

APPELLATE APPORTIONMENT COMMISSION
PUBLIC HEARING

HELD AT: Secretary of State's Office
James C. Kirkpatrick Office Building
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Jefferson City, Missouri

ORIGINAL

THURSDAY, OCTOBER 13, 2011
9:00 A.M. - 3:30 P.M.

APPELLATE JUDGES

Honorable, Lisa White Hardwick, Chairwoman
Honorable, Roy Richter, Vice Chairman
Honorable, Nancy Steffen Rahmeyer
Honorable, Don Burrell, Jr.
Honorable, Robert G. Dowd, Jr.
Honorable, James Welsh

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CHAIRWOMAN HONORABLE HARDWICK: Good morning, and welcome to this public hearing by the Appellate Apportionment Commission. My name is Lisa Hardwick. I'm from the Missouri Court of Appeals Western District, and I'm the chair of the Commission, and I would like for the other commissioners to introduce themselves. Right down here.

HONORABLE RAHMEYER: I'm Nancy Rahmeyer. I'm from the Southern District.

HONORABLE WELSH: Jim Welsh with Western District.

VICE CHAIRMAN HONORABLE RICHTER: Roy Richter, Eastern District.

HONORABLE BURRELL: Don Burrell from the Southern District.

HONORABLE DOWD: And Bob Dowd from the Eastern District.

CHAIRWOMAN HONORABLE HARDWICK: Thank you. I think most of you know that we've been appointed to draw the lines for the State Senate and House Districts based on the 2010 census. So the purpose of our hearing today is to supplement the prior hearings that have been held by the Commissions before us.

We have all the prior testimony here as well as a

1 list of who testified. We have access to that material.
2 We have access to all the maps that have been presented
3 before. We're not here to recreate any of that. We're
4 here to hear anything additional that you would like for us
5 to know.

6 So if you've already testified before, probably
7 the first thing I'm going to remind you is that we know
8 what you said before. If you're not on the list before, I
9 probably won't say that. But keep that in mind. We do
10 know what was said before.

11 Any comments or maps that anyone wants to submit
12 beyond this hearing can be submitted by e-mail to our
13 e-mail address at redistricting@courts.mo.gov. I believe
14 it's on the press release that went out about this meeting.
15 That e-mail address will remain open and available to you
16 through next Friday, October the 21st. So please submit
17 any additional information by October the 21st.

18 Our procedure here today is that we're going to
19 talk about the Senate first, so anyone wishing to testify
20 about the Senate should be ready to go here within -- we'll
21 get to you within the next couple of hours. It looks like
22 we have 13 speakers who have signed up so far. Our hope is
23 to complete the Senate portion of this before lunch, which
24 we have been anticipating would be about 12 o'clock -- we
25 may end before that with the Senate -- and then to pick up

1 with the House in the afternoon.

2 We're going to follow the order of sign-up. Each
3 speaker will have a ten-minute limit, although we
4 anticipate that it will take far less than that. That's
5 the outside limit. We're not asking you to fill up all the
6 time. So the briefer you can be, the more information we
7 can hear and quickly move the hearing along.

8 These proceedings, as all the other public
9 hearings, are being transcribed. We will have a record of
10 this proceeding. We'll be able to go back and look at any
11 information we want to look at, so keep that in mind as
12 you're giving your testimony.

13 Is there anything else from any of the other
14 Commissioners?

15 VICE CHAIRMAN HONORABLE RICHTER: Kris will be
16 our timekeeper.

17 MS. JENKINS: Yes.

18 CHAIRWOMAN HONORABLE HARDWICK: We have a
19 timekeeper here in the front row. You may not be able to
20 see her, but I will see her, and if you're getting close to
21 your time being up, I will give you a reminder about that.

22 All right. Let's start with our first speaker,
23 first witness on the Senate, and that looks like it's Glen
24 Kolkmeier.

25 And when you come up, identify yourself, where

1 you're from and if you represent a particular organization
2 or if you have a community of interest, let us know.

3 MR. KOLKMEYER: Good morning. I want to first
4 thank you all for taking the time to take on this task and
5 sit here and listen to all the testimony.

6 Again, my name is Glen Kolkmeier. I'm from
7 Odessa, Missouri. I'm a concerned Lafayette County
8 citizen. And as far as the Senate map goes, we would --
9 we, in Lafayette County, would like to see Lafayette County
10 stay whole. We have seen some maps. It has to.

11 That is one of our main concerns is to keep it whole.

12 We're mainly rural agriculture and would like to
13 stay in the agriculture realm. So I'm not going to take up
14 my ten minutes. I appreciate your time. Thank you.

15 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

16 Next speaker is Ben -- I can't quite read the
17 last name -- Wierzbicki. I'm sure you'll correct me.

18 MR. WIERZBICKI: Well, judge, you were pretty
19 good. My mom, when I was a young person, would say, when I
20 was in first grade, everybody asked me how to pronounce my
21 name and she said just ask yourself a question, where is
22 Becky? And then she said, real quickly, that I'm sorry,
23 Son, but you have to learn the whole alphabet before
24 everybody else does so you can spell your name.

25 I'm here today on behalf of Clay County,

1 Missouri, and we have our maps up there someplace.

2 CHAIRWOMAN HONORABLE HARDWICK: We do have your
3 maps here. I'll pass them out.

4 MR. WIERZBICKI: If you could share that down
5 there. If you look at the lead sheet on it, what this Clay
6 County map accomplishes is a community-minded legislative
7 district. No cities are divided except Kansas City.
8 Legislative lines are based on current districts, precinct
9 borders, school district lines and districts that are not
10 partisan.

11 And if you'll turn over, a little bit about Clay
12 County. We're about 220,000 people plus. We're just large
13 enough that we can't have two Senatorial Districts, so we
14 have to bring in some outside help to the Senatorial
15 District so we can balance out what we have.

16 Clay County is a fast growing county. Example,
17 in the 35th House District it went from 30,000 people up in
18 excess of 50,000 people in this last ten-year period.

19 And so how did we do this? We just -- we just
20 went along and looked at the old map and we just -- we
21 totaled up the population. And the other thing that's
22 congruent in this map is most of the schools that are here
23 in the map are in the same conferences or the same size and
24 economic situations.

25 Any questions?

1 HONORABLE WELSH: How did you set your northern
2 border? I think your Eastern border is Liberty city
3 limits, isn't it?

4 MR. WIERZBICKI: Pretty close, sir.

5 HONORABLE WELSH: And the Western is the Platte
6 County line?

7 MR. WIERZBICKI: Correct.

8 HONORABLE WELSH: Southern is the river?

9 MR. WIERZBICKI: Correct.

10 HONORABLE WELSH: How did you determine your
11 northern, just enough to get enough people?

12 MR. WIERZBICKI: Tried to stay within the Clay
13 County limits.

14 HONORABLE WELSH: Well, you did that by more than
15 half.

16 MR. WIERZBICKI: Yeah.

17 HONORABLE WELSH: And then you filled out Clay
18 County with Ray, Carrollton, Lafayette and what?

19 MR. WIERZBICKI: Carroll County, Saline County
20 and --

21 HONORABLE WELSH: And that's just to get enough?
22 Well, you went all the way down there.

23 VICE CHAIRMAN HONORABLE RICHTER: Howard, and
24 down into Moniteau.

25 MR. WIERZBICKI: See, that's the issue that you

1 have. Clay County is not big enough to be congruent to get
2 the numbers that you have with 220,000 people, and that's
3 not enough to divide the Senatorial Districts. So it has
4 to be -- presently --

5 HONORABLE WELSH: Do you prefer going east to
6 north; is that what you're trying to tell me?

7 MR. WIERZBICKI: We were trying to follow where
8 the Senatorial District was at the 21st going east.

9 HONORABLE RAHMEYER: How did you arrive at the
10 decision that it is nonpartisan?

11 MR. WIERZBICKI: We took the section -- the Cook
12 Political Report Partisan Voting Index.

13 HONORABLE RAHMEYER: The Cook?

14 MR. WIERZBICKI: Yeah, that's how we arrived at
15 our figures.

16 HONORABLE RAHMEYER: 50-50 or -- what do you mean
17 by nonpartisan?

18 MR. WIERZBICKI: Well, we just followed this
19 according to the last -- as far as the numbers are
20 concerned as opposed to --

21 HONORABLE WELSH: You're assuming the last group
22 was nonpartisan.

23 THE WITNESS: I followed this report when we did
24 this. That's all we're saying. We tried to get it, you
25 know, balanced out the best we could. Because the 21st

1 follows this same pattern, and we're in the 21st right now,
2 Clay County is, the 17th and the 21st. And so that's
3 what -- that's how we arrived at doing this. That's just
4 our proposal. We understand you-all have a decision to
5 make.

