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TRANSCRIPT OF PROCEEDINGS

**SENATE APPORTIONMENT COMMISSION
REDISTRICTING HEARING**

MAY 25, 2011

ORIGINAL

NATIONWIDE SCHEDULING

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800.280.3376

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10 SENATE APPORTIONMENT COMMISSION

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12 REDISTRICTING HEARING

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15 MAY 25, 2011

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17 (Commencing at 1:18 p.m.)

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REDISTRICTING HEARING 5/25/2011

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A P P E A R A N C E S

COMMISSION MEMBERS:

- Douglas Harpool, Chair
- John Borbonus, Commissioner
- Joseph S. Passanise, Commissioner
- John Maupin, Commissioner
- Jeff Mazur, Commissioner
- Terry Riley, Commissioner
- Miles Ross, Commissioner
- Bob Saunders, Commissioner
- Kathy Swan, Commissioner
- Yancy Williams, Commissioner

STAFF MEMBERS:

- Kristina Jenkins
- Matt Hesser
- Frank Hutto
- Kirk Webb
- Ron Edwards

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P R O C E E D I N G S

(May 25, 2011)

CHAIRMAN HARPOOL: My name is Doug Harpool. I am the Chairman of the Senate Redistricting Commission. We're about to convene our public hearing for the St. Louis region.

Thank you for your patience. We have a member who will be arriving any time now, but we're going to go ahead and get started.

Let me announce a couple of things that you may or may not know. By law, all Senate districts have to be revisited every ten years to see that they are -- meet certain legal requirements. They must be roughly equal in size, contiguous, represent community of interest.

The Commission before you was appointed based on -- by the Governor based on nominations by the two political parties, the major political parties. We are made of five Democrats and five Republicans, and we have until this summer to try to make an agreement on what the district lines should look like for the next ten years. Whatever map is agreed upon will last for a full ten-year period.

The -- if we fail, then the process goes to a court, actually to a panel of judges as appointed by the Supreme Court, and they will decide what the boundary lines

1 are.

2 We have mandatory legal principles we have
3 to meet, and then there are some other considerations that
4 we're allowed to take -- take into consideration.

5 Among the mandatory are that populations
6 must be relatively equal. It's a little more liberal than
7 it is in the Congressional redistricting, where they have
8 to be almost exact. We -- there have been court cases that
9 have upheld a differential of 10 percent between the
10 largest and smallest.

11 They do need to be contiguous and represent
12 the communities' interest. A higher priority is you must
13 preserve minority districts, and that's probably the
14 easiest way to get a map found unconstitutional. And so
15 that's a challenge we have.

16 Because there have been a substantial loss
17 of population in our urban areas, that also creates, of
18 course, a challenge for us because whether -- no matter
19 what this Commission wants to do, there is no doubt that
20 districts are going to have to be shifted to the areas of
21 the state where population grew and away from areas where
22 population has reduced.

23 I am the -- one of the Democrat members. My
24 Vice Chairman is John Maupin, and he is a Republican. And
25 our Secretary is not here with us today, but he is a

1 Republican, Joe Passanise. He was not able to be here.
2 Again, there are ten members, and you should also know that
3 it takes at least two members of each political party
4 before a map can be drawn.

5 So no matter how many Democrats agree, at
6 least two Republicans would have to agree, and vice versa.
7 No matter how many Republicans agree, at least two
8 Democrats would have to agree before our work can be deemed
9 finished.

10 If and when this body adopts a final map, we
11 then have an additional public hearing, and a hearing is
12 held on the specifics of that map. I should tell you that
13 this Commission has -- has adopted no map. We have debated
14 no map. There is a map that was circulated as an
15 indication as the type of population shifts we've seen.

16 In dealing with Senate districts, you should
17 know we can't cross Senate county lines except as required
18 by -- by having districts that exceed the limit. And you
19 also know that we have a challenge in terms of numbering
20 districts, because not every Senate district is up for
21 election every time, and that will present some challenge
22 to us.

23 Before we go further, the -- Matt Hesser,
24 with the Office of Administration and one of our staff
25 members, does have an announcement in case the weather

1 turns bad on us before we're done. We hope we'll be
2 finished before then.

3 MR. HESSER: So if the sirens go off
4 and we need to evacuate the room, the procedure is to hit
5 one of these doors. Go down the hall to the right to a
6 short hall off to the left, take that to the main hallway.
7 There will be a staircase off to the right corner. Take
8 the staircase down to the basement. There will be someone
9 in the basement to direct us to the shelter location.

10 CHAIRMAN HARPOOL: I will say that the
11 Office of Administration is non-partisan and provides
12 support services, and they do have a web page that they
13 will be loading certain data and information relevant to
14 the House and Senate redistricting process. You should
15 become familiar with it if you want to follow the process,
16 and they will -- they'll have important information.

17 Related to that, I'm going to announce the
18 members of the Commission that the Chairman and Vice
19 Chairman of the House Commission and the Chairman and Vice
20 Chairman of the Senate Commission have agreed on certain
21 parameters for what will or will not go on the web page.
22 We'll be glad to share those with you later if you want to
23 know exactly what they are.

24 And of course, nothing goes on the OA web
25 page without complying with OA guidelines, and the OA legal

1 counsel will have to review the material to make sure it
2 complies with those guidelines.

3 Basically if you testify before this
4 Commission and you want to submit written information, you
5 may, and we will post it as long as it's submitted to us or
6 to the OA office, I should say, prior to the 3rd of June at
7 five o'clock.

8 Any member of this Commission may post any
9 proposed map. We are not allowing outside interest groups
10 to post maps unless they choose to come and publicly
11 testify and -- and identify themselves and associate
12 themselves with a map too.

13 All right. I would ask Republican members
14 of the Commission to give your conflict dates to either me
15 or Mr. Maupin -- the Democrats to me and the Republicans to
16 Mr. Maupin. He and I will get together, try to look for
17 our first meeting for deliberation, which we anticipate
18 will be in June, probably after the 13th because we want
19 the -- the written submission date of June 3rd to pass and
20 for us to have time to digest what is submitted.

21 All right. We are here to receive public
22 testimony. If you want to testify and you've not filled
23 out a witness form, please pick one up on the table, and
24 you can give it to OA, and they'll bring it to me. We do
25 need these forms.

1 You will notice we have a court reporter
2 fully transcribing the entire process, and we will have a
3 transcript of your testimony available later to review and
4 to consider as we further deliberate.

5 All right. Representative Chuck
6 Gatschenberger, you said you had a time commitment. Let's
7 make you go first.

8 REPRESENTATIVE GATSCHENBERGER: I've
9 got some maps, and I'm going to send all these to you
10 electronically as well.

11 CHAIRMAN HARPOOL: Yes, sir. Thank
12 you.

13 REPRESENTATIVE GATSCHENBERGER: Thank
14 you -- thank you very much for letting me go first, and
15 this has to do with Senate Districts 2 and 23. If you
16 separate these two papers that I've provided, just like
17 this, and you hold them up together, they'd actually fit
18 into each other just like that.

19 One of the things that I looked at here and
20 I talked to Senator Root (ph.) and Senator Dempsey about
21 these also. But the main concern was have communities of
22 interest together. The one that's the 23rd, which is the
23 second page, has more of a traditional, more of an
24 established neighborhoods and clientele. On the west side
25 is more the faster growing areas.

1 My district is in the 2nd Senatorial
2 District right now. It started out at 35. Now it's about
3 72,000. And you notice on the north part of that, they
4 would lose Lincoln County, and then on the left side and
5 the bottom side would be held inside of the St. Charles
6 County. And if you use the line coming down the way it's
7 shown there, it would have two Senate districts inside St.
8 Charles County.

9 And I got this information off Secretary of
10 State's web page and also OA's web page and St. Charles
11 County Election Board, plus a lot of searching done on
12 Google.

13 CHAIRMAN HARPOOL: We will see that
14 your map is included on materials. For the record, are
15 there any questions for the Representative?

16 Let me just -- you know this. Obviously
17 you've done your homework, but for those in the audience,
18 appropriate districts so to speak under the new map will
19 have 176,179 people, I think it is. So that's what we're
20 shooting for.

21 And is that kind of what you've looked at
22 for these maps?

23 REPRESENTATIVE GATSCHENBERGER: Yeah,
24 the variation here is just a little bit on one Senate one
25 is 1.78 percent deviation on that, and the other one for

1 the 23rd is 2.87 percent deviation.

2 CHAIRMAN HARPOOL: And as I said, there
3 was a court case saying something under 10 percent,
4 slightly under 10 percent, was -- met Constitutional
5 muster.

6 REPRESENTATIVE GATSCHENBERGER:
7 Right.

8 CHAIRMAN HARPOOL: So you would be
9 within limits.

10 REPRESENTATIVE GATSCHENBERGER: I tried
11 to get them as close as possible.

12 CHAIRMAN HARPOOL: Any other questions?

13 COMMISSIONER MAUPIN: Representative.

14 REPRESENTATIVE GATSCHENBERGER: Yes,
15 sir.

16 COMMISSIONER MAUPIN: These are -- both
17 of these districts are completely within St. Charles
18 County?

19 REPRESENTATIVE GATSCHENBERGER: Yes,
20 sir.

21 COMMISSIONER MAUPIN: Okay. And is
22 there any -- any part of St. Charles County that's left
23 over after you've laid over these two districts?

24 REPRESENTATIVE GATSCHENBERGER: Not
25 with these maps here. The only difference is realistically

1 Lincoln County is gone, you know, the -- the people out
2 there because the Senate district now is about 240,000.

3 COMMISSIONER MAUPIN: Okay. That just
4 -- that district got a huge increase in population, didn't
5 it?

6 REPRESENTATIVE GATSCHENBERGER: Yes,
7 that's true. Sure. My district does.

8 COMMISSIONER MAUPIN: Great. Thank you
9 very much, Representative.

10 REPRESENTATIVE GATSCHENBERGER: Thank
11 you.

12 CHAIRMAN HARPOOL: St. Charles is a
13 good example of where the huge changes in population. They
14 have the easier kind; that is, increase of population. The
15 decrease in population is going to be our bigger struggle.

16 Thank you.

17 REPRESENTATIVE GATSCHENBERGER: Thank
18 you very much.

19 CHAIRMAN HARPOOL: Eric Schmitt.

20 SENATOR SCHMITT: Thank you, Mr.
21 Chairman and members of the Commission. For the record,
22 State Senator Eric Schmitt, representing the people of 15th
23 District in St. Louis County. I'll keep my comments brief.

24 First of all, I want to thank all of you for
25 dedicating your time. This is not an easy task, I know,

1 and traversing around the state to hear testimony. I

2 appreciate your commitment to -- to this process.

