIONER MYERS: There was -- how will
3 this be labeled when it's posted? Was --

4 CHAIRMAN HARPOOL: It will be called the --
5 the Tentative Map.

6 COMMISSIONER MYERS: Okay.

7 CHAIRMAN HARPOOL: Harpool 64 after today.
8 No. It will be the Tentative Map.

9 MR. HESSER: I believe the wording in the
10 Constitution is Tentative Plan?

11 CHAIRMAN HARPOOL: Tentative Plan. Thank
12 you.

13 We are -- let me -- it's late, but let me say
14 that I am so appreciative of every member of this
15 Commission, Democrat and Republican. There were times
16 today when I think every one of us weren't in favor of
17 the map, but in the end, we found a map that enough of
18 us could support.

19 I understand that not everyone could support
20 it, and that, too, is good because that's what
21 democracy is about. We all express our opinions and
22 our thoughts.

23 And I told you I would take it a personal
24 failure if we didn't get this done. You should each
25 treat this as, I think, a personal success. I think we

1 are the first citizen's commission in 20 years to be
2 equally divided among the parties and yet reach a
3 consensus on -- on a map.

4 I thank each of you for your time and your
5 efforts.

6 And, again, let's end today where we started
7 the meeting. Thank you so much to our staff for the
8 great work that you've done.

9 Any comments on the part of the Republicans?
10 Anybody else want to make a comment?

11 COMMISSIONER ELLINGER: I -- I would like to
12 echo your thoughts, Mr. Chairman, and our thanks to
13 Democratic members and also my fellow Republican
14 members. It's been a long four days -- five days. I
15 think we're into our fifth day now. It's after
16 midnight.

17 I appreciate everybody working together in an
18 attempt to come up with something that I think we, by a
19 majority at least, agreed is a consensus that we can go
20 forward with for the next ten years in Missouri.

21 Again, my thanks to the staff also. You guys
22 did a magnificent job dealing with us.

23 CHAIRMAN HARPOOL: Lot's of -- lot's of
24 compromises in lots of places, and there'll be people
25 in both parties disappointed. But there's no way to

1 get a map and please everybody.

2 So thank you all.

3 Motion to adjourn?

4 COMMISSIONER SKAGGS: So moved.

5 COMMISSIONER BRADSHAW: Second.

6 CHAIRMAN HARPOOL: All in favor, say I.

7 COMMISSIONERS: I.

8 CHAIRMAN HARPOOL: Thank you all.

9 (WHEREUPON, the meeting adjourned.)

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C E R T I F I C A T E

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STATE OF MISSOURI)
) ss
COUNTY OF HOWARD)

I, Tammy F. Ballew, Certified Court Reporter
for the firm of Capital City Court Reporting, 210
East High Street, Suite 110, Jefferson City,
Missouri 65101, do hereby certify that I was
personally present at the proceedings had in the
above-entitled cause at the time and place set forth in
the caption sheet hereof; that I then and there took
down in stenomask the proceedings had and produced the
transcript, and that the foregoing is a true and
accurate transcription of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my
hand on this 24th day of February, 2012.

Tammy F. Ballew
CAPITAL CITY COURT REPORTING