6 Yes, ma'am?

7 CHAIRWOMAN HONORABLE HARDWICK: I'm still not
8 understanding Judge Rahmeyer's question. How -- what makes
9 it nonpartisan? What are the numbers? Is it an even split
10 of Republicans and Democrats the way they vote in that area
11 or are you just going on the wording in the report that
12 it's --

13 MR. WIERZBICKI: The report.

14 CHAIRWOMAN HONORABLE HARDWICK: The report. And
15 we don't have that report here?

16 MR. WIERZBICKI: No.

17 CHAIRWOMAN HONORABLE HARDWICK: Okay.

18 MR. WIERZBICKI: You can pull it up on-line. If
19 you want it, I can get it to you.

20 HONORABLE DOWD: Was the report based on voting
21 patterns?

22 MR. WIERZBICKI: Yes. Voting patterns from past
23 elections.

24 CHAIRWOMAN HONORABLE HARDWICK: The 2010
25 election?

1 MR. WIERZBICKI: Yes. And we tried to stay as
2 close as we could to the existing Senatorial. And as you
3 say, we've grown. Other people have lost population. So
4 how do you arrive at all this, I guess that's why you-all
5 are doing it.

6 HONORABLE WELSH: The best we can.

7 MR. WIERZBICKI: Hey, thank you very much.

8 VICE CHAIRMAN HONORABLE RICHTER: That's why we
9 get the big bucks.

10 MR. WIERZBICKI: You get the big bucks. Thank
11 you, sir and madam.

12 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

13 All right. Mr. Bob Johnson and Ms. Joan Bray --
14 Senator Johnson, yes. And we know that you testified
15 before so what do you have new for us?

16 SENATOR JOHNSON: I wanted to tell you first, I
17 heard your message.

18 CHAIRWOMAN HONORABLE HARDWICK: Okay.

19 SENATOR JOHNSON: Thank you, madam chair and
20 members of the Commission. I'll introduce myself also.
21 Former Senator Bray is here with me too. I'll then let her
22 introduce herself.

23 CHAIRWOMAN HONORABLE HARDWICK: Great.

24 SENATOR JOHNSON: I am Bob Johnson, and as you
25 said before, I formerly served in the Senate. I also

1 served in the House. I probably have a total of 23 years
2 between the two bodies. Then I'll have Senate Bray
3 introduce herself and then we'll kind of split up the
4 presentation.

5 CHAIRWOMAN HONORABLE HARDWICK: All right.

6 SENATOR BRAY: Good morning, I'm Joan Bray. I
7 represented University City and parts of St. Louis County
8 in the Legislature for a total of 18 years, 10 in the House
9 and 8 in the Senate and term-limited after the last
10 session.

11 SENATOR JOHNSON: Again, thank you, members of
12 the Commission for allowing us to interject some additional
13 information. We're here today ultimately to present a
14 senate-wide map for both the Senate and House that has not
15 been presented before.

16 Let me say my participation in this as a member
17 of the Senate in the past in 1981 and 1991, I participated
18 in drawing senate lines, and it was all pretty how much
19 partisan-driven and protecting incumbency and district
20 lines. And I was a part of that.

21 Over the years, though, I thought, you know, I'm
22 not sure that legislative bodies should be drawn for
23 partisan influence as much as possible as I think it is
24 today, and maybe at some point we ought to try and figure
25 out -- starting at some point in the State of Missouri and

1 draw boundaries that pretty much are competitive as much as
2 you can from a partisan standpoint.

3 And then I think in the last ten years in my view
4 the -- I think the districts have become so partisan that a
5 lot of people don't have a lot of choices in the November
6 general elections. Many of these things are effectively
7 decided in the April primary, so when you have a broad
8 range of voters that appear in November, they really don't
9 have a lot of competitiveness decisions to make from the
10 legislative standpoint.

11 I did mention before, but I do want to reiterate
12 here that, for example, in the 2010 election 95 of the 163
13 House races were decided by winning candidates of
14 two-thirds or more margin. That includes 61 people who
15 were elected without opposition.

16 In the Senate there were 10 of 17 Senate races
17 where the winner took more than 70 percent of the vote.
18 Again, some people without any opposition in the general.
19 And I think it's just that we've reached a point in time
20 where we need to have districts drawn that incumbency
21 protection and partisan influences should reduce as much as
22 possible.

23 Now, I know that's difficult to do, and you
24 reiterated that a couple of minutes ago to questions. Our
25 perspective is we've tried to identify over the last five

1 statewide elections what an average partisan vote is in
2 various parts of the State.

3 Our view is a competitive district is a district
4 that could be somewhere between 45 and 55 percent partisan.
5 45 percent Republican vote and 55 percent Republican vote.
6 Obviously the same for the Democratic participation also.
7 And we have determined that -- I say we, that's Let
8 Missourians Decide, which is a statewide nonpartisan
9 organization that was formed a few months ago to try and
10 advocate for lines, as much as possible, can be drawn on a
11 competitive basis.

12 We know there are areas of the State that are not
13 going to be competitive from a partisan standpoint from
14 both political parties. We've identified probably 45 seats
15 in the House that would fall in this 45-55 percent partisan
16 range, and in the Senate probably seven seats. And I know
17 we're talking about the Senate initially.

18 Let me close my discussion on this before Senator
19 Bray takes over, and that is, one, having participated in
20 this process for the first time in my life, although
21 ad hoc, because we're not officially a part of any
22 organization, mandatory commission, this is extremely
23 difficult to do on a statewide basis as you're going to
24 probably find out in a few days.

25 And I want also to say personally, in helping to

1 draw these lines -- and I live in the Jackson County
2 area -- I cannot tell you -- on the map that we presented,
3 I cannot tell you where any incumbent lives. My intent was
4 never to protect an incumbent. And as a former
5 officeholder, yes, I wanted to be protected, but it's
6 probably not best for society. So I can honestly say that
7 whether it's Clay County or Platte or wherever it is, I
8 don't know where incumbents live. That concludes the
9 presentation I wanted to make this morning. I'll turn it
10 over to Senator Bray.

11 SENATOR BRAY: Thank you very much, Bob. One
12 thing I want to -- point I want to make is that in our
13 looking at these last statewide elections, it really bears
14 out that Missouri is a 50-50 state. The Democratic
15 performance is right at 50. The Republican performance is
16 right at 50. And yet at this point in time our Legislature
17 doesn't reflect those interests of the people. So our
18 effort was to make more competitive districts so it can
19 better reflect the interests of the people.

20 There was a time maybe when you, you know, wanted
21 to protect particular lawmakers because, you know, they had
22 these great careers and were doing great things for the
23 State. Under term limits with legislators turning through,
24 I think it's very, very important to think about reflecting
25 the interests of the people rather than the career of a --

1 you know, the fleeting career of the legislator. I think
2 we really need to get back to the basics of representing
3 the interests of Missouri and get closer to the true
4 reflection of the State.

5 Our maps track the shifting population of the
6 State. From my perspective, being from St. Louis County,
7 unfortunately we lost population, and we lost the right to
8 a half of a Senator, and southwest Missouri kind of gained
9 the right to half a Senator. And our map reflects that
10 shift in population.

11 It's really important to us that -- we have --
12 our maps have extremely low population deviations,
13 particularly our Senate map is the best population
14 deviation that we've seen on any maps presented.

15 HONORABLE WELSH: What is it, do you know?

16 SENATOR BRAY: It's 2693.

17 HONORABLE RAHMEYER: What's the deviation?

18 SENATOR BRAY: The 2,693 is the deviation within
19 the population.

20 HONORABLE WELSH: Do you have a percentage?

21 SENATOR BRAY: I don't have a percentage
22 calculated.

23 HONORABLE WELSH: That's all right. We can get
24 that.

25 SENATOR BRAY: Our House map is competitive with

1 any of the others and is as good as any of the others.
2 And, you know, to me that's real important to the
3 one-person one-vote issue. We want everybody to be as
4 close to one-person one-vote and making the districts as
5 close in population as possible. We had to -- you know,
6 maybe they weren't as compact necessarily, but we really
7 focused on getting that -- you know, that voting right
8 issue in there.

9 CHAIRWOMAN HONORABLE HARDWICK: So you've given
10 up some compactness for --

11 SENATOR BRAY: A little bit. Again, there's been
12 hundreds and hundreds of hours spent on this. You're going
13 to find out, drawing maps is just tedious and painful.

14 HONORABLE WELSH: Is there a Constitutional part
15 to be as compact as practicable?

16 SENATOR BRAY: Yes. Yes. And I think that's --
17 you've got all these attributes you need to weigh, and, you
18 know, we really focused -- we like the fact that our
19 standard deviation is so low.

20 HONORABLE RAHMEYER: So you listed the seven that
21 you say Senate seats that are not competitive? That would
22 be listed in your --

23 SENATOR BRAY: We have produced a map that has
24 seven competitive districts for sure.

25 HONORABLE RAHMEYER: And then the rest are not?

1 SENATOR BRAY: Well, the rest are more difficult
2 to make as competitive just, you know, because of the
3 population.

4 I will tell you, you know, historically the last
5 couple of redistricting, districts tend to be north and
6 south, and that kind of put people in the silos of their
7 political interest.