3 My testimony is -- is basically limited to
4 the idea that as you work on considering communities of
5 interest, city boundaries, school districts, the St. Louis
6 Metropolitan area, I believe, should be considered a
7 community interest in and of itself. It is the economic
8 engine of the state. Currently there are two senators from
9 St. Louis City, six senators from St. Louis County, and to
10 maintain that -- that number of eight, I think is critical
11 for adequate and fair representation on a number of matters
12 in Jefferson City.

13 And it is my intention to work with the
14 other senators, Republican and Democrat, city and county to
15 -- to submit a map to all of you. But the crux of my
16 testimony is just to -- to consider that broader community
17 of interest as it relates to the St. Louis Metropolitan
18 area.

19 CHAIRMAN HARPOOL: We'd be pleased to
20 receive whatever map you'd like to submit. The -- is it
21 possible to have eight senators from St. Louis City and
22 County and still have 172,000 per district?

23 SENATOR SCHMITT: I believe it is. It
24 may require -- I don't know this for certain yet. It may
25 require on of those districts to take in part of another

1 county, but it is possible, I think, given the
2 configuration, the population and the -- the existing
3 senate seats.

4 CHAIRMAN HARPOOL: What term are you in?

5 SENATOR SCHMITT: I am in the middle of
6 my first term.

7 CHAIRMAN HARPOOL: Yeah.

8 SENATOR SCHMITT: So as -- as of the
9 15th, I would be up for reelection in 2012.

10 CHAIRMAN HARPOOL: So you would, at
11 most, be a senator during the first half of the period of
12 time in which these districts would be in place?

13 SENATOR SCHMITT: Yes.

14 CHAIRMAN HARPOOL: Other questions?

15 Thank you, sir.

16 SENATOR SCHMITT: Thank you for your
17 time.

18 CHAIRMAN HARPOOL: I'm sorry. Go
19 ahead, Commissioner Maupin.

20 COMMISSIONER MAUPIN: I'm a little slow
21 in my request, but your testimony is that you believe that
22 regardless of whether the senator resides in St. Louis City
23 or St. Louis County, that the St. Louis Metropolitan area
24 constitutes its own interest nexus, and all these senators,
25 be they Democrat or Republican, all seem to gravitate

1 toward the best interest and what's good for this region of
2 the -- of the state?

3 SENATOR SCHMITT: I do believe that to
4 be true, and in my time, I didn't serve in the House. I
5 was elected in 2008. So my time in the legislature I would
6 argue that, although a lot of what gets a lot of public
7 attention or sometimes ends up in the newspaper are very
8 partisan issues oftentimes.

9 Regional interests in the Missouri Senate
10 played an important part, and I believe that we have a good
11 Republican/Democrat working relationship with the St. Louis
12 Metropolitan area, and as public policy plays itself out in
13 the Legislature, that regional interest is important. And
14 so it would be my opinion that maintaining that amount of
15 eight St. Louis and St. Louis County senators is critical
16 to putting together a fair and representative map.

17 COMMISSIONER MAUPIN: Thank you.

18 CHAIRMAN HARPOOL: Other questions?

19 Thank you, Senator.

20 SENATOR SCHMITT: Thank you.

21 CHAIRMAN HARPOOL: Tom Wilsdon.

22 REPRESENTATIVE WILSDON: Mr. Chairman,
23 I'm want to thank the Commission here. I serve on the
24 State House Commission that -- that met earlier. I'm also
25 a resident of 2027 Sandfield Drive in the Maryland Heights

1 Township, and I just had a small -- when they redrew the
2 maps ten years ago, and our portion, the 7th and 24th -- I
3 will submit this as Wilsdon 1 Map -- it cuts through the
4 middle of subdivisions.

5 And before we've always down Kelvy and Ross
6 Road, and I understand with some of the -- the shifting of
7 the 24th maybe to the southwest and the 7th and portion of
8 the 26th, whatever, but just a small part of that would
9 help because trying to describe the middle of subdivisions
10 keeping things as we know we have with mandatory criteria,
11 compact and contiguous, just going it down to Kelvey Road,
12 which is also dividing now one of our Congressional
13 districts, would be easier.

14 That's pretty much it.

15 CHAIRMAN HARPOOL: Any questions?

16 Thank you, and we will receive your map.

17 REPRESENTATIVE WILSDON: Thank you.

18 CHAIRMAN HARPOOL: Thank you. Senator
19 Walton.

20 REPRESENTATIVE WALTON: Thank you, Mr.
21 Chairman, members of the Commission. I want to just
22 briefly expand on my colleague from the 15th, Senator
23 Schmitt.

24 I think it's very important for our region
25 to maintain. Being senators now, one place that I want to

1 differ just slightly with my colleague, is there are
2 currently three senators in the City of St. Louis -- myself
3 and the two Democrats in the City of St. Louis, my
4 colleagues there.

5 And I have found that, you know, there may
6 be times where we differ, but often, as Senator Schmitt
7 mentioned, we're working side by side on issues that are
8 important to our region.

9 I'm sure you'll find out as you look at the
10 numbers, because of the population shift, that it makes
11 sense that there be two senators from the City of St.
12 Louis.

13 Ninety percent in my district currently, the
14 1st, is in the St. Louis County, and about 10 percent of
15 it's in the City. And I think again, with the shift of
16 population, it would make sense for us to have the six
17 senators from St. Louis County -- and I believe the
18 population is there -- and two from the City.

19 I'd be happy to answer any questions.

20 CHAIRMAN HARPOOL: Questions? What --
21 what terms are you in?

22 REPRESENTATIVE WALTON: I'm in my first
23 term.

24 CHAIRMAN HARPOOL: So you would
25 have another potentially six years to serve?

25 REPRESENTATIVE WALTON: Five.

1 CHAIRMAN HARPOOL: Five, all right.

2 Thank you.

3 REPRESENTATIVE WALTON: Thank you.

4 CHAIRMAN HARPOOL: Senator Cunningham.

5 SENATOR CUNNINGHAM: Thank you very
6 much for having us. For the record, my name is Jane
7 Cunningham, and I represent the 7th Senatorial District,
8 which is west and northwest St. Louis County.

9 I have represented areas of that for more
10 than a decade, with my House district around the central
11 part of West St. Louis County preceding my time in the
12 Senate. In answer to your question earlier, I am in my
13 first term in the Senate. I served eight years in the
14 House. I'm in my first term of the Senate, so there are
15 five and a half years left of that.

16 Just to piggy-back a little bit on what was
17 said before, presently we have eight and a half, I guess
18 you will, senators representing parts of St. Louis County.
19 Senator Nieves brings in from Franklin where he lives. His
20 district comes into St. Louis County.

21 I think to probably make the record more
22 clear, what we're asking for is that you retain eight
23 senators, eight senator districts, within the St. Louis
24 region as far as where they live, where they reside.

25 I think you'll hear a lot of me-toos today.

1 There has been a lot of united effort and agreement between
2 both parties, the Democrats and the Republicans, with our
3 goal to united say to you, as has been said before by
4 Senator Schmitt, that this region, this community of
5 interest is very important, not just to St. Louis but to
6 the entire state of Missouri.

7 Because we are the economic engine of the
8 state, it is critical that we keep this area very strong,
9 that we keep it well represented, and I think you will hear
10 a united message from all eight of us of all of our -- even
11 Senator Nieves who has represented part of St. Louis
12 County, that we want to keep it that way with regard to
13 eight senators who presently reside in the St. Louis
14 Metropolitan area.

15 My district, getting more provincially, has
16 been, as I said, West St. Louis County and Northwest St.
17 Louis County. I love my community of interest, and it has
18 worked very well. And so obviously I would like to retain
19 that interest as much as possible.

20 CHAIRMAN HARPOOL: I guess if the
21 population supports eight, then there will be eight. But
22 if the population doesn't support eight, then the voters
23 will decide where those --

24 SENATOR CUNNINGHAM: Correct.

25 CHAIRMAN HARPOOL: -- where those

1 people live, right?

2 SENATOR CUNNINGHAM: Oh, right. We --
3 we do believe that there is a population within the
4 deviation allowed that would allow that to still happen.
5 We plan to try to get together to give you more definitive
6 guidelines, at least from our recommendation to you.

7 CHAIRMAN HARPOOL: Since the advent of
8 term limits, there's been some debate as to what input --
9 in the old days, your incumbents would get together and
10 they'd all write the districts they wanted, then seemed to
11 have enough power to get the district they wanted written
12 in the law.

13 With term limits, that seems to make less
14 sense to us since none of you will be the senators for the
15 last half that this map will be in effect. Could you react
16 to that?

17 SENATOR CUNNINGHAM: I think we're all
18 -- I think you'll hear from all of us what we're interested
19 in is -- is St. Louis County, the region that common
20 interest, and make sure we keep it strong.

21 CHAIRMAN HARPOOL: Certainly the
22 importance of St. Louis to our state is -- is undeniable.

23 SENATOR CUNNINGHAM: And -- and I think
24 that if we can keep eight senatorial districts of those who
25 reside in St. Louis City and County, that would go a long

1 way towards that request.

2 CHAIRMAN HARPOOL: Yes.

3 COMMISSIONER RILEY: Two quick
4 questions. How much growth have you experienced in your
5 district?

6 SENATOR CUNNINGHAM: I have lost in my
7 district about 15,000.

8 COMMISSIONER RILEY: About 15,000?

9 SENATOR CUNNINGHAM: Uh-huh.

10 COMMISSIONER RILEY: And I have one
11 little --

12 SENATOR CUNNINGHAM: Kind of common to
13 all of us.

14 COMMISSIONER RILEY: -- slight bit of
15 humor here. Is it possible, you know the type of, you
16 know, team playing I see here in St. Louis, you guys are
17 being team players, --

18 SENATOR CUNNINGHAM: Thank you for
19 recognizing that.

20 COMMISSIONER RILEY: -- Democrats and
21 Republicans.

22 SENATOR CUNNINGHAM: Little
23 bipartisanship.

24 COMMISSIONER RILEY: Yeah, bipartisan.
25 Could you guys do that on the Senate floor?

1 SENATOR CUNNINGHAM: Of course not.

2 COMMISSIONER RILEY: No, I'm kidding.

3 No, but --

4 SENATOR CUNNINGHAM: Actually you'll
5 find that there's more bipartisanship than may get in the
6 press.

7 COMMISSIONER RILEY: No, I -- I just
8 had to get that out. But I just -- I think it's good that
9 everyone is trying to work together here and realize that,
10 you know, St. Louis and Kansas City are true economic --
11 the true economic engines of this state, and we must
12 further than just doing this redistricting here, try to
13 work together and make sure that every citizen in this
14 state is receiving his or her part of the pot, so to speak,
15 from the state government.