8 You'll see our maps are horizontal that go east
9 and west because we wanted to make the competitiveness.
10 We're trying to group, you know, that -- again, trying to
11 get close to that 50-50 representation as much as we can.
12 We found seven seats in the Senate we can do that in. We
13 found 45 in the House we could do that in, if that helps
14 you.

15 SENATOR JOHNSON: Some areas are with the Senate
16 discussion right now. So there are certain areas that
17 just -- it's just very difficult, on both political
18 aspects, to get even 45-55 political partisan votes.

19 HONORABLE RAHMEYER: So the remaining seats,
20 though, are somewhat just are not --

21 SENATOR BRAY: Well, they would be more lopsided
22 that 45-55.

23 HONORABLE RAHMEYER: And, I mean, are they
24 competitive?

25 SENATOR BRAY: Well, you know, as much as one --

1 HONORABLE RAHMEYER: I'm asking a question. Are
2 they somewhat equal between the Democrats and Republicans?

3 SENATOR BRAY: It's not always possible. You
4 look at the City of St. Louis, which is 95 percent
5 Democratic, it's just very hard to have that. There's just
6 no way.

7 SENATOR JOHNSON: And the same is true with
8 Jackson County. The bulk of Jackson County is --

9 SENATOR BRAY: Yeah, and southwest Missouri is
10 almost 100 percent Republican.

11 HONORABLE RAHMEYER: I see seven and you have a
12 total number of districts, so you're saying seven that are
13 competitive?

14 SENATOR BRAY: That are within our definition.

15 HONORABLE WELSH: Senator, did you take into
16 account the Voting Rights Act?

17 SENATOR BRAY: That's my next point. We have
18 14 -- well, let's focus on the Senator, we have four
19 majority-minority districts in ours, so we at least
20 maintain what's existing now.

21 HONORABLE WELSH: Okay.

22 SENATOR BRAY: And the other thing I want to --

23 HONORABLE DOWD: Can you say that again? I'm
24 sorry.

25 SENATOR BRAY: We have four majority-minority

1 districts in our Senate map.

2 CHAIRWOMAN HONORABLE HARDWICK: Three in the
3 St. Louis area and one in Kansas City?

4 SENATOR BRAY: Correct.

5 SENATOR JOHNSON: Jackson County there are
6 obviously district boundaries there that aren't really
7 compact and contiguous because there's another priority
8 that's more important.

9 SENATOR BRAY: It's that balancing act. That's
10 critical that you use the Voting Rights Act.

11 Also, we renumbered our maps. We tried to -- the
12 numbers have gone -- you know, the last few decades they've
13 gone kind of crazy, so we just renumbered and tried to have
14 a logic to it. Like originally started up northeast and
15 worked down to the southwest and southeast depending on the
16 map. And the Senate worked to the southwest in just trying
17 to get everybody more logical about the map.

18 CHAIRWOMAN HONORABLE HARDWICK: One question on
19 the minority issue. Do you consider minority above 50
20 percent or 60 percent? Do you have a percentage?

21 VICE CHAIRMAN HONORABLE RICHTER: What is the
22 district size?

23 SENATOR BRAY: At least like 55.

24 VICE CHAIRMAN HONORABLE RICHTER: Your goal is to
25 make everybody change license plates.

1 SENATOR BRAY: Jobs. Jobs. Jobs. We could --

2 SENATOR JOHNSON: On the numbering -- but we also
3 attempted to keep an odd numbered district as an odd
4 numbered district, so there's not a question of who's up
5 for election in 2012 and 2014.

6 SENATOR BRAY: There are all those odd things
7 that happen after redistricting with elections, and some
8 constituents being served by two and some being served by
9 none, you know, on the face of it, but we tried to honor
10 the -- again, the evens and odds and do as little damage as
11 possible in that respect.

12 So our packet has some particulars, has some
13 maps. It has some regional areas. If you have any
14 questions about them, we could kind of walk through them
15 and explain to you some of the reasons we did certain ones.
16 If you have any questions about any of them?

17 HONORABLE DOWD: This packet is only for the
18 Senate, right?

19 SENATOR JOHNSON: No.

20 SENATOR BRAY: It's got the House as well.

21 SENATOR JOHNSON: This same packet will be
22 mentioned to you again in our House testimony.

23 SENATOR BRAY: We're going to mention it in our
24 testimony on the House. But it's the Senate map, or the
25 first map that you see there. And again, you know, you

1 know, you'll see that we tried to be as compact as
2 possible.

3 We are quite pleased that we got Boone and Howard
4 back together. There's a community of interest that -- you
5 know, there's some higher education issues that they share.
6 Until the last redistricting they had always been together,
7 so we got them back together.

8 HONORABLE RAHMEYER: How is this different than
9 the one you presented to the Legislature? Why did you go
10 back and redraw it? That was called a nonpartisan one
11 also.

12 SENATOR BRAY: Right. We just had more time to
13 perfect actually. And as we got better ideas -- we've had
14 a number of people involved, and we have -- since then we
15 have talked to a statistician from a political science
16 department at one of the universities and he helped us. We
17 just felt like there was a -- you know, we could perfect
18 even what we had presented before.

19 HONORABLE RAHMEYER: Is it a wholesale new map
20 then are you saying or is it --

21 SENATOR JOHNSON: No.

22 HONORABLE RAHMEYER -- or you just tweaked some
23 areas?

24 SENATOR JOHNSON: Well, I'd say more than half.
25 And let me just say --

1 HONORABLE RAHMEYER: More than half what?

2 SENATOR JOHNSON: More than half has changed.

3 HONORABLE RAHMEYER: So there's a significant
4 difference.

5 SENATOR JOHNSON: And I'm not going to mention
6 names and personalities, but the gentleman that helped me
7 with drawing maps is no longer in the State. Why that's
8 important is the map that I presented in St. Louis to the
9 House, he actually electronically delivered to the House
10 Commission a map that was, I think, by someone else and I'm
11 not sure, but what I presented in St. Louis was not what
12 was electronically presented to the Office of
13 Administration, so we had to start over regardless. That's
14 the House side.

15 SENATOR BRAY: But this is our submission that OA
16 has.

17 HONORABLE RAHMEYER: The one that's not lined is
18 not relevant?

19 SENATOR JOHNSON: It's not relevant.

20 SENATOR BRAY: Yeah, this replaces it.

21 VICE CHAIRMAN HONORABLE RICHTER: Give us your
22 e-mail addresses before you go.

23 CHAIRWOMAN HONORABLE HARDWICK: I think we have
24 them. We've got some information sheets.

25 SENATOR BRAY: We will definitely add that.

1 VICE CHAIRMAN HONORABLE RICHTER: That way the
2 redistricting e-mail that you sent it to, the six of us are
3 the only people that have access to it.

4 SENATOR BRAY: Okay.

5 VICE CHAIRMAN HONORABLE RICHTER: And if we have
6 questions, we'll ask you to hit reply all so that all six
7 of us --

8 SENATOR BRAY: Okay.

9 VICE CHAIRMAN HONORABLE RICHTER: So if any of us
10 have questions, all six of us will see what the question
11 was and what your response was.

12 SENATOR BRAY: We will leave our e-mails.

13 HONORABLE RAHMEYER: And how do you become a
14 member of your organization?

15 SENATOR JOHNSON: It's truly a volunteer
16 organization. The people hear about what we're trying to
17 do and people offer to help. It's really grassroots.

18 SENATOR BRAY: It's a 501C4.

19 SENATOR JOHNSON: No one is paid. No one is
20 compensated.

21 SENATOR BRAY: There's -- several interests --
22 you know, put some money in to, you know, to pay for the
23 software and the kind of people who helped over time, and
24 it's -- you know, when this is over, it will be gone.

25 HONORABLE RAHMEYER: Okay.

1 HONORABLE DOWD: I've got a question. I'm trying
2 to make sense of these maps that you have. The first
3 one -- I don't want to get into a whole lot of detail
4 because I know our time is short. The first one is the
5 whole Missouri map?

6 SENATOR BRAY: Right.

7 HONORABLE DOWD: And that's Senate, right?

8 SENATOR BRAY: Yes.

9 HONORABLE DOWD: All right. And I'm particularly
10 interested in the St. Louis area.

11 SENATOR BRAY: Yes.

12 HONORABLE DOWD: You've got 17 and 18 over on the
13 St. Louis are, correct, the numbers?

14 SENATOR BRAY: Let me get there.

15 HONORABLE DOWD: Go to the first Missouri -- the
16 whole Missouri, the whole State of Missouri.

17 CHAIRWOMAN HONORABLE HARDWICK: First map.

18 HONORABLE RAHMEYER: Your first map?

19 SENATOR BRAY: Right. Correct. Uh-huh.

20 HONORABLE DOWD: Okay. So then you go to what
21 I -- I'm taking to mean the blowup of the St. Louis area
22 about four or five pages later.