16 So thank you, Senator, for being here today.

17 SENATOR CUNNINGHAM: Thank you.

18 CHAIRMAN HARPOOL: Any other questions?
19 Well, actually one other. Since the population is shifting
20 to St. Charles and to Southwest Missouri, --

21 SENATOR CUNNINGHAM: Uh-huh

22 CHAIRMAN HARPOOL: -- wouldn't it make
23 sense to put the smaller districts in those areas that are
24 continuing to grow so that at the end of the map, at the
25 end of the ten years the difference between the biggest

1 district and the smallest districts would not be as great
2 as we have found them to be in the last ten years?

3 SENATOR CUNNINGHAM: You mean
4 population?

5 CHAIRMAN HARPOOL: Yeah.

6 SENATOR CUNNINGHAM: I --

7 CHAIRMAN HARPOOL: In other words, we
8 have some districts smaller than others.

9 SENATOR CUNNINGHAM: Right.

10 CHAIRMAN HARPOOL: Wouldn't it make
11 sense to put those smaller districts in the areas where the
12 growth has been so rapid that they now have way too many
13 people than what they should have?

14 SENATOR CUNNINGHAM: Well, you have
15 listed the guidelines at the beginning of your meeting as
16 far as communities of interest. And you are going to hear
17 from all of us what we believe in a bipartisan way is a
18 very important community of interest in our region.

19 With that said, it's also a huge interest
20 revenue-wise for the entire state of Missouri. And so I
21 think -- I believe that we have to keep it strong.
22 Obviously we realize there's the population deviations and
23 guidelines, and within those parameters, as you said, it
24 doesn't have to be like the Congressionals where they're
25 almost equal by number. Ours has some variation, and --

1 and we obviously recognize that, but requests that the St.
2 Louis region be made whole -- or left whole.

3 CHAIRMAN HARPOOL: I happen to be from
4 Southwest Missouri, and I tell people that because I'm a
5 Democrat, and I'm sure that we exist, but we do.

6 And the -- how do I tell the people of
7 Southwest Missouri that your -- your districts are growing
8 real rapidly, but we're going to let St. Louis have smaller
9 districts and dilute your vote even though you're likely to
10 grow in the next ten years a lot faster than those areas in
11 St. Louis that lost -- that lost population?

12 SENATOR CUNNINGHAM: I --

13 CHAIRMAN HARPOOL: Should I tell them
14 that?

15 SENATOR CUNNINGHAM: No, I think you
16 need to let -- you can tell them anything you want. I
17 can't tell you what to say, but what I think what we've got
18 here is you have guidelines. We're not recommending that
19 you move around those guidelines. We're recommending you
20 keep those guidelines, and -- and that you recognize, as
21 you'll hear from probably all of us -- I don't want to
22 speak for everyone -- that this community of interest and
23 this region is critical to the entire state.

24 You just had some horrible devastation in
25 your area. It takes money to fix that, and a lot of that

1 money comes from this region. And so we have to keep this
2 region strong, we have to keep it economically strong, and
3 we all are in agreement to try to help that happen. Not
4 just for us, but for the entire state of Missouri.

5 CHAIRMAN HARPOOL: We -- we certainly
6 understand and support it.

7 SENATOR CUNNINGHAM: Thank you.

8 COMMISSIONER MAZUR: Senator, if I
9 might -- Jeff Mazur, for the record. I just want to make
10 sure, you understand that the population of the City of St.
11 Louis, I think the last census was 319,294, and that's
12 about 30 some thousand voters short of population to
13 support --

14 SENATOR CUNNINGHAM: Correct.

15 COMMISSIONER MAZUR: -- two full senate
16 districts. Also do you understand that the population of
17 St. Louis County is about 40 to 45 thousand people short of
18 what would justify six full senate districts in the County?

19 SENATOR CUNNINGHAM: Correct. But as I
20 said, we started -- as I started off with we now have eight
21 and a half, if you will, and -- and you will hear from all
22 of us that we understand that some of the city senators
23 will have to move into St. Louis County. We understand
24 that.

25 By the way, if you want my little editorial

1 we hope will fix the schools in the City, and those 22,000
2 children they lost will move back in. Hopefully we'll
3 reverse some of this trend.

4 COMMISSIONER MAZUR: Thank you.

5 SENATOR CUNNINGHAM: Uh-huh.

6 COMMISSIONER WILLIAMS: Yancy.

7 Senator, you're familiar with the -- with the guidelines
8 that have been put on us in terms of drawing up what is a
9 Constitutional map?

10 SENATOR CUNNINGHAM: Sure.

11 COMMISSIONER WILLIAMS: Is it your
12 opinion that we can draw a map doing what you have
13 recommended that will meet Constitutional muster?

14 SENATOR CUNNINGHAM: Yes, I do.

15 COMMISSIONER WILLIAMS: Thank you.

16 COMMISSIONER RILEY: Will you present a
17 map showing that?

18 SENATOR CUNNINGHAM: Well, we are -- we
19 are hoping to meet together in a united way to provide that
20 information to you guys. I -- I think you have until the
21 deadline, did you say, the 3rd of June. Is that correct?

22 CHAIRMAN HARPOOL: You have until then
23 to submit it to us via the internet. Our deadline is later
24 than that, but yes, for submitting public input, we'd like
25 to have it by June 3rd.

1 SENATOR CUNNINGHAM: And that will then
2 constitute public record if we're able to meet that?

3 CHAIRMAN HARPOOL: We will supplement
4 to your record.

5 SENATOR CUNNINGHAM: All right. Thank
6 you.

7 CHAIRMAN HARPOOL: Thank you, Senator.

8 SENATOR CUNNINGHAM: Uh-huh.

9 CHAIRMAN HARPOOL: Some of our
10 questions, by the way, are hopefully to probe the type of
11 issues we have to discuss as a Commission and to get the
12 benefit of your thoughts on how we approach those issues.
13 It's -- it's not to be argumentative, but it's to explain
14 some of the issues we have to confront as we approach these
15 issues.

16 Senator Brian Nieves.

17 SENATOR NIEVES: Wow, we should have
18 just met with the Senate. Well, thank you, Mr. Chairman
19 and members of the Commission. I -- as I've sat here this
20 afternoon, it's reminded me of the process that we recently
21 went through in the State Legislature with drawing out
22 Congressional districts, and I will just tell you that not
23 only can I sympathize with what you're doing, but I think I
24 can empathize. And there were a few times during that
25 process where I began to wonder whether or not we as the

1 State Legislature were giving a little bit too much
2 credence to what the -- to what the members of Congress
3 wanted in the drawing of a map because that was our job.

4 And so the first thing I want to say, and I
5 think that I can speak for of us, is that we do understand
6 that -- that this is your job and we're just here to offer
7 you some ideas and some thoughts. And I don't think any of
8 us are coming to you from the standpoint of demanding
9 anything. We're just -- we're just sharing what we'd like
10 to see happen.

11 You've heard the eight and half senators.
12 I'm the half. And I -- I guess I should be proud of that.
13 I don't know. But I -- my current district contains all of
14 Franklin County, all of Warren County, and then a little
15 bit of western St. Louis County. And I'm probably just
16 like anybody else. I would love to just keep the exact
17 same district that I have, but I do understand that that's
18 going to be basically impossible to do.

19 What I've done is I've gone through and I've
20 just kind of picked out three maps that I think would --
21 would satisfy Constitutional muster and keep me well within
22 the -- the guidelines of what we need for population
23 growth. I'd be happy to try to get copies of these to you,
24 but it's very -- very simple to explain what I've looked at
25 here.

1 And -- and my -- my district being that half
 2 St. Louis County senator, my district actually grew to
 3 where -- where I need to shrink. My district needs -- I
 4 think I have over 190,000 people in my district at this
 5 point. So obviously I need to -- need to lose some of that
 6 population.

7 So the first map that I would -- that would
 8 propose or ask you to consider would be one that has all of
 9 Franklin County, all of Warren County, all of Gasconade
 10 County, which would be new, and then it would tremendously
 11 shrink the amount that I have in St. Louis County. It
 12 would allow me to keep some of my St. Louis County
 13 representation. And the reason that I would offer you as
 14 far as why, at least from my standpoint, that I would think
 15 that would be important is because the counties of Franklin
 16 and Warren are more and more becoming less considered St.
 17 Louis area, you know, the Greater St. Louis area.

18 Certainly Franklin County and to a certain
 19 extent Warren County is -- is becoming that way as well,
 20 and so I just think from the regional standpoint it would
 21 be important then -- and quite frankly, it would be nice
 22 for us to be able to maintain some of that St. Louis
 23 affiliation, that St. Louis County affiliation. So that
 24 map has all of Franklin County, all of Warren County, all
 25 of Gasconade County, and then a greatly reduced portion of

1 St. Louis County as compared to what I have right now.

2 The second map would unfortunately have me
3 losing all of my St. Louis County portion, and then I would
4 have all of Franklin, all of Warren, all of Montgomery, all
5 of Gasconade and all of Osage. And as I said, I'll be
6 happy to provide you with copies of these. I don't know if
7 you can see from there, but that map is absolutely
8 tremendously contiguous.

9 And then the final option would be all of
10 Franklin, all of Warren, all of Montgomery, all of
11 Gasconade and all of Maries, and it is also contiguous, but
12 maybe not as pretty on the map.

13 And so that would be my testimony. This is
14 my first time ever doing this. I'll be happy to try to
15 answer any questions you may have.

16 CHAIRMAN HARPOOL: Thank you, Senator.
17 If you want us to consider those maps, if you would either
18 find a way to get it to OA or to get it to me so that we
19 can include them as part of the record. I understand if
20 that's your only copy of them, you don't want to give them
21 up today.

22 SENATOR NIEVES: Well, they're easy --
23 they're easy to make again. I'll be happy to leave --
24 leave them with the Commission.

25 CHAIRMAN HARPOOL: The -- you mentioned

1 moving some counties that are not yours into your area.

2 SENATOR NIEVES: Yes, sir.

3 CHAIRMAN HARPOOL: As you understood
4 the Congressional redistricting, any time we do that, we're
5 taking a county out of somebody else's district, which
6 means to make its population right, we then may have to
7 move somebody else's county. So we move one line, we've
8 moved pretty much all of them every time.

9 SENATOR NIEVES: Absolutely.

10 CHAIRMAN HARPOOL: Who presently is the
11 senator who has the district with the counties you
12 suggested moving to your area?

13 SENATOR NIEVES: I believe that would
14 be Senator -- I think that would be Dr. Jim Brown. I
15 believe.

16 CHAIRMAN HARPOOL: Have you spoken with
17 him as to whether these changes would be acceptable to him?

18 SENATOR NIEVES: I -- I have not yet,
19 but certainly will.

20 CHAIRMAN HARPOOL: And again, as you
21 said, that we can't simply write districts that become
22 what's asked for. First of all, it didn't work.

23 SENATOR NIEVES: Right. Sure.

24 CHAIRMAN HARPOOL: But secondly,
25 they're not going to be incumbent senators under the terms

1 limits for the last half of the district. But we certainly
2 are interested in your input because we know you know your
3 district, so we know your communities of interest. And
4 that's why it's appropriate for you to be here and sharing
5 with us.

6 SENATOR NIEVES: Thank you. And not
7 only am I the half man of the St. Louis County region, I
8 was just elected. So should everything go my way in the
9 future, I would -- I would actually serve --

10 CHAIRMAN HARPOOL: Six years.

11 SENATOR NIEVES: -- for six years in
12 the -- in the new district.

13 CHAIRMAN HARPOOL: Other questions?

14 COMMISSIONER MAUPIN: Senator, do you
15 have the population deviations on these other districts?

16 SENATOR NIEVES: I have them -- all
17 three of these examples are -- are well within and -- and I
18 believe it was Chairman Harpool -- did I say that
19 correctly?

20 CHAIRMAN HARPOOL: You are..

21 SENATOR NIEVES: I'm a guy who gets his
22 name butchered, so I try to get other people's correct.

23 What I tried to do on all three of these
24 since I am in a growth area, I tried to draw these so that
25 I was just a little bit under. I mean well within the

1 deviation, but -- but just a little bit under that hundred
2 and 74 or 75 thousand mark.

3 COMMISSIONER MAUPIN: Okay. Thank you
4 very much. And those calculations are on all your maps?

5 SENATOR NIEVES: No, these are just
6 geographic maps.

7 COMMISSIONER RILEY: Senator, what does
8 your district look like with cutting -- just cutting out
9 St. Louis County -- I mean, St. Louis City?

10 SENATOR NIEVES: I -- yeah, we did look
11 at it that way, and -- and I -- I would be way too far
12 below the deviation if -- if my -- my current district is
13 all of Franklin, all of Warren, and then western St. Louis
14 County. So if we just take off that western St. Louis
15 County portion, it would put me way below the -- the
16 deviation. I think it's a 10 percent deviation that we can
17 have from that 175.

18 COMMISSIONER RILEY: Yes.

19 SENATOR NIEVES: So -- so as far as the
20 population constraints, I don't believe we'd be able to do
21 that. If I lose the St. Louis County portion, I have to --
22 I have to pick up something else.

23 COMMISSIONER RILEY: Okay.

24 COMMISSIONER MAUPIN: How many voters
25 -- how many residents are in the St. Louis County portion i

1 your district?

2 SENATOR NIEVES: Right now they're --
3 with the population that area of St. Louis County did --
4 did tend to grow a bit, and I think we're between 45 and 50
5 thousand in that area right now.

6 COMMISSIONER MAUPIN: All right.

7 CHAIRMAN HARPOOL: Other questions?

8 Thank you, Senator.

9 SENATOR NIEVES: Thank you.

10 CHAIRMAN HARPOOL: Senator Robin Wright
11 Jones.

12 SENATOR JONES: Good afternoon.
13 Senator Robin Wright Jones, 5th District, City of St.
14 Louis. I addressed you when you were in the Capital here
15 about a month or so ago.

16 CHAIRMAN HARPOOL: Yes, Senator.

17 SENATOR JONES: And I'm glad that
18 you're here with us today. My comments are predicated to
19 some degree on having served on the Congressional
20 Redistricting Committee in the Senate, and just having been
21 a life-long resident of the City and some concerns I have
22 about the way the lines are drawn.

23 As -- on the Congressional district for the
24 -- of the -- I'm sorry. On the Senate Committee for the
25 Congressional Redistricting, I have great concerns that

1 House map and the City maps were so very similar,
2 considering we had two different offices, two different
3 persons, two different sets of equipment, but came up with
4 very, very, very similar maps, which made me think maybe
5 the same person drew the maps.

6 That caused me a great deal of recent
7 concern. And as we've heard earlier, we've had a lot of
8 consternation and strife in coming to an agreement on the
9 map. It was finally voted out of the Chamber, and then was
10 vetoed by the Governor. And we know the history on that.

11 There was a lot of inclusion as discussion
12 went in that. I was not -- as a Democrat, I was not
13 included in that discussion. These maps were just spit out
14 as we were supposed to try and move forward, and I think
15 I'm on record as having not signed it and disagreed with
16 the process.

17 When I looked at the map that was -- that I
18 first saw, I thought at first it was a phantom map. I
19 couldn't believe that it would come back to us with an
20 east/west orientation, and I don't know if any of you have
21 been on this committee or any of you who probably have been
22 in the process informally across the 20 or 30 years that
23 we've done this. St. Louis struggled to get a north/south
24 orientation because of our prolific racial issues in the
25 City that continue to this day.

1 A north/south orientation allowed any
2 senator from either side of -- and at that time, I think we
3 had five, we're down to three -- allow a lot more
4 constituent diversity inside the district. If you go east
5 to west, you would be essentially creating a Mason/Dixon
6 line in the City.

7 This -- and you did not create discussion.
8 You created a great deal of ire because we fought this
9 issue for many, many decades, and you yet may hear this
10 again from some other presenters.

11 It's patently unfair for us to not have
12 access to the full breadth of diversity in the City. In
13 the southern part of the City, we have large populations --
14 Bosnians, Hispanics, and growing Asians. And when you cut
15 the district in half and you again have unsupported
16 polarization that we have lived through for far too many
17 decades.

18 We cannot continue to do that. The way the
19 line now is is a much more reasonable approach, and I
20 recognize there are going to be differences and changes,
21 but to just let it flop 9:00 a.m. to 3:00 p.m. is not good.
22 You need to some way waiver a little bit and come more
23 toward center as it stands. Because you will only once
24 again exacerbate the issue of our polarities, whether it's
25 in school, the housing patterns, whether it's in

1 representation from reps or aldermen or for the senators.

2 I'm in my third year of my first term, and
3 the second term only comes if we run and if we win. So you
4 can't say I've got five more years. I hope so. I know I
5 have until next December. I know that. And I'm going to
6 do all I can to -- to stay there and represent the people,
7 but that is my concern.

8 We do not need to have another racial
9 discussion in the City of St. Louis. That one has been
10 had, and we have an answer to it. And I would hope that
11 those of you who are from St. Louis -- I'm not sure who --
12 if you've been involved in the City politics, then you are
13 certainly aware of our issues, and we don't need to -- to
14 create that type of situation.

15 I think the way the map came in Senator
16 Kennedy was north and I was south. I mean, it was almost
17 laughable. He and I got to laugh at it for a moment, till
18 I realized that it was real. And then I became concerned
19 as to did you talk to anybody, was you listening to
20 anybody, do you know our history? And it has to be said
21 because it's real, not just say it is to open up something
22 that's very, very important. We don't need politics as
23 usual.

24 I think we're moving away from that, and I'm
25 certainly going to be one to voice a concern that we don't

1 go back into a history mode of civil -- a Civil War era
2 mode, and fight things that we've already fought because we
3 have enough things that we have not worked out as it is.

4 St. Louis is provincial enough life in St.
5 Louis can oppressive because of these racial disparities
6 across the board, whatever they are, and we need not have
7 our -- our representation involved in that. I would
8 certainly hope that you would stop and look at it again. I
9 may present you a map.

10 Senator Kennedy and I have not had any
11 formal discussions. We had a very loose discussion about
12 an area that he is the Committee man for and represents an
13 area that I had in the House. I was in the House for seven
14 years in the 63rd District, which is the chunk of the 5th
15 District as it now stands.

16 So I have a very strong base there as it is,
17 and for anybody coming after me, it's a very diverse base
18 and would be a very good base to launch a career off of.
19 But if you -- if you split it up in a racial pattern, I
20 know there are guidelines that require that you don't do
21 that, and I'm thinking that this map is not honoring that.
22 That you really give this a hard look, and skew our lines a
23 little more northwest/southeast, if you can, a little purer
24 north and south. Please look at that very carefully.

25 In the North St. Louis area, we've lost

1 30,000 persons in population in the City of St. Louis. We
2 have an empty state rep district, which would be Janet
3 Bottox (ph.), but she's not running again. So it's
4 important to me, not just as the potential the next senator
5 for the 5th, but just for the dialogues that we have in the
6 City and the base that we need go forward and be as
7 productive as we can.

8 We're the core of the region. There is a
9 St. Louis Regional Council, of which I am the chair at the
10 moment. The Regional Council extends to Warren -- Warren
11 County. There are 73 of us that are reps of the Senate,
12 who are the reps of the region, and we do come together to
13 try to vote and work for what's best for the region because
14 we recognize that the region and Kansas City is the heart
15 of the economic engine in this state.

16 So again, my concerns are there, and I
17 certainly hope that you will give that serious
18 consideration as you move forward. Thank you.

19 CHAIRMAN HARPOOL: Thank you. You
20 should know I wrote that map, and I did so in order to show
21 the drastic changes that were going to have to be made
22 without regard to where anybody lived and without regard to
23 who was becoming a senator anywhere.

24 SENATOR JONES: Uh-huh.

25 CHAIRMAN HARPOOL: In order to -- it

1 does protect the minority population requirements under the
2 Constitution.

3 SENATOR JONES: Uh-huh.

4 CHAIRMAN HARPOOL: But I'm so glad that
5 you have shared with us the historic --

6 SENATOR JONES: Yes.

7 CHAIRMAN HARPOOL: -- implications of
8 the map, which frankly was not recognized by that map.
9 What you need to know is that it's nothing more than a --
10 something to get discussion started. And we're going to
11 listen to our testimony we've had today and yesterday and
12 the day before in Jeff City, and then try to move on from
13 there. Okay?

14 SENATOR JONES: I look forward to that,
15 and certainly if you need more history, myself and there
16 are others in the room that can guide you.

17 CHAIRMAN HARPOOL: Well, let me see if
18 anybody else has questions before you go. Yes?

19 COMMISSIONER MAZUR: Chairman and
20 Senator, thank you for your testimony today. I also want
21 to make sure -- is it your understanding that historically
22 the courts and jurisprudence around the protection of the
23 majority/minority districts generally speaking they like to
24 have a -- a majority/minority district with a -- a minority
25 population of around 16 percent of the population?

1 SENATOR JONES: That's true, but if
2 you're looking at how the population is spread out racially
3 in the City, we're pretty mixed. It's -- North St. Louis
4 is virtually empty. It's a vast wasteland. I'm sure you
5 have to go a long way to get 175,000 people out of North
6 St. Louis, especially on an east/west line.

7 I believe you could get that many in either
8 district quite frankly these days. You know, I think you
9 can do a north to south, and -- but if you go east to west,
10 you -- it's just like you're cutting off half of the City,
11 the ability to have a diverse blend all the way across the
12 board.

13 COMMISSIONER MAZUR: Thank you. And I
14 also want to reiterate that in addition to the explicit
15 constitutional principles that are listed in the
16 Constitution that we have to do, there are also one of the
17 key things that we need to do to make sure, as the Chairman
18 said, that we are protecting, in the court's view, the
19 majority/minority interests in the creation of these
20 districts.