23 SENATOR BRAY: Correct.

24 HONORABLE DOWD: And then you've got --

25 SENATOR JOHNSON: 21 and 22.

1 HONORABLE DOWD: Yeah, so why don't the numbers
2 coincide? You've got 17, 18 --

3 SENATOR BRAY: They do on the first map.

4 CHAIRWOMAN HONORABLE HARDWICK: 21 is missing.

5 SENATOR JOHNSON: Oh, you can't read them.

6 SENATOR BRAY: That area is too small to show up.

7 SENATOR JOHNSON: The numbers are so small to
8 read on one page.

9 HONORABLE DOWD: Oh, okay.

10 SENATOR BRAY: Okay. I'm sorry.

11 SENATOR JOHNSON: Great question though.

12 SENATOR BRAY: Yeah. Thank you for drawing that
13 to our attention.

14 SENATOR JOHNSON: The individual maps -- the
15 regionalized map obviously shows every district.

16 HONORABLE DOWD: So then my other question is:
17 If 21 there on the blowup of the St. Louis area, does that
18 mean St. Louis City is getting one state Senator?

19 SENATOR BRAY: No. Eighteen and 21.

20 HONORABLE DOWD: Okay. Eighteen and 21?

21 SENATOR BRAY: Correct.

22 CHAIRWOMAN HONORABLE HARDWICK: So the minority
23 districts on that map would be 18, 21 and 17.

24 SENATOR BRAY: And 17, yeah.

25 CHAIRWOMAN HONORABLE HARDWICK: Okay. And Kansas

1 City it would be five.

2 SENATOR JOHNSON: Is -- let's --

3 SENATOR BRAY: We're still learning these numbers
4 ourselves.

5 CHAIRWOMAN HONORABLE HARDWICK: It looks like
6 five.

7 SENATOR BRAY: It is five.

8 SENATOR JOHNSON: Yeah, it is five.

9 CHAIRWOMAN HONORABLE HARDWICK: Okay.

10 All right. Any other questions? I think we'll
11 be hearing from them again on the House.

12 SENATOR JOHNSON: That's correct.

13 HONORABLE DOWD: Again, back to St. Louis City,
14 why is it divided lengthwise as opposed to that way, as
15 opposed to east and west?

16 SENATOR BRAY: Well, the east and west, we've got
17 some negative reaction when the -- actually the first map
18 that we put out. And it was clearly black/white, real,
19 real, real extreme. And there was just some -- so, you
20 know, I think that's an area where the wisdom of judges can
21 prevail, because it's a -- you know, it is a contained
22 area. You know, it merits two senators and sort of --
23 which, I understand.

24 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

25 SENATOR BRAY: Thank you.

1 SENATOR JOHNSON: Thank you.

2 CHAIRWOMAN HONORABLE HARDWICK: If you can add
3 your e-mail address to these sheets?

4 SENATOR JOHNSON: We'll do that.

5 CHAIRWOMAN HONORABLE HARDWICK: Thank you. Give
6 it back to me when you're done.

7 SENATOR JOHNSON: Thank you.

8 CHAIRWOMAN HONORABLE HARDWICK: All right. Next
9 Senator Pearce.

10 SENATOR PEARCE: Thank you very much, judge and
11 members of the Commission. My name is David Pearce, State
12 Senator for the 31st Senatorial District. I reside in
13 Johnson County and represent all of Johnson County, Cass
14 County, Bates and Vernon County.

15 I was elected in 2008 and will be running again
16 in 2012, and so obviously the new districts have a
17 tremendous impact on our constituencies and also for me
18 personally.

19 I basically just have two asks this morning, two
20 very short requests that I have. Number one, is to try to
21 make as few changes as possible in the map. Try to make as
22 few changes as possible. Many, many, times when you're
23 running and going door-to-door, that's one question people
24 always ask, what district is this? Oh, I thought we were
25 in a different district and they get numbers confused.

1 So if we can keep things as much the same, I
2 think that would be a big help for our constituencies,
3 especially when you consider that we are changing the map
4 for U.S. Congress, for Missouri House and Missouri Senate,
5 so we need to make it as easy, convenient, as somewhat
6 routine as possible for our constituencies.

7 And secondly, and one of the other witnesses
8 prior to me talked about keeping counties intact. That
9 would be my second request is to keep counties intact as
10 much as possible. Representing four whole counties, that's
11 a tremendous service that I think we can do for our
12 constituents. That we represent the entire county.

13 It's much easier to do in out-state Missouri than
14 it is in the metropolitan areas where the density is much
15 greater, but as much as possible try to keep counties
16 intact.

17 Those are my two requests that I have. I know
18 you have a tough job and we want to thank you for your
19 service on that.

20 Also, Senator Schmitt asked if I would yield my
21 unused time to him later on. That doesn't work?

22 VICE CHAIRMAN HONORABLE RICHTER: It was a good
23 try.

24 CHAIRWOMAN HONORABLE HARDWICK: Those rules don't
25 apply.

1 SENATOR PEARCE: Well, don't hold it against me.
2 Thank you very much.

3 CHAIRWOMAN HONORABLE HARDWICK: All right. John
4 Maupin.

5 COMMISSIONER MAUPIN: Good morning. I am John
6 Maupin and I live at 567 North Spoede Road in Creve Coeur.

7 This is currently the 24th Senatorial District.
8 The fact -- the relevance of which will become apparent in
9 my later testimony.

10 I have been a practicing attorney for more than
11 35 years. I had the privilege to serve on the Senate
12 Reapportionment Commission as Republican appointee of
13 Governor Nixon. You are serving on the Appellate
14 Apportionment Commission because our reapportion commission
15 followed 30 years of fine tradition by being unable to
16 agree on a map.

17 (INAUDIBLE)

18 It takes seven votes, and that's a tough
19 challenge obviously.

20 When I accepted my appointment, I naively
21 believed the purpose of the Commission was to adjust the
22 boundaries of the existing Senate districts to accommodate
23 the changes in population densities that have transpired
24 over the past decade with a goal being that the largest
25 number of Missouri residents as possible would remain in

1 their current districts. I think this is good for the
2 voters. It makes voter identity much more relevant and
3 much more easily done by our voters.

4 I incorrectly assumed that this would be
5 primarily a mathematical exercise. It is no secret
6 that while the state's population has increased by about
7 7 percent, the urban core of our state have lost -- cores
8 of our state have lost population.

9 This must be addressed, but my approach was to
10 respect the existing map and make the most minimal
11 adjustments necessary to make the districts' population, as
12 the Constitution requires, as nearly equal as practical
13 while rendering contiguous and compact districts that
14 preserve communities of interest, political subdivision
15 lines and cores of existing districts.

16 I believe these requirements are opposed by both
17 Missouri and U.S. Constitutions. I understood that another
18 allowable criteria -- and this is under caselaw -- was
19 protecting the incumbents, but this was not the (inaudible)
20 of my work, because I believe if you preserve the cores of
21 existing districts, you've pretty much taken care of the
22 incumbents.

23 I also seriously considered the protection of
24 so-called majority-minority districts, which means in
25 Missouri's context, that districts with large

1 African-American populations should be drawn so as to
2 guarantee the opportunity that those districts, again,
3 guarantee the opportunity that those districts will elect
4 African-American Senators.

5 Map drawing for the Senate districts is immensely
6 complicated by the Missouri Constitutional requirement that
7 counties cannot be divided except the urban areas of
8 St. Louis, Kansas City and Springfield.

9 Another complicating factor is that the target
10 population for each district is 176,145, but 43 counties in
11 Missouri contain fewer than 15,000 residents. The
12 practical impact of these demands is that many out-state
13 districts must be very large and somewhat spread out. This
14 simply cannot be avoided as you-all will -- if you haven't
15 figured out already, you will quickly figure it out.

16 I began drawing my map after the public hearings
17 had concluded. I also waited until the St. Louis area
18 Senators from both parties had prepared a map for their
19 districts.

20 I discussed aspects of my map with the other
21 Republican commissioners and utilized the Maptitude program
22 licensed to the Missouri Republican Party. But because my
23 map was drawn without slavish considerations of political
24 ramifications and without any group approval, the map was
25 posted with OA as the Maupin map. And that's what you see

1 on the board behind you, and that's what Exhibit No. 1
2 that's being passed out is.

3 In fact, this could be labeled the Maupin
4 Compromise Map because I preserve the eight existing Senate
5 districts currently held by Democrats with greater than
6 55 percent Democratic voters; moreover, I created not just
7 7 but 14 districts that are considered competitive, that is
8 with partisan voting patterns within the generally accepted
9 45 percent to 55 percent spread. A good candidate from
10 either party with solid message and adequate resources can
11 win in those districts.

12 My point is that this is not simply a Republican
13 map drawn to take advantage of every possible (inaudible)
14 term.

15 My starting point was the map that the Appellate
16 Apportionment Commission drew a decade ago. I believe that
17 effort is worthy of respect. It has served as a blueprint
18 for our election process and the voters have become
19 accustomed to its classifications.

20 My initial step was to see if any of the existing
21 districts could be retained without any change whatsoever.
22 Four of the existing districts meet this standard. These
23 are the 25th District, Dunklin, Pemiscot, New Madrid,
24 Stoddard, Ripley, Butler and Wayne Counties.