21 So as we create subsequent maps, I know that
22 every member of the Commission, regardless of Democratic or
23 Republican, is going to have that in mind as we create the
24 maps that we intend to try and agree on.

25 SENATOR JONES: Thank you.

1 COMMISSIONER MAZUR: Thank you.

2 CHAIRMAN HARPOOL: Commissioner Maupin.

3 COMMISSIONER MAUPIN: Senator, do you
4 share the opinion of the prior speakers that the senators
5 from St. Louis City and the senators from St. Louis County
6 work together on a regional basis to further the community
7 of interest, which would be the St. Louis Metropolitan
8 area, as those opportunities present themselves?

9 SENATOR JONES: Well, that's why I
10 spoke about the Regional Council. I believe we had total
11 by the St. Louis Regional -- the air tropolis legislation.
12 Because we all recognize the benefit that that would be.

13 On the floor -- you know, there are no
14 permanent friends, no permanent enemies, only permanent
15 interests, and for various reasons we come together to
16 protect our interests and the interests of the community.
17 And I think we have a working relationship. There -- there
18 are 34 of us, and as you heard before, there are 8 from the
19 immediate St. Louis region. And we have to work together,
20 yes.

21 COMMISSIONER MAUPIN: Thank you very
22 much.

23 SENATOR JONES: You're welcome.

24 CHAIRMAN HARPOOL: Any questions of the
25 Senator?

1 COMMISSIONER RILEY: Yes, I just -- I
2 just have to say I -- you know, thanks for the historical
3 context that you gave because I'm from Kansas City and I
4 believe based upon the testimony today, some of the things
5 you alluded to that, you know, protect the minority
6 districts, but also working in concert with the other
7 senators. I believe from the testimony today, Democrats
8 and Republicans that are here, that they too will support
9 that, and I'm in support of that.

10 And so it's good that you came today to give
11 people the history of which they did not know, and I know
12 the state of Missouri or even around this country, we do
13 not want to go back to the days of -- of the Mason/Dixon
14 line.

15 SENATOR JONES: No.

16 COMMISSIONER RILEY: And all those
17 other things. And you know, some people are scared of that
18 language, but I -- it's a -- it's noted in our history.

19 SENATOR JONES: It is.

20 COMMISSIONER RILEY: And so we don't
21 need to go backwards. We need to go forward, and just like
22 you mentioned, the legislation that you guys passed, if you
23 didn't have a relationship, you would not have been able to
24 get that passed.

25 SENATOR JONES: Absolutely.

1 COMMISSIONER RILEY: So thank you for
2 your testimony, and everything you said is duly noted
3 today.

4 SENATOR JONES: Thank you. All right.

5 CHAIRMAN HARPOOL: Thank you, Senator.

6 COMMISSIONER RILEY: Thank you,
7 Senator.

8 CHAIRMAN HARPOOL: Senator Joe Kennedy.

9 SENATOR KENNEDY: Thank you, Mr.
10 Chairman and members of the Commission. Senator Joe
11 Kennedy representing the 4th Senatorial District, which is
12 the west side of the City of St. Louis. I just finished my
13 first year of my first term. So I'm not term limit out
14 till 2018.

15 Part of coming up at the end is I'm just
16 reiterating almost what everybody said. I do think we need
17 to maintain eight senators in the metropolitan area. I do
18 think that we work very well together. I do think that
19 both the maps, the preliminary maps, that I saw that
20 divided North St. Louis by South St. Louis, that was the
21 major concern that I had.

22 I've been a life-long resident of the City
23 of St. Louis. We -- we have worked so hard to -- to -- to
24 integrate the City, and the way that the two iterations of
25 the map are, we get -- it's almost like we go back to

1 segregating it, and I enjoy having a broad diverse
2 district. I have the very, very poor in my district, and I
3 probably have the wealthiest in St. Louis in my district.

4 It's a very, very hard district to
5 represent, but I think it makes me a better -- a better
6 public servant. So without going through what everybody
7 else has said, I'll open for any questions.

8 CHAIRMAN HARPOOL: We understand you're
9 basically saying that you agree with some of the prior
10 testimony?

11 SENATOR KENNEDY: That's correct.

12 CHAIRMAN HARPOOL: Any questions of the
13 Senator? Thank you.

14 SENATOR KENNEDY: Thank you.

15 CHAIRMAN HARPOOL: Senator Elbert
16 Walton. Representative, how are you?

17 REPRESENTATIVE WALTON: All right.

18 CHAIRMAN HARPOOL: Haven't seen you
19 since our days on the floor.

20 REPRESENTATIVE WALTON: How you doing?

21 CHAIRMAN HARPOOL: Fine, sir.

22 REPRESENTATIVE WALTON: I'm Elton
23 Walton. I was formerly a member of the Missouri House of
24 Representatives from 1979 to 1992. I was first elected to
25 office in 1978, and got involved in the reapportionment

1 process that began with the 1980 census.

2 I've been heavily involved in
3 reapportionments every time, 1980, 1990, 2000, and now of
4 course 2010. In fact, I drew maps constantly, and I'm
5 quite versed in this reapportionment process.

6 I've filed several lawsuits challenging
7 reapportionment plans under the Voting Rights Act. I've
8 appeared before the various commissions, testified for the
9 State Senate Districts, the Congressional Districts, the
10 House Districts, the County Council Districts, the
11 Committee Political Part Districts, the City of St. Louis
12 Aldermanic Districts.

13 So I've been involved on an administrative
14 level and at the legal level in dealing with
15 reapportionment.

16 I was trying to pull up on my computer a --
17 a paper that I wrote on the race and politics, and one of
18 the chapters that I had was a chapter on legislative
19 reapportionment in which I went through all the concepts
20 and ranks that the courts have gone through in trying to
21 determine what you should do.

22 Basically, the courts have said that
23 minorities should have an opportunity to elect a
24 representative of their choice. What that -- the courts
25 have said that means is they should have a 50/50 chance.

1 So therefore, districts should be 50 percent black, 50
2 percent white where it was possible.

3 I have -- there have been some court cases
4 in which a professor by the name of Groveman testified that
5 based on social logical factors in black community, that a
6 50 percent district was adequate. What the court
7 eventually said is you needed a -- what Professor Groveman
8 testified to was that you need a 65 percent black district
9 for three reasons.

10 One was that black voters are younger than
11 white voters. That is the black population is 5 percent
12 younger, so that voting age you're going to find that the
13 black population is 5 percent younger than the white
14 population, and therefore, a 50/50 district would not be
15 equal.

16 The second -- the second factor was voter
17 registration. They said that the black voters tended to
18 register at a 5 percent rate less than white voters. That
19 way you had to make up for that 5 percent.

20 And the third factor was turnout. Black
21 voters tended to turnout at a 5 percent rate less than
22 white voters. So based on this Dr. Groveman's studies, the
23 court then had issued an opinion in one of those voting
24 rights cases that a district had to be 65 percent majority
25 black in order for the black candidates to have an equal

1 opportunity to elect a representative of their choice.

2 CHAIRMAN HARPOOL: Representative, we
3 have several lawyers on the -- on the panel up here. Can
4 you provide us a cite to that case at some point so we can
5 read it?

6 REPRESENTATIVE WALTON: In fact, after
7 I --

8 COMMISSIONER RILEY: We -- we have it
9 in our book right here. He's citing the Chicago case.

10 REPRESENTATIVE WALTON: Well, I think
11 there was a Chicago case was primarily that was Hispanics.
12 But this case that I'm thinking of came out Carolina. I
13 think North Carolina.

14 COMMISSIONER RILEY: Right.

15 CHAIRMAN HARPOOL: Based on the Supreme
16 Court case you're talking about?

17 REPRESENTATIVE WALTON: Yes.

18 CHAIRMAN HARPOOL: Okay. Go ahead. We
19 can find it with that information. Go ahead.

20 REPRESENTATIVE WALTON: But I'll --
21 I'll send you information that I have.

22 CHAIRMAN HARPOOL: All right.

23 REPRESENTATIVE WALTON: Basically then
24 throughout this reenforcement process as I attempted to try
25 to get districts drawn, I always tried to get the 65

1 percent district. I also learned that you should have a
2 map, draw a map and say here it's possible, because often
3 people will say something can't be done.

4 Now, I'm going to differ with the Senator
5 from St. Louis. We drew the maps in 2000 with the
6 intention of holding on to two black Senatorial districts
7 in the City of St. Louis.

8 We had lost one in a special election. We
9 were going to try to get it back. Traditionally St. Louis
10 City's districts were always drawn with a line from running
11 from the western part of the city down to the -- east to
12 the -- western line of the City down to the river front.
13 So that you had north districts, and you had south
14 districts.

15 Because of the population change, in order
16 to hold on to these black Senatorial districts in
17 connection with the 1990 census, we ran north and south.
18 We ran from the north part of the City to the south part of
19 the City. Now I don't believe you can possibly draw 65
20 percent black district if you draw two districts north and
21 south. I don't think you can do that. I haven't attempted
22 to draw a map, but based on what the problems we had ten
23 years ago in holding on to those two black districts, I
24 don't think you can do it.

25 So you can look and see, and I would assume

1 that's why when you drew -- when the others drew the map, I
2 assume that's why you drew them north and south. Because
3 in order to get to 65 percent, you had to have a north
4 district and you had to have a south district, plus from my
5 looking at the population, St. Louis City doesn't have
6 enough population for two Senatorial districts, and
7 somebody has to go into the County.

8 Well, we don't want them coming into St.
9 Louis County north. We want them to go into St. Louis
10 County south. Why? Because we can get two black districts
11 in North County. North County has enough population to
12 draw two near 65 percent black districts, which we tried to
13 do last time. We had the same concept that you had about
14 southwest Missouri.

15 We drew one district that was clearly black
16 back in 2000. We drew another district was 45 percent, but
17 it was a growth district, and we knew over time it would
18 grow into a majority black district, and it did.

19 We got tricked with some legislation that
20 kept us from being able to run somebody for the seat by an
21 incumbent senator. But otherwise, we would have run
22 somebody back four years ago, well, the next -- that last
23 cycle.

24 So we don't want you to come into North
25 County with the black senator because we can have two black

1 Senatorial districts in North County. We want you to go
2 into the South County like you've already are with that
3 South St. Louis district. So it's impossible to go north
4 to south with two districts without going in to somewhere
5 in the County. You have to go somewhere in the County, and
6 -- and our position is based -- my position is based on my
7 studies and my experience in this, is that you need to go
8 South County, put the one Senate district in North County,
9 which would be a majority black district, and then there
10 will be two North County majority black districts.

11 Then of course we can get one black district
12 in -- in Kansas City.

13 CHAIRMAN HARPOOL: So what you're
14 saying is that if we take some of the North County black
15 population and stick it in with the North City black, then
16 we will be diluting the County so that they wouldn't be
17 able to elect -- there wouldn't be two secure black
18 districts in the County.