25 And in the adjacent 27th District, Mississippi,

1 Scott, Bollinger, Cape Girardeau, Madison and Perry
2 Counties.

3 The 32nd District down in southwest Missouri,
4 Newton, Jasper and Dade Counties.

5 In the 34th District, which is Platte and
6 Buchanan Counties. So there's no reason to change these
7 districts. I thought it was proper to leave them alone.

8 I next started at what I considered to be the
9 logical starting point, that would be in the northwest
10 corner of the state, and I built districts that fall within
11 the population requirements.

12 The first district up in the northwest corner is
13 the 12th District. And I was able to meet the deviation by
14 simply adding one county, Putnam County. In the existing
15 map a portion of Clay County falls within the 12th
16 District, and I thought that was inappropriate.

17 I thought all of Clay County should be a more
18 urban direction, so I took the 12th District, which is
19 clearly agricultural and rural, out of Clay and met the
20 population deviation by adding Putnam.

21 The result is you have 17 counties that stretch
22 across 80 percent of the state. It's a huge district, but
23 it's compact and it meets the population deviation and
24 certainly meets the idea of communities of interest.

25 HONORABLE RAHMEYER: And just so we can read your

1 map, and I don't know if it's because the lights are turned
2 down, but is 32 down in area, Jasper, Newton, McDonald or
3 is it just Jasper and Newton?

4 COMMISSIONER MAUPIN: It's Newton, Jasper and
5 Dade is 32. And that's the existing district.

6 HONORABLE RAHMEYER: Oh, so these are the
7 existing ones. You're talking about the existing one, the
8 Maupin 1, is just the --

9 COMMISSIONER MAUPIN: No. Maupin 1 is the
10 existing ones for the districts that don't need to be
11 changed. So Maupin 1 is the same existing districts for --

12 HONORABLE RAHMEYER: It does not need to be
13 changed in Jasper County, but there's an increase in the
14 population?

15 COMMISSIONER MAUPIN: They still fall within the
16 10 percent deviation.

17 HONORABLE RAHMEYER: 10 percent of the standard
18 deviation?

19 COMMISSIONER MAUPIN: Yes. Well, it's a total
20 between high and low. It's within -- and I think the
21 population of those three is actually well within the 5
22 percent above the 176,145 goal. It's more like 3 1/2 to 4
23 percent. It's very, very close.

24 HONORABLE WELSH: Do you have the numbers like on
25 the table if we wanted to look at --

1 COMMISSIONER MAUPIN: I have that available. I
2 certainly have that on a spreadsheet. I can e-mail all of
3 you.

4 HONORABLE WELSH: Thank you.

5 HONORABLE RAHMEYER: And you checked with the
6 Republicans and used their map, but you don't have any
7 Democrats sign onto this? This is just an existing one of
8 basically your ideas?

9 COMMISSIONER MAUPIN: Yes.

10 HONORABLE RAHMEYER: Okay.

11 COMMISSIONER MAUPIN: And I'm not really sure of
12 any Republican that signed onto it either.

13 HONORABLE RAHMEYER: Okay. It's a weak map then.

14 COMMISSIONER MAUPIN: Well, I'm a -- I'm a -- I
15 don't know how to use Maptitude, so I had to use their
16 licensed Maptitude. And I had some help from their staff
17 obviously, because I couldn't have done this by myself.

18 Then the next district over is the 18th, which is
19 northeast Missouri. Again, agriculture area. And I was
20 able to meet the population goal there. I had to come down
21 as far as Montgomery County. But that district is as
22 compact as you're going to be able to get one. And it
23 actually has -- it's agricultural and it is focused toward
24 rural ideas. And I think that's a good map. It has 14
25 counties but it's very compact.

1 Then if you move south, you immediately start to
2 see the impact of the loss of the population of the urban
3 cores of St. Louis.

4 CHAIRWOMAN HONORABLE HARDWICK: You have one
5 minute left.

6 COMMISSIONER MAUPIN: Okay.

7 CHAIRWOMAN HONORABLE HARDWICK: So you need to
8 sum up and if the Commission has some specific questions
9 about the map that you presented, then you can get to
10 those, otherwise --

11 COMMISSIONER MAUPIN: Well, I would like to
12 address a couple of points quickly, if I may?

13 CHAIRWOMAN HONORABLE HARDWICK: All right.

14 COMMISSIONER MAUPIN: I know you'll hear a lot
15 about renumbering the districts. That is the third rail.
16 That is truly -- that is diabolic. When -- these districts
17 run in every other year, and so every -- currently every
18 odd numbered district runs in a presidential election.
19 Every even numbered district runs in the off presidential
20 years.

21 When you renumber the districts -- I know it
22 sounds like it would be easier to count 1 through 34
23 counter-clockwise or clockwise or however they do it. That
24 is going to cause a lot of special elections. You have a
25 lot of people who have been elected in, say, 2010 who will

1 then immediately go into a 2012 election cycle. So you
2 have additional elections you don't need to have. You're
3 going to throw people out of districts where they are
4 currently --

5 I'll talk about the 24th. My pet peeve. That's
6 why I talked about that at the beginning. I live in the
7 24th. A map you're going to see that's called the Harpool
8 map, the Harpool 2, takes the 24th District wholesale and
9 moves it to Branson. A district which is less central
10 St. Louis County, they move it to Branson for no reason.

11 If you look at the St. Louis area, that greater
12 metropolitan St. Louis area, and the way I've drawn my map,
13 they have almost 2.2 million people in it. And they
14 deserve 12 senators. That is almost a mathematical
15 certainty that if you divide 176,145, you get 12.

16 I designed a map that retains 12 senators from
17 the St. Louis District, and it's very, very important. And
18 the idea that you would overturn an election by moving a
19 senator who just won in a very difficult district, a
20 district that I know a little bit about, because I got beat
21 in it four years ago by someone who has already spoken here
22 today, beaten badly, in a Democratic district that's
23 58 percent Democratic. It was won by a Republican this
24 time around.

25 And I think if you try to move that district out

1 of St. Louis County, you're just telling those voters
2 you're too stupid to know whom you should elect. If you
3 elect the wrong person, it will disenfranchise you and move
4 your senator to Branson.

5 I also think -- real quickly --

6 CHAIRWOMAN HONORABLE HARDWICK: All right.

7 COMMISSIONER MAUPIN: -- the idea that you have
8 to shed a St. Louis senator is wrong. There is no way in
9 the world that the population of southwest Missouri -- I
10 don't care how many times you add those counties up -- you
11 cannot figure out a way where they get an additional
12 senator who is truly from southwest Missouri. The numbers
13 simply aren't there again. They'll be there in the next
14 census for sure, but they're not there right now.

15 The Harpool 2 map remedies this, so-called, by
16 adding a third senator to the northern tier of Missouri
17 state. The majority of those counties lost population in
18 the last ten years. That's the wrong approach. Absolutely
19 the wrong approach.

20 I would ask you -- I know you have a lot of
21 material before you, but it's important that the St. Louis
22 area retain its clout, for whatever it's worth, in
23 Jefferson City, St. Louis -- the St. Louis senators all
24 testified that they work together on a bipartisan basis to
25 present the issues that are important to St. Louis, the

1 St. Louis area.

2 I think it's important to maintain that number of
3 senators, and also I think it's important that you remember
4 renumbering is not just an idle thought. Renumbering has
5 extreme, expensive and very partisan impacts. Thank you
6 very much.

7 CHAIRWOMAN HONORABLE HARDWICK: Thank you. Chris
8 Dunn.

9 MR. DUNN: Good morning to the Commission. My
10 name is Chris Dunn. I'm here on behalf of Senator Rob
11 Schaaf who represents the 34th District. The 34th District
12 is comprised of Buchanan and Platte Counties just north of
13 Kansas City. He couldn't be here today, by the way,
14 because he's a physician who sees patients and he didn't
15 get enough notice to cancel. So he apologizes for that,
16 but he sent me.

17 And we think the 34th District might present an
18 easy challenge for you. It is two counties. Both counties
19 have around 90,000 constituents. Platte County leans
20 Republican. Historically Buchanan County leans Democrat.
21 And we would love if you guys could do your best to leave
22 the 34th District unchanged. And that is our testimony.

23 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

24 All right. Sandy Crawford, Representative Sandy
25 Crawford.

1 REPRESENTATIVE CRAWFORD: Yes, I'm Representative
2 Sandy Crawford. I represent the 119th District down in
3 southwest Missouri, but I'm here to speak about the 28th
4 Senatorial District. I'm going to be brief also.

5 HONORABLE RAHMEYER: Where is the 28th Senatorial
6 District?

7 REPRESENTATIVE CRAWFORD: It is currently
8 represented by Senator Mike Parson. It's north of
9 Springfield on up through Pettis County.

10 I would also like to make your job very easy.
11 I'm here today asking you to leave the 28th Senatorial
12 District exactly like it is. We have the numbers to do
13 that.