19 REPRESENTATIVE WALTON: Wouldn't be the
20 possibility. What the court says an opportunity.

21 CHAIRMAN HARPOOL: Right.

22 REPRESENTATIVE WALTON: Wouldn't be an
23 opportunity to elect two black districts.

24 CHAIRMAN HARPOOL: The voters will tell
25 us what -- what race their next senator might be, but what

1 you're saying is that it would -- you think it would meet
2 Constitutional muster?

3 REPRESENTATIVE WALTON: Right, right.

4 CHAIRMAN HARPOOL: Okay.

5 REPRESENTATIVE WALTON: Right. So that
6 -- that's where the problem comes in, with that idea of
7 running north to south. Because you've got the -- from my
8 reading of the numbers, you're going to have to go into St.
9 Louis County for one of the City -- the districts because
10 you can only get two now. And if the one -- and one of
11 them is going to have to go into St. Louis County.

12 And our preference on the county point of
13 view, is that they go into South County.

14 CHAIRMAN HARPOOL: And then I
15 interrupted you. Did you think there's one minority
16 district in Kansas City that needs to be protected?

17 REPRESENTATIVE WALTON: Yes. It took
18 them a long time to win that district.

19 CHAIRMAN HARPOOL: Right. So you think
20 there would be then four protected minority districts in
21 the State Senate that we -- that we as a Commission should
22 protect?

23 REPRESENTATIVE WALTON: That's correct.

24 CHAIRMAN HARPOOL: Okay.

25 REPRESENTATIVE WALTON: Now, what we've

1 always had a problem with is what they call cracking and
2 packing. In order to prevent minorities from having
3 majority districts that they could possibly win, they
4 usually crack them or pack them.

5 Cracking is where they -- they divide them
6 up and put them in with majority white districts where a
7 minority cannot possibly win. And packing is where instead
8 of where you could get two districts, you're now with one
9 because they packed everybody into one district.

10 So magnanimously, I mean, the Senator's
11 concept about we want to be diverse and all, that's great
12 if responsible. In fact, that's what we did ten years ago
13 because that was important because we were trying to hold
14 on to two districts.

15 I was -- and we -- but we didn't hold to
16 them. We didn't win. But we still had an opportunity to,
17 and that was what was important. We were trying to have an
18 opportunity to win it. The same with the St. Louis County
19 district. We wanted an opportunity to win.

20 So when you're drawing these -- my purpose
21 here today was simply to the point that is that is that
22 there is a possibility to have a majority black district in
23 Kansas City, a majority black district in St. Louis City,
24 and two majority black districts in St. Louis County, and I
25 want to urge the Commission to -- to work toward that.

1 Of course, normally I would try to have a
2 map to say because normally if you don't show a map, people
3 will say you can't do it. So we normally try to have a map
4 and say here it is. But --

5 COMMISSIONER RILEY: I have a question
6 for you.

7 REPRESENTATIVE WALTON: -- you have
8 permission.

9 COMMISSIONER RILEY: I'm sorry. I have
10 a question for you. Are you going to draw -- do a map
11 before the 3rd?

12 REPRESENTATIVE WALTON: Probably not
13 because I don't have a map -- maptitude. That's -- now,
14 last time -- plus I don't have the same drive at this level
15 that I did.

16 COMMISSIONER RILEY: I don't know. You
17 sound like you're pretty driven right now.

18 REPRESENTATIVE WALTON: Well, I'm
19 driven towards the discussion, but you know, I have to be
20 able to -- normally what happens is because I was going so
21 long, somebody gets me and takes me to Jeff City and takes
22 me to the map, and I sit there and go through and do the
23 map for them and show them how they can do the map. And
24 that's how I've been doing it in the past.

25 Somebody on the Commission or one of the

1 Senators or one of the Reps will take me to Jeff City, and
2 then we'll sit there and we'll go through, because you know
3 they can pull up the color codes and show you where the
4 incumbents are. And so you say okay, put a line here, put
5 a line here, and boom you've got the map.

6 That's what I normally do, but I've just not
7 -- just haven't done it this time, but I -- I mainly wanted
8 to come here to -- to point out the need to look at the 65
9 percent rule as you're drawing it. And the fact that if
10 you come in -- since you've got to go to St. Louis County
11 through one of the City districts, we don't want you to
12 come north.

13 CHAIRMAN HARPOOL: You want us to go
14 south?

15 REPRESENTATIVE WALTON: We want you to
16 go south.

17 CHAIRMAN HARPOOL: Because if we were
18 to go north, that would be packing?

19 REPRESENTATIVE WALTON: If you go
20 north, you'll crack. You won't pack. You'll crack. You'll
21 crack off some of the black people in the County into the
22 City's district to give them their black people. They got
23 all they need in St. Louis City.

24 CHAIRMAN HARPOOL: Okay.

25 REPRESENTATIVE WALTON: And they'll

1 keep them.

2 CHAIRMAN HARPOOL: Thank you. I
3 understand what you're saying, and we will -- we obviously
4 are constitutionally required to protect minority
5 districts, and we're going to take that real serious when
6 we draw the maps.

7 REPRESENTATIVE WALTON: All right.
8 Thank you.

9 COMMISSIONER MAZUR: Well, I had a
10 question. One other question. Mr. Walton, thank you for
11 your testimony.

12 Suppose for a moment hypothetically that
13 there was sufficient population in North St. Louis County
14 to create either a 65 percent and a 45 percent black
15 district or two 55 percent black districts, which, given
16 what you just laid out, would you prefer?

17 REPRESENTATIVE WALTON: Well, we also
18 -- there's also something else that has come out that you
19 can see in these court cases and you can also see in
20 reality.

21 Incumbent black representatives can run even
22 with less than majority black districts. Just -- you know,
23 they're -- they're generally able to win. Okay. So when
24 you get into St. Louis County, our incumbents would
25 probably win with less than 65 percent. But that's another

1 thing that we have to keep in mind. They're not going to
2 always be the incumbent. So we also got to look at what
3 happens after they go out so when -- when Senator Jones
4 goes out of office, see, when she goes out of office,
5 you've got to make sure that somebody can take her place.

6 So that's the problem with this running this
7 district in a manner in which you're not -- you don't have
8 a majority. So preferably, we would prefer to have the 65
9 percent district, but if you got to -- if you've got to --
10 in fact, last time we probably couldn't get to 65. They
11 said we -- we -- they wouldn't take us down to like 66.
12 They say we're going to put the 66. The best example is
13 St. Louis County Council.

14 I was in the lawsuit when they -- that group
15 of St. Louis County Council districts, and the judge -- I
16 showed the judge where she could give us two 60s or a 55
17 percent for the incumbent. And then bring it to a 55
18 percent with a new district.

19 Well, she said no. The law says I've got to
20 give them 65 percent. So she gave them 65 percent and a
21 45. But see, we -- we did -- we had the same kind of
22 concept there.

23 CHAIRMAN HARPOOL: So you personally
24 would prefer the two 55s?

25 REPRESENTATIVE WALTON: Yeah, if we got

1 an incumbent. Now, if we got -- we got growth. We have
2 growth in North County.

3 CHAIRMAN HARPOOL: All right.

4 REPRESENTATIVE WALTON: That's where we
5 have the growth.

6 CHAIRMAN HARPOOL: All right. Kathy.

7 COMMISSIONER SWAN: Mr. Walton, I
8 highly encourage you if you had an opportunity to do draw a
9 map. Those of us in the rural parts of the state are
10 certainly not familiar with the terminology of cracking and
11 packing, and would appreciate a visual aid if you had the
12 opportunity to create one for us.

13 REPRESENTATIVE WALTON: All right. And
14 I'll try to at least give you that chapter that dealt
15 specifically with legislative reapportionment. There's a
16 -- the Senator Young of the Civil Rights wrote an article
17 on it, and he set out like 10 or 15 things that are done
18 that cause the minorities problems in getting reelected or
19 to be elected.

20 COMMISSIONER SWAN: Thank you.

21 COMMISSION MAUPIN: That was my
22 question too, the access to the article you've -- that
23 you've written about cracking, packing and how to draw
24 districts, that's available some place and you can make it
25 available to us?

1 REPRESENTATIVE WALTON: Yeah. I --
2 it's on the -- it's on the net on cite, but I -- but what
3 I'll do is I'll pull out the URL -- well, I'll just pull
4 out the part that says -- that's what I'll do. And I'll
5 get it to Mr. -- you got two joint chairmen?

6 CHAIRMAN HARPOOL: You can get it to
7 me, and I'll -- I'll get it to the others.

8 REPRESENTATIVE WALTON: I'll get it to
9 the others.

10 CHAIRMAN HARPOOL: Okay. Thank you.

11 REPRESENTATIVE WALTON: All right.
12 Thank you.

13 CHAIRMAN HARPOOL: Maria
14 Chappelle-Nadal. I'm sorry that I didn't realize that -- I
15 would never have let Elbert go before you, but I --

16 SENATOR CHAPPELLE-NADAL: No, it was
17 okay. It was very insightful actually. Okay. I want to
18 thank you for allowing all of us to speak today, and just
19 giving an opportunity to talk about what are our districts
20 look like and respond to the map that we have seen thus
21 far.

22 It's not my desire to add to the
23 difficulties you face in redrawing legislative maps for the
24 Missouri House and Senate, but I do wish to express to you
25 a few concerns that I have, and I hope that the final map

1 -- map will fairly represent the citizens of the Greater
2 St. Louis area.

3 The St. Louis Metropolitan area is the 18th
4 largest metropolitan statistical area in the United States
5 with just under three million citizens. We are home to 28
6 four-year colleges and universities that graduate more than
7 25,000 students each year. The Greater St. Louis is the
8 economic engine for our state with eight Fortune 500
9 companies and 21 Fortune 1000 companies located here.

10 And yet the proposed map appears to weaken
11 the political influence of Missouri's largest metropolitan
12 region by reducing the area's representation in Jefferson
13 City.

14 We have already suffered a loss of
15 Congressional districts each year with negative
16 ramifications in our region, and we're not willing to also
17 lose representation at the level -- state level where
18 decisions have a more immediate and consequential impact on
19 the lives of people we are elected to represent.

20 Ladies and gentlemen, I fear that
21 preliminary map before us will dilute our voices,
22 especially among those in minority communities. And we get
23 our influence in the matters that it happens a lot. Just
24 ask my colleague in the State Senate, Bill Stoffer, whether
25 he thinks the concerns of the citizens of rural Missouri

1 will be adequately represented.

2 St. Louis County will be hurt represented by
3 a member of Congress who represents mostly urban Kansas
4 City. The new Congressional map tosses three rural
5 districts, western Missouri Counties, into mostly urban
6 Congressional district. And you have to wonder what those
7 farmers are going to say.

8 Although African-American, Asian and other
9 ethnics groups comprise more than 17 percent of Missouri's
10 population, minority representation in the Missouri Senate
11 falls just under 9 percent. Women comprise 51 percent of
12 our state's population, but accounts for just 18 percent of
13 the members of the Missouri Senate.

14 By eliminating West St. Louis County seats,
15 Senate seats, this proposed redistricting map further
16 reduces the ability of minority groups to participate in
17 the democratic process and to have their voices heard in
18 state government.

19 I believe it is critical to the health and
20 vitality of our region that St. Louis County retain six
21 Senatorial districts rather than the five districts
22 envisioned by this Commission. I am troubled that the
23 proposed map fails to maintain any sense of continuity with
24 the current legislative districts.

25 Although population shifts demand a

1 redrawing of the legislative line, I do believe that the
2 new line should be drawn with some effort to preserve a
3 existing districts and boundaries wherever feasible.

4 I also feel -- fear the proposed the map
5 fails to adequately consider the preservation of
6 communities of interest. Historically redistricting
7 committees have attempted to group citizens with similar
8 voting preferences or income levels or some other criteria
9 in an effort to bolster the electoral power of that group
10 to ensure they have the opportunity to be represented by
11 one of their peers.

12 For example, the new map inadequately
13 preserves the communities of interest that currently exist
14 in a composition in the 4th and 5th State Senate districts.
15 As you have heard today, that the 14th District in your map
16 that I currently represent, it encompasses Ladue, a
17 community that's interests are quite divergent from those
18 of the citizens I currently represent.

19 My apprehensions over the proposed map stem
20 from the potential loss of two of the three
21 African-Americans now serving in the State Senate, which
22 would be a devastating setback to minority communities
23 throughout Missouri.

24 In summary, I fear the impact that these
25 proposals will be a diminution of minority vote voices our

1 state -- and our state democratic process. I have
2 struggled for generations to achieve equal representation
3 in our system of government as promised in our nation's
4 founding documents and we will also go back not one inch
5 but several feet.

6 While I appreciate the enormous difficulties
7 you face in trying to redraw Missouri's legislative
8 boundaries in a fair and equitable manner, I do not believe
9 the preliminary map before us can achieve that critical
10 goal. I am hopeful that the comments and suggestions that
11 you have heard today and that you will receive in the near
12 future will guide you to revising the new legislative map
13 to ensure that each and every Missouri citizens has an
14 opportunity to have his or her voice heard in our beautiful
15 state capital on the banks of the Missouri River.

16 I urge you to give ample consideration to
17 our state's motto, "The welfare of the people shall be the
18 supreme laws," as you continue our deliberations. Thank
19 you.

20 CHAIRMAN HARPOOL: Senator, thank you
21 for your testimony. I apologize for not calling you
22 earlier. The -- let me say this is my map. It's not a
23 preliminary map. It's my map only, and it has -- it
24 preserves minority districts, and I'm shocked that you
25 don't think it does.

1 What percentage do you think a district has
2 to have? Mr. Walton gave us his opinion 65 percent. What
3 -- what percent do you think it has to have to preserve
4 minority?

5 SENATOR CHAPPELLE-NADAL: I actually
6 agree with -- with Mr. Walton in a high degree, and I
7 didn't know that I was going to think that coming into this
8 room today at all.

9 CHAIRMAN HARPOOL: But the minority
10 districts on the preliminary map I agree, but that's not a
11 map anybody here has -- has debated or agreed with. But it
12 has minority populations of that, and yet, you think
13 somehow it was not protecting minorities. So I want to
14 know what percentage you think it takes to -- to protect
15 them?

16 SENATOR CHAPPELLE-NADAL: Yeah. Well,
17 here's what I'm saying, and St. Louis City and County,
18 that's already -- and St. Louis City, that's already been
19 defined, and the problem with dividing St. Louis City north
20 and south and the person who lives in your map that you put
21 together is an African-American woman in an area that is --
22 is not fully African-American at all.

23 The proposed map that you drew, for example,
24 I feel as though me representing Ladue would be a diverging
25 from the population in North County.

1 CHAIRMAN HARPOOL: Well, see, that's
2 the -- I guess I understood Senator Kennedy to say that
3 that's what his district presently does, is he has some
4 very -- the most affluent people in St. Louis and the poor
5 people in St. Louis, and that he represents both of them.
6 And that that was a good thing.

7 SENATOR CHAPPELLE-NADAL: Yeah. We
8 have that now.

9 CHAIRMAN HARPOOL: But now you're
10 telling me that would be a bad thing for you.

11 SENATOR CHAPPELLE-NADAL: I -- what I
12 am saying is that my district is different. We do have
13 working-class people, and they are white and they are
14 black. I will say by weakening the amount of -- of black
15 representation or minority representation, would decrease
16 the opportunities for a person of color to win.

17 I will also say by adding some of those
18 areas that you did in your map, what you're doing is
19 causing and African-American or a person of color who has
20 the potential usually -- normally is to raise about
21 \$150,000 like I did. In Ladue and Clayton, they raise a
22 million dollars. So even financially you're putting a
23 person of color in a bad -- in a really bad situation
24 because we don't usually have contributors that give, you
25 know, \$100,000 or contributors who give \$200,000. There

1 are people out there who are going to do that, but in
2 African-American areas, we have people who give \$25.

3 CHAIRMAN HARPOOL: I understand those
4 people could contribute in your election now, if they want
5 to.

6 SENATOR CHAPPELLE-NADAL: That's not
7 the group of people that I represent. I don't --

8 CHAIRMAN HARPOOL: I -- I understand
9 that.

10 SENATOR CHAPPELLE-NADAL: -- represent
11 billionaires.

12 CHAIRMAN HARPOOL: Believe me, we'll
13 talk about the campaign finance sometime. But let me ask
14 you one thing. What did you say the population of the
15 Greater Metropolitan St. Louis was?

16 SENATOR CHAPPELLE-NADAL: The Greater
17 Metropolitan, which I'll say includes Jefferson County and
18 it's --

19 CHAIRMAN HARPOOL: Right, and that's
20 three million.

21 SENATOR CHAPPELLE-NADAL: Right under
22 three million, yes.

23 CHAIRMAN HARPOOL: Well, that meas
24 you're going to have 17 senators.

25 SENATOR CHAPPELLE-NADAL: Well, it's

1 several -- it's several different counties, and so I'm not
2 -- I'm not giving you all of them. But this is somebody
3 that we've got on the census, and so I'm -- I'm not making
4 it up, but there are several counties that encompass the
5 Metropolitan area.

6 CHAIRMAN HARPOOL: I understand that.

7 SENATOR CHAPPELLE-NADAL: You're not
8 from here. Most people refer to the Metropolitan area of
9 St. Louis as being multiple, multiple counties.

10 CHAIRMAN HARPOOL: Yes, I'm aware of
11 that. I guess that's my point, why these senators seem to
12 be very -- think it's very important that eight senators
13 live in either St. Louis City or St. Louis County, but the
14 reach of St. Louis, by your own testimony, goes way beyond
15 those eight senators to the surrounding counties that 17,
16 if we believe your \$3 million -- three million population.

17 Do those senators not look out for the
18 interests of St. Louis?

19 SENATOR CHAPPELLE-NADAL: I can tell
20 you from the example such as air tropolis which is -- or
21 the China Hut, which is in my district, the airport. The
22 university is in my district. You're sitting in it right
23 now. I can tell you that the men and women that are
24 sitting behind me who serve with me in the State Senate
25 have a distinct concern about the progress of our area as

1 to counties, St. Louis City and St. Louis County.

2 There are other concerns that our senator
3 from Jefferson County. He's a great friend, but his
4 concern is Jefferson County and the mobility of Jefferson
5 County.

6 So when I -- I talked about Metropolitan
7 area, I'm talking about several, several counties, but I'm
8 focusing here today on St. Louis City and St. Louis County.

9 You know, we have an enormous group of
10 people who are in our region who care about our progress,
11 and if we weaken that at all, it will not be the
12 stimulation that the state needs, as has been testified
13 before. Someone has testified on this before.

14 St. Louis, the region, St. Louis City and
15 County is the economic force behind our general revenue.
16 And I think Senator Cunningham even said earlier the people
17 who are going to be helping out in your area, they come
18 from the St. Louis area.

19 CHAIRMAN HARPOOL: How much does your
20 -- well, that's coming from Springfield.

21 SENATOR CHAPPELLE-NADAL: Well, it
22 comes from all over the state, but --

23 CHAIRMAN HARPOOL: How much has -- has
24 your population of your senate district gone down in the
25 last ten years?

1 SENATOR CHAPPELLE-NADAL: It went down,
2 I want to say, 28,000. I want to say 28 to 29 thousand.
3 So I'm at 146 right now.

4 COMMISSIONER RILEY: Thirteen thousand,
5 three hundred and -- 13,393.

6 SENATOR CHAPPELLE-NADAL: Okay.

7 CHAIRMAN HARPOOL: Other questions of
8 this witness? We have a difficult job, but we're going to
9 do our best.

10 COMMISSIONER RILEY: Yeah, it probably
11 is. You're down 13 plus the other amount.

12 SENATOR CHAPPELLE-NADAL: Yes. So --

13 COMMISSIONER RILEY: Even though, with
14 the growth factor, you're probably at 35.

15 SENATOR CHAPPELLE-NADAL: I'm -- I'm at
16 146 right now, and we have to go up to within the 10
17 percent deviation. What I will say is that I am working
18 with the other senators that represent St. Louis City and
19 St. Louis County. It is very important to us as senators
20 from this area to be able to come together on this to
21 provide you, the Commissioners, a viewpoint that is united.

22 You know, we are Democrats and we are
23 Republicans. We are black women, and we are white males,
24 but we are coming together despite some of our differences.
25 Oh, and Jane. But we are coming together because we feel

1 this is what we need. We know that we're going to have to
2 juggle around, but we also know that there is a 10 percent
3 deviation that we can all be in.

4 And as you have heard from another senator,
5 the half senator in St. Louis County, he is willing to
6 move, but also if you hear from the senator for the 4th,
7 Senator Kennedy, he understands that there is going to have
8 to be some movement in St. Louis County, and at that point,
9 I would agree with Mr. Walton that that move into St. Louis
10 County would have to be somewhere that is south. And I
11 would actually add the central corridor perhaps, and that
12 would be relative a community that is very similar to the
13 thought processes of the senator currently.

14 So I don't want you to make a decision that
15 is haste whatsoever, but I also want you to know that as a
16 minority, there are only three women, three people of color
17 that serve -- that serve in the Missouri State Senate, and
18 I have to tell you by the map that I'm looking at right now
19 that was on line, there would be one.