14 Frankly, I mean, a lot of our residents are
15 leaning Republican, but what I would like to ask you to
16 think about is all of our -- most of our counties in that
17 senatorial district are very rural. And whenever I have a
18 constituent call me and ask -- with a problem, I don't ask
19 them, are you a Republican or a Democrat? I represent all
20 of them.

21 So what I would like you to keep in mind is, all
22 of our counties in that district are a very strong
23 agricultural background. I think it's very important to
24 keep counties like that together.

25 For instance, I don't think it would be a good

1 idea to put us with Greene County because that's a larger
2 district. Currently there are nine counties in the 28th
3 Senatorial District. Six of those have population of less
4 than 20,000. I believe the rural counties are better
5 served whenever they're lumped together rather than split
6 here and split there just to kind of make up the numbers.

7 Since I live in one of those small counties, I
8 don't want to be a county that just gets stuck somewhere to
9 finish out the numbers. As I said before, our district
10 does not have to shrink or grow. It is -- we have the
11 numbers within the margin of error to leave it exactly like
12 it is.

13 If we were to be split up, a lot of our -- part
14 of our county would be put with maybe Mid-Missouri, -- more
15 of a Mid-Missouri orientation, or some of them would go
16 with Kansas City or Springfield instead of focusing more on
17 the rural agricultural makeup of our district.

18 I don't believe that would be -- I don't believe
19 that would be in our county's needs whenever we're put with
20 bigger counties. So I would just like to ask that you do
21 consider that.

22 One of the maps that is put out there now, and
23 I'm going to speak just specifically about Dallas County,
24 because that's where I live. It shifts my county to a
25 different senatorial map.

1 As a matter of fact, it was my district, the map
2 that you just looked at, Maupin, that is -- it would shift
3 Dallas County over to that. And if you take a look at that
4 map, you're going to see that the county I'm in is going to
5 be put in a senatorial district that goes clear down to the
6 Arkansas line.

7 Now, no offense to the folks in Douglas, Ozark
8 and Wright, but I don't think I have been in those
9 counties, stepped foot in those counties more than once or
10 twice in my life, and I'm not even the most northern county
11 that's in that senatorial district. It's just not a normal
12 county that people in my area go to; whereas, if we stay in
13 the 28th, Polk County and Dallas County they're -- our
14 residents go to Polk County quite a lot. It's more of a
15 normal trade area, so to speak. So rather than look at
16 just the partisan issue --

17 VICE CHAIRMAN HONORABLE RICHTER: (Inaudible)
18 your district?

19 REPRESENTATIVE CRAWFORD: It is now, yes.

20 VICE CHAIRMAN HONORABLE RICHTER: How often do
21 you go to Sedalia?

22 REPRESENTATIVE CRAWFORD: How do I go, straight
23 up --

24 VICE CHAIRMAN HONORABLE RICHTER: How often do
25 you go to Sedalia from Buffalo?

1 REPRESENTATIVE CRAWFORD: Not often, but the
2 State Fair is there. It's still more of an agricultural
3 area. In order for me to get down to the Arkansas County
4 line, like to Ozark -- well, I'm not even sure how I would
5 get there. I guess I would have to go through Springfield.

6 VICE CHAIRMAN HONORABLE RICHTER: There's no way
7 to get there.

8 REPRESENTATIVE CRAWFORD: That's kind of what I
9 think too. My point exactly.

10 Seriously though, in a district that we're in now
11 you have 13 Highway that runs to a lot of it on the -- on
12 the western edge you have 65 that runs through a lot of it.
13 It's a straight shot. Sedalia would be much easier for me
14 to get to from Dallas County than it would be Ozark.

15 VICE CHAIRMAN HONORABLE RICHTER: Took a right at
16 Elkton.

17 REPRESENTATIVE CRAWFORD: It curves, go around
18 and a -- there's a bunch of curves and then all that stuff,
19 exactly. Again, my point.

20 HONORABLE RAHMEYER: (Inaudible).

21 VICE CHAIRMAN HONORABLE RICHTER: Three of us in
22 here knew what you were talking about.

23 HONORABLE RAHMEYER: Yeah.

24 REPRESENTATIVE CRAWFORD: Well, that's my
25 district, so I'll take that as a compliment.

1 Anyway, I think that's all that I have to say,
2 but I would like you to look behind the partisan issue
3 and -- for the rural areas especially. I think that it's
4 more important to look past that, because let's face it,
5 southwest Missouri is very Republican. There's no way
6 around that. I'm not sure that you could draw a map that
7 would be partisan -- equal partisan-wise, so I would like
8 you to look behind those numbers and leave us the way that
9 we are. Thank you.

10 HONORABLE WELSH: Representative, we got a lot of
11 input from Dallas County.

12 HONORABLE RAHMEYER: Dallas County.

13 REPRESENTATIVE CRAWFORD: You know what, I knew
14 that it would either make you really mad or just let you
15 know that we are concerned. And you're going to get more
16 of those e-mails too. I was glad to hear that we have
17 another week.

18 HONORABLE RAHMEYER: Well, we figured there must
19 be some sort of -- I figured there must be some rumor out
20 there of a map that is splitting up Dallas and Polk County.
21 And I thought where did they get that idea? Now I know.

22 REPRESENTATIVE CRAWFORD: Yes, it's the
23 senatorial district. Yes.

24 CHAIRWOMAN HONORABLE HARDWICK: Let it be known
25 that we don't have the map.

1 HONORABLE RAHMEYER: We don't have the map.

2 REPRESENTATIVE CRAWFORD: Well, I wasn't sure.

3 You know, you hear -- and I'm a freshman legislator, so I'm
4 real new to this process, but I wasn't sure if you would
5 take existing maps and work off of them or if you would
6 start from scratch.

7 CHAIRWOMAN HONORABLE HARDWICK: We're not sure
8 either.

9 REPRESENTATIVE CRAWFORD: Okay. Thank you.

10 (AN OFF-THE-RECORD DISCUSSION WAS HELD THAT WAS
11 INAUDIBLE.)

12 CHAIRWOMAN HONORABLE HARDWICK: Doug Harpool.

13 COMMISSIONER HARPOOL: Good morning. My name is
14 Doug Harpool. I am an attorney in Springfield, Missouri
15 and have been for 32 years. I have spent time in the
16 Missouri Legislature from 1983 to 1992 as a Democrat in an
17 extremely Republican District. The numbers on it would
18 have been 63 percent Republican probably at the time.

19 Governor Nixon appointed me as a Democrat to the
20 Redistricting Commission for the Senate. The members of
21 the Commission then appointed me as chairman, and as a
22 result you'll have before you maps called Harpool 1,
23 Harpool 2 and Harpool 3.

24 And those are -- Harpool 3 is the one we are
25 presenting today. It has very slight differences from

1 Harpool 2. And the data will be sent to the redistricting
2 commission here so they'll have the data files of what you
3 have of the maps. The only differences between 3 and 2 are
4 in the St. Louis area and have to do with minority
5 representation in a particular area.

6 CHAIRWOMAN HONORABLE HARDWICK: So this one here
7 is Harpool 3?

8 COMMISSIONER HARPOOL: Yes.

9 CHAIRWOMAN HONORABLE HARDWICK: It doesn't have a
10 heading on it.

11 COMMISSIONER HARPOOL: I'm sorry. Yes, it is.

12 CHAIRWOMAN HONORABLE HARDWICK: All right.

13 COMMISSIONER HARPOOL: Let me say I was proud of
14 our commission in its civility as disappointed as we were
15 with the outcome. As Commissioner Maupin said, we worked
16 cooperatively. We tried, but in the end we were unable to
17 reach a decision.

18 I became convinced at the end of that process
19 that there's very good reasons that the framers of the
20 Constitution said elected officials should not participate
21 in redistricting of the Commission, because every one of
22 these senators had an idea of how they wanted their
23 district to be written, but they didn't work together and
24 make a cohesive map and did not meet the legal requirements
25 that are necessary to have a map upheld by law.

1 Why are we here? Let's put it very distinctly.
2 District 2 in the Senate presently has 102,000 more people
3 than District 4. That's how out of sync our senate
4 districts have become over the last ten years.

5 A full district under the new census is only
6 176,000 and yet we have one district that is 102,000
7 greater than others. That's because District 2 grew by
8 81,000 in a ten-year period while District 4 shrunk by
9 20,000.

10 We had huge population shifts in the state.
11 Christian County was up by 43 percent. Taney County 30
12 percent. Warren County 30 percent. St. Charles County
13 27 percent. At the same time the St. Louis City lost
14 8 percent and several rural counties lost between 7 and 12
15 percent.

16 Merely tweaking the old map does not fulfill the
17 responsibility that the Constitution gives us to protect
18 one-man one-vote. Merely tweaking it results in a map that
19 we think violates the Constitution.

20 Statewide our population you should know was up
21 7 percent. So when a district's up 43 percent, it's very
22 much in excess of what the rest of the state is.

23 There are three reasons why I believe Harpool 3
24 is a superior map to the other maps you have before you and
25 why it should be adopted. Number one, it meets the legal

1 requirements for distribution of population.

2 The Republican caucus map, which was the last map
3 presented by the Republican party to our Commission does
4 not. It is the map that all five Republican commissioners
5 supported, not the map which Mr. Maupin presented to you a
6 few minutes ago.

7 Secondly, the Democratic map preserves four
8 majority-minority districts. That's what we have today.
9 The Republican map, caucus map did not and eliminated one
10 of the Republican -- one of the majority-minority
11 districts.

12 And the third reason is, the Democratic map,
13 Harpool 3, more closely mirrors the political makeup of the
14 state than does the Republican caucus map.

15 Let me talk about the first issue and that's
16 population distribution. Harpool 3 has a 9.1 percent
17 deviation from the largest to the smallest district. That
18 means presumptively it is valid under Voinovich versus
19 Quilter, a U.S. Supreme Court case.

20 Now, that 9.1 percent actually overestimates the
21 difference, because there's only one district that's 5,000
22 smaller than the next smallest district. And if that
23 district wasn't so small, you actually would have a far
24 smaller deviation.

25 The reason that one district is so small is

1 because it's in Taney County and it and its neighboring
2 counties are growing like weeds. And by the end of the
3 decade, that district won't be the smallest district, but
4 will likely be one of the larger districts.

5 So by starting it a little on the lower end, we
6 feel by the end of the decade it will be an appropriately
7 sized district and way below any challenge.

8 The Republican map, caucus map had a deviation of
9 10.7 percent from the largest district to the smallest
10 district. Under the Quilter rule it is presumptively
11 invalid and only --

12 VICE CHAIRMAN HONORABLE RICHTER: We really don't
13 care about what -- tell us your map. Don't tell us why the
14 other one is bad.

15 HONORABLE RAHMEYER: Really.

16 COMMISSIONER HARPOOL: Well, when you're making
17 decisions, it's important that you understand that our map
18 complies with the law and theirs does not.

19 CHAIRWOMAN HONORABLE HARDWICK: Okay. So tell us
20 how it complies.

21 VICE CHAIRMAN HONORABLE RICHTER: Yeah. Tell us
22 how it's compact, because every county to the Iowa border
23 doesn't seem to be a real compact senate district.

24 COMMISSIONER HARPOOL: Actually, not much
25 different than if you'll look at the Republican caucus map.

1 VICE CHAIRMAN HONORABLE RICHTER: I don't care
2 about the Republican caucus map.

3 COMMISSIONER HARPOOL: Well, it's as compact as
4 you can do given the size and population of those counties,
5 sir.

6 HONORABLE RAHMEYER: The 21st looks to me like it
7 goes down to the Iowa border clear down to the Missouri
8 River.

9 COMMISSIONER HARPOOL: But when you need 176,000
10 votes and you have 15,000 people per county, that's 10
11 counties. And if you'll look at any of the maps submitted
12 to you, they'll have 10 and 12 county districts, because
13 they'll be required to make the population requirement.
14 That's not a choice.

15 Some chose to move theirs in a different
16 direction, but no matter which, if you're going to have
17 that many counties together, you can't comply.

18 HONORABLE RAHMEYER: The number of counties to me
19 is just the difference in the --

20 COMMISSIONER HARPOOL: The geographic size of the
21 county?

22 HONORABLE RAHMEYER: No. Kind of the whole area.
23 North Missouri has lost population. It's rural. It's
24 farming. And you get clear down in the Fulton and Callaway
25 County -- actually north it -- isn't it the north Jeff

1 City, isn't that -- doesn't that abut right up to Jeff
2 City? That seems to me to be very, very different from the
3 northern part of the state. And I say that because I'm
4 from Iowa, and it's just like Iowa up there. It's all
5 farmland.

6 COMMISSIONER HARPOOL: Well, your only other
7 option is to come down somewhere else.

8 HONORABLE RAHMEYER: Right.

9 COMMISSIONER HARPOOL: And that causes problems.

10 HONORABLE RAHMEYER: Go across. I see. You came
11 down instead of going across?

12 COMMISSIONER HARPOOL: Right. And that's because
13 we kept the river districts together.

14 HONORABLE RAHMEYER: By river districts you
15 mean --

16 COMMISSIONER HARPOOL: Along the Mississippi
17 River.

18 HONORABLE RAHMEYER: You kept those ten for what
19 reason?

20 COMMISSIONER HARPOOL: Because of their
21 continuity of interest in terms of levy issues and that
22 type of issue. So if you put those in with the north
23 counties, they're really kind of out of touch.

24 HONORABLE RAHMEYER: Okay.

25 COMMISSIONER HARPOOL: Let me go on to say that

1 the other concern we have is that you not put small
2 districts in areas at the beginning of the decade that have
3 lost population and large districts in areas that have
4 grown populations. And we think --

5 HONORABLE RAHMEYER: I don't know what you mean
6 by that.

7 COMMISSIONER HARPOOL: Okay. For example,
8 Christian County has grown 4 to 3 percent.

9 HONORABLE RAHMEYER: So 25,000 people?

10 COMMISSIONER HARPOOL: Right. Under some of the
11 maps they are put in districts that are the largest.

12 HONORABLE RAHMEYER: The largest. You mean --

13 COMMISSIONER HARPOOL: Starting the next decade.

14 HONORABLE RAHMEYER: Oh, you mean
15 population-wise?

16 COMMISSIONER HARPOOL: Right.

17 HONORABLE RAHMEYER: Like over 176,000?

18 COMMISSIONER HARPOOL: Yeah. Over -- like one of
19 them has a district already with 186,000.

20 HONORABLE RAHMEYER: I got it. Other maps?

21 COMMISSIONER HARPOOL: But with another district
22 that may have 167,000, but is in an area that lost
23 population in the last ten years. The consequence is in, I
24 want the map to last the last five years of the decade and
25 not just the first five years.

1 That's another reason why you can't just listen
2 to what incumbents want you to do. Because if we do that,
3 they're all going to be term limited out and in the last
4 half of the decade, you're going to have a bunch of
5 districts you wrote for particular politicians that may or
6 may not make sense for the state as a whole.

7 Again, our map complies presumptively with the
8 rule, other maps submitted do not. Our map does not hound
9 extra population into areas that are growing rapidly but
10 puts it in areas where they're small so that at the end of
11 the decade, the population deviation will be far less,
12 which hopefully will make this whole process a lot easier
13 ten years from now.

14 Let me make point No. 2. We believe there should
15 be four majority-minority districts. Our map has that with
16 districts at 66.4, 59, 59.82 and 57.82. One in Kansas
17 City, three in St. Louis.

18 We think if we reduce the number of
19 majority-minority districts, we risk a Voting Rights Act
20 challenge. And population-wise there is no legitimate
21 reason to reduce. The minority population hasn't shrunk.
22 And I think those who have proposed maps that only have
23 three beg for us to have our districts challenged and
24 cannot be justified on population change.

25 It is particularly important, I think, that the

1 majority-minority districts in Kansas City be preserved,
2 which is only one, and that would make it very suspect
3 to eliminate it. And ours preserves that at nearly a
4 60 percent district. Some of the maps proposed have it
5 less than a 55 percent district.

6 CHAIRWOMAN HONORABLE HARDWICK: All right.
7 Commissioner Harpool, your time is up. Do you have any
8 summation or are there other questions?

9 HONORABLE WELSH: I have a question for you:
10 Mr. Wierzbicki came in said, leave Clay County as a unit
11 and you have a bootheel that looks like it carves out the
12 northwest corner of Clay County and puts it up into
13 District 12. Is there any reason to that --

14 COMMISSIONER HARPOOL: It has to do with
15 protecting the minority district in Kansas City, and it
16 pushes everything around to the right and up, and that's
17 the reason that happened.

18 CHAIRWOMAN HONORABLE HARDWICK: But you've got a
19 very urban part of Clay County that's in that northern
20 rural; is that right? Because District 12, as you've drawn
21 it, goes down to the river or not quite down to the river?

22 COMMISSIONER HARPOOL: Not quite.

23 CHAIRWOMAN HONORABLE HARDWICK: Not quite to the
24 river?

25 COMMISSIONER HARPOOL: Not quite.

1 HONORABLE BURRELL: I assume nine is your --

2 COMMISSIONER HARPOOL: In Kansas City, it is.

3 Let me just say in conclusion that if my map were
4 adopted, it would guarantee 61 percent Republican Senate,
5 if people voted according to their party lines.

6 The Maupin map would result in a guaranteed
7 68 percent Republican-controlled senate. In a state that
8 votes 51 percent of their votes in the senate for
9 Democrats, we understand we can't -- I wish I could do
10 better than that, but I can't, but let's not make it any
11 worse than we have to. Thank you very much.

12 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

13 Next we have Senator Bob Dixon.

14 SENATOR DIXON: Good morning. Thank you for the
15 opportunity to testify and I'll be as brief as I possibly
16 can.

17 For the record, my name is Bob Dixon. I
18 currently represent the 30th Senatorial District to which
19 is comprised mostly of the City of Springfield. What I
20 have before you there I'll explain briefly.