20 And do you want to be responsible for that?

21 CHAIRMAN HARPOOL: Let me say that
22 there would be no reason for that to be true. I disagree
23 with you completely on the map. The percentage of minority
24 districts are at least as good as they are today.

25 SENATOR CHAPPELLE-NADAL: Yes.

1 CHAIRMAN HARPOOL: So you're -- I
2 disagree with you on that.

3 SENATOR CHAPPELLE-NADAL: Okay.

4 CHAIRMAN HARPOOL: Let me say just that
5 if all the senators from St. Louis want to get together and
6 propose a map to us, we will receive it. One of you who
7 testified will need to submit it before June 3, five
8 o'clock. Obviously we have to make the final decision on
9 the submission, but you have every right to have input.
10 And you are people who understand your districts, and we
11 will certainly look seriously at whatever you submit, and
12 we'll consider it.

13 We will have to put it through legal muster
14 to make sure it meets all the Constitutional requirements
15 we must -- we must meet, and we also have to make sure that
16 the map you propose fits for the impact it has on the rest
17 of the state, because when you move one district, you tend
18 to have to move another district.

19 And we can't just go across county lines the
20 way that -- that Congressional redistricting could. Again,
21 we have a little more leeway in compilation size, but we
22 have to honor county boundaries, except where absolutely
23 necessary because of the size of the county.

24 But if you'll submit it to us, we'll look at
25 it and consider it. All right?

1 SENATOR CHAPPELLE-NADAL: All right.

2 CHAIRMAN HARPOOL: Thank you.

3 COMMISSIONER ROSS: I would just like
4 to say as well. I strongly encourage you all -- to all the
5 senators. If you guys can get together and draw up a map,
6 I would very much be interested in seeing that. I think --
7 I'm from Springfield, but I went to school in Affton for a
8 few years. But I would very much like to see their map and
9 see what your all's opinions are on paper. I may not
10 understand the different points of reference that you're
11 talking about, but I would like to see it on paper if you
12 could.

13 SENATOR CHAPPELLE-NADAL: Thank you so
14 much. Thank you for your time.

15 CHAIRMAN HARPOOL: That was the last
16 person that I have a witness sheet from. Is there someone
17 else who wishes to testify? If so, I do need you to
18 prepare a witness sheet.

19 REPRESENTATIVE WALTON: May I ask one
20 question?

21 CHAIRMAN HARPOOL: You may ask a
22 question.

23 REPRESENTATIVE WALTON: The -- the 10
24 percent parameter that -- the 10 percent parameter that you
25 all discussed, my understanding is you can be 5 percent

1 under and 5 percent over.

2 CHAIRMAN HARPOOL: That's from the
3 biggest to the smallest district. That's correct.

4 REPRESENTATIVE WALTON: I think some
5 people may think they can be 10 percent under or 10 percent
6 over.

7 CHAIRMAN HARPOOL: No, no. It's 10
8 percent from the high -- biggest district to the smallest
9 district. Thank you for that clarification.

10 If we have no further business, I do remind
11 the Commission members we need to get together for a date
12 to deliberate. And if any Commission member wants to
13 submit a map for our consideration in deliberations, try to
14 do it before June 3rd. Obviously you can submit more maps
15 later, but it would be nice if for us all to have it for a
16 week or so before we sit down and -- and actually debate
17 it.

18 I have to thank the staff for everything
19 they've done the last three days.

20 This concludes our public hearing.

21 (Thereupon, the proceedings were
22 concluded at 2:45 p.m.)

23 o8o

24 UNLESS OTHERWISE NOTIFIED IN WRITING BY THE PARTIES
25 INVOLVED, ALL NOTES IN CONNECTION WITH THIS PROCEEDING WILL

1 BE DESTROYED 12 MONTHS FROM THE DATE OF THIS PROCEEDING.

2 CERTIFICATE OF REPORTER

3 STATE OF MISSOURI)

4) ss:

5 COUNTY OF JEFFERSON)

6

7 I, PATSY A. HERTWECK, Professional Court
8 Reporter and Notary Public within and for the State of
9 Missouri, the officer before whom the foregoing public
10 hearing was taken, do hereby certify that the hearing
11 aforementioned was held at the time and in the place
12 previously described.

13

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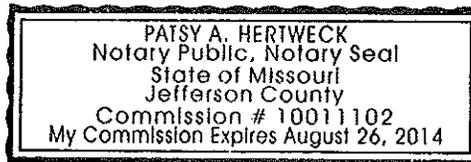
18 Patsy A. Hertweck, C. R.

19

20 Notary Public, State of Missouri

21

22



23

24

25

<p style="text-align: center;">A</p> <p>ability 42:11 62:16 able 7:1 28:2 30:22 34:20 44:23 51:20 52:17 55:20 57:23 70:20 about 5:5 10:20 11:2 13:2 18:14 22:7,8 26:12,17 35:15,22 39:11 43:10 49:16 51:13 54:11 59:23 60:19 66:20 67:13 68:25 69:6,7,10 73:11 absolutely 31:7 32:9 44:25 72:22 acceptable 32:17 access 37:12 59:22 accounts 62:12 achieve 64:2,9 across 36:22 39:6 42:11 72:19 Act 47:7 actually 5:24 10:17 23:4,19 30:2 33:9 60:17 65:5 71:11 74:16 add 60:22 71:11 adding 66:17 addition 42:14 additional 7:11 addressed 35:14 adequate 14:11 48:6 adequately 62:1 63:5 Adjournment 2:18 Administration 1:1 7:24 8:11 administrative 47:13 adopted 7:13 adopts 7:10 advent 21:7 affiliation 30:23,23 affluent 66:4 Affton 73:7 aforementioned 75:11 African-American 62:8 65:21,22 66:19 67:2 African-Americans 63:21 after 9:18 12:23 39:17 49:6 58:3 afternoon 28:20</p>	<p>35:12 again 7:2 18:15 31:23 32:20 37:10 37:15,24 39:8 40:3,16 72:20 age 48:12 ago 17:2 35:15 50:23 51:22 54:12 agree 7:5,6,7,8 42:24 46:9 65:6 65:10 71:9 agreed 5:21 8:20 65:11 agreement 5:19 20:1 26:3 36:8 ahead 5:9 15:19 49:18,19 aid 59:11 air 43:11 68:20 airport 68:21 Aldermanic 47:12 aldermen 38:1 allow 21:4 30:12 37:3 allowed 6:4 21:4 37:1 allowing 9:9 60:18 alluded 44:5 all's 73:9 almost 6:8 24:25 38:16 45:16,25 already 39:2 52:2 61:14 65:18,18 although 16:6 62:8 62:25 always 17:5 49:25 50:10 54:1 58:2 among 6:5 61:22 amount 16:14 30:11 66:14 70:11 ample 64:16 announce 5:10 8:17 announcement 7:25 another 14:25 18:24 38:8 51:16 57:25 71:4 72:18 answer 18:19 19:12 31:15 38:10 anticipate 9:17 anybody 29:16 38:19,20 39:17 40:22 41:18 65:11 anything 25:16 29:9 anywhere 40:23 apologize 64:21 appeared 47:8 appears 61:10</p>	<p>appointed 5:15,24 APPORTIONM... 1:10 appreciate 14:2 59:11 64:6 apprehensions 63:19 approach 28:12,14 37:19 appropriate 11:18 33:4 area 14:6,18 15:23 16:12 20:8,14 25:25 30:17,17 32:1,12 33:24 35:3,5 39:12,13 39:25 43:8 45:17 61:2,3,4 65:21 68:5,8,25 69:7,17 69:18 70:20 areas 6:17,20,21 10:25 19:9 23:23 24:11 25:10 66:18 67:2 area's 61:12 argue 16:6 argumentative 28:13 around 14:1 19:10 25:19 41:22,25 44:12 71:2 arriving 5:8 article 59:16,22 Asian 62:8 Asians 37:14 asked 32:22 asking 19:22 associate 9:11 assume 50:25 51:2 attached 3:7 attempted 49:24 50:21 63:7 attention 16:7 audience 11:17 available 10:3 59:24,25 aware 38:13 68:10 away 6:21 38:24 a.m 37:21</p> <p style="text-align: center;">B</p> <p>B 3:1 back 27:2 36:19 39:1 44:13 45:25 50:9 51:16,22 64:4 backwards 44:21</p>	<p>bad 8:1 66:10,23,23 banks 64:15 base 39:16,17,18 40:6 based 5:16,16 44:4 48:5,22 49:15 50:22 52:6,6 basement 8:8,9 basically 9:3 14:3 29:18 46:9 47:22 49:23 basis 43:6 beautiful 64:14 became 38:18 become 8:15 32:21 becoming 30:16,19 40:23 before 5:15 7:4,8,23 8:1,2 9:3 17:5 19:17 20:3 41:12 41:18 43:18 47:8 55:11 60:15 61:21 64:9 69:13,13 72:7 74:14,16 75:9 began 28:25 47:1 beginning 24:15 behind 68:24 69:15 being 17:25 22:17 23:16 30:1 51:20 68:9 believe 14:6,23 15:21 16:3,10 18:17 21:3 24:17 24:21 32:13,15 33:18 34:20 36:19 42:7 43:10 44:4,7 50:19 62:19 63:1 64:8 67:12 68:16 below 34:12,15 benefit 28:12 43:12 best 16:1 40:13 58:12 70:9 better 46:5,5 between 6:9 20:1 23:25 35:4 beyond 68:14 bigger 13:15 biggest 23:25 74:3,8 Bill 61:24 billionaires 67:11 bipartisan 22:24 24:17 bipartisanship 22:23 23:5 bit 11:24 19:16 22:14 29:1,15</p>	<p>33:25 34:1 35:4 37:22 black 48:1,5,8,10,11 48:13,17,20,25,25 50:6,16,20,23 51:10,12,15,18,25 51:25 52:9,10,11 52:14,15,17,23 54:22,23,24 56:21 56:22 57:14,15,21 57:22 66:14,14 70:23 blend 42:11 board 11:11 39:6 42:12 Bob 4:10 body 7:10 bolster 63:9 book 49:9 boom 56:5 Borbonus 4:4 Bosnians 37:14 both 12:16 20:2 45:19 66:5 bottom 11:5 Bottox 40:3 boundaries 14:5 63:3 64:8 72:22 boundary 5:25 breadth 37:12 Brian 2:11 28:16 brief 13:23 briefly 17:22 bring 9:24 58:17 brings 19:19 broad 46:1 broader 14:16 Brown 32:14 BUDGET 1:2 BUILDING 1:4 business 74:10 butchered 33:22</p> <p style="text-align: center;">C</p> <p>C 4:1 5:1 75:18 calculations 34:4 call 54:1 calling 64:21 came 36:3 38:15 44:10 49:12 campaign 67:13 candidates 48:25 capital 35:14 64:15 care 69:10 career 39:18 carefully 39:24 Carolina 49:12,13</p>
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