21 First, the map with the sort of reddish and green
22 boundaries are the latest, prior to this meeting, what you
23 could have found on the OA website Republican and
24 Democratic proposed districts for the 30th.

25 The Republican caucus map, which I believe is the

1 same as the Maupin map that was presented this morning, is
2 about 5,800 over the population deviation.

3 The reddish map, which is the -- I believe that's
4 consistent with the Harpool map, one of the three, is about
5 34 under that deviation.

6 The next map is -- the next page is a variation
7 that I'm submitting to you, a proposal, for the district.
8 And the second one, again, is similar. It's just trying to
9 keep it in consideration, the city. And then the fourth
10 page before you --

11 HONORABLE RAHMEYER: So this one you're
12 proposing? You're proposing this?

13 SENATOR DIXON: District 30, Variation 1.

14 HONORABLE RAHMEYER: It means you think it's a
15 good idea in population of only 142,000?

16 SENATOR DIXON: That's the -- no. Total
17 population is 175,867.

18 HONORABLE RAHMEYER: Oh, I see.

19 SENATOR DIXON: I think that's over 18.

20 HONORABLE RAHMEYER: Okay.

21 SENATOR DIXON: They're very close to the
22 standard deviation, so either one of those. The fourth
23 page I have just provided the current city limits of the
24 City of Springfield for you.

25 I would just ask that you -- and I've tried to

1 meet those with the maps that I've presented, the
2 Constitutional requirements making minimal changes to keep
3 the City of Springfield intact and maintain that community
4 of interest.

5 It is a fact that the City is actually growing to
6 the west as far as annexation is concerned. I did used to
7 actually represent, when I was in the House, the far
8 eastern area of the county which is representative on that
9 first page under the green map or the Maupin map.

10 And I can tell you from experience they're
11 wonderful people, absolutely wonderful people, but I can
12 tell you from experience that those are extremely divergent
13 interests. Very urban versus very rural.

14 The community of interest, quite frankly, is the
15 City of Springfield and this is consistent with previous
16 testimony, public testimony that you have access to as well
17 as testimony from the last time we went through this from
18 the citizens of Springfield.

19 And the only other thing I would add is that
20 later I will submit more details via e-mail with a little
21 bit more specifics.

22 VICE CHAIRMAN HONORABLE RICHTER: Is this
23 something that OA drew for you?

24 SENATOR DIXON: No. We drew that.

25 VICE CHAIRMAN HONORABLE RICHTER: Okay. If you

1 can get -- what do they need to do for you guys? They're
2 our back helpers. We don't know how to do this. We can't
3 draw between the lines.

4 MR. HESSER: They can just e-mail us. We can
5 work with them to get that.

6 SENATOR DIXON: We'll e-mail both of these. It
7 does include using a software system similar to Maptitude,
8 but it's quite frankly not as good. It doesn't break it
9 down to where you can split precincts, but we'll get that
10 to you in electronic form as soon as possible.

11 CHAIRWOMAN HONORABLE HARDWICK: Senator, have you
12 completed a witness form?

13 SENATOR DIXON: Yes, I have.

14 CHAIRWOMAN HONORABLE HARDWICK: Okay. Because I
15 don't have it. We'll get it. Thank you.

16 SENATOR DIXON: Thank you.

17 CHAIRWOMAN HONORABLE HARDWICK: All right. Next
18 is Adolphus Pruitt. And I think you've given us a handout;
19 is that correct?

20 MR. PRUITT: I'm going to use those on the House.

21 CHAIRWOMAN HONORABLE HARDWICK: Oh, okay. All
22 right. So nothing on the Senate?

23 MR. PRUITT: Not really.

24 CHAIRWOMAN HONORABLE HARDWICK: Okay.

25 MR. PRUITT: Good morning. Adolphus Pruitt,

1 President of St. Louis NAACP and Chairman for legal redress
2 for the Missouri State NAACP.

3 It's interesting -- I'm glad I was some ways down
4 the line so I got a good idea of what the rules are. Be
5 brief. Don't talk about nobody else's map, so I can assure
6 you I will do that.

7 I will say this that -- because I do have some
8 comments as relates to what's going on, at least I have an
9 opinion of what needs to happen as relates to the House
10 District. What I want to do is spend this time to at least
11 talk about what our overall concern is while being as
12 specific as possible.

13 Again, when we talk about the House, I do want to
14 point out some examples of how some of this stuff has went
15 to date that we think is contrary to the Voting Rights Act
16 and the overall principle of what we're trying to do here
17 as relates to the redistricting.

18 I will say this, is that we understand that you,
19 as the panel, have the charge of drawing these boundaries,
20 and you have the right to create as many maximum size
21 districts with the minority population or maybe minimal
22 size districts with the minority population. And as the
23 NAACP we're glad to say that we respect that you have the
24 authority to do that. We don't want to give any impression
25 that we don't.

1 What we would like to say, though, is that when
2 you look at the current makeup of the districts and you
3 look at them as relates to the voting age population and
4 the race of the incumbents, when we look at the senate
5 district, we currently have four districts that are
6 majority black. That is before you do anything. They
7 exist. There are four districts that exist that are
8 majority black population.

9 And it's ironic on some of the testimony we've
10 heard earlier today, with the exception of Harpool 3, all
11 of them attempt to either reduce the number of minorities
12 in those majority-minority districts, and in some cases
13 some eliminated a district completely.

14 That brings us to the point I want to talk about.
15 I'm not an attorney. I have never held an office. I've
16 never run for office, and I'm definitely not a lawyer.
17 Maybe I wish I was at this point in time. So I guess --
18 and since the nonpartisan group were elected officials, I
19 guess we are truly the only nonpartisan group that's here
20 as it relates to a (inaudible).

21 We are partisan as relates to the interest of the
22 minority population, but we are nonpartisan as relates
23 to -- we don't want to see anyone disenfranchise or
24 discriminated against because of race, color, gender,
25 sexual orientation.

1 But we want to talk about this book we've been
2 looking at that was done by Frank Parker back in 1989, and
3 it talks about the minority vote solution. And he came up
4 with some interesting principles that we hope would be a
5 guiding factor on how you make your decision. And we,
6 beyond a shadow of a doubt, we understand that they fully
7 will provide for all of us to comply with the Voting Rights
8 Act.

9 And the first rule was the 65 percent rule, which
10 basically comes about for the fact that given that in most
11 cases the voting age population for minority is 5 percent
12 younger than white population. Looking at lower social
13 economic characteristics the voting registration rates for
14 minority is normally 5 percent lower than that of a white
15 voter.

16 And the same seems to fall in place as relates to
17 turnout, which came -- which derived at this 15 percent
18 variation which created this 65 percent rule. And my
19 understanding is that this 65 percent rule was upheld in a
20 federal court case, Ketchum versus Byrne. So we think that
21 that is going to be one of the guiding principles as
22 relates to the redrawing.

23 The other thing was this issue as relates to
24 cracking and packing. Beyond a shadow of a doubt cracking
25 is when we draw the lines that dilute the -- or divide the

1 minority population in districts.

2 A good prime example of that, I think, would be
3 the nonpartisan map that was presented, because it is, if
4 I'm not mistaken, it took the 13th District, which is in
5 St. Louis County now, which is 60 percent of voting age
6 population and reduced it down to 51.7 percent. That's not
7 a good example of cracking.

8 I'm quite sure there's other maps that I haven't
9 seen that would demonstrate that we do have some folks out
10 there that we think have violated the Voting Rights Act.

11 The other issue as relates is to packing, to
12 where you combine all the minority population where we have
13 the ability to create more than one district but to push
14 them all together and say that now we're going to reduce
15 the districts down.

16 I think the Maupin map is another good example of
17 where that was done, because it eliminated the 13th
18 District when right now there's enough population for all
19 four districts, the one in Kansas City and the three in
20 St. Louis. So we think that's a good example of packing.

21 You know, as you look at it, beyond a shadow of a
22 doubt, that -- looking at the 65 percent rule, looking at
23 not doing any cracking, looking at not doing any packing,
24 the only testimony we have heard so far from anyone would
25 be -- that doesn't do that, would be the Harpool 3 map.

1 While, again, I'm not talking about anybody
2 else's map, I'm just giving some examples of where we think
3 testimony before you today has been where it violates the
4 Voting Rights Act, one of those three principles, and an
5 example of what you've heard today that it at least
6 attempts to fall within the strict guidelines of the Voting
7 Rights Act.

8 And I would, you know, leave my comments at that,
9 and when we get to the House testimony, I would, again,
10 like to talk about the handout I gave you. And I'm not a
11 lawyer, so if you ask me any questions, I got my
12 statistician here so he can help with that, but I really
13 don't want to -- I don't have the ability to adjudicate
14 this map.

15 CHAIRWOMAN HONORABLE HARDWICK: Okay. Just so we
16 understand, the Harpool 3 map is acceptable to you from the
17 standpoint of a minority district?

18 MR. PRUITT: Absolutely. Right.

19 CHAIRWOMAN HONORABLE HARDWICK: Okay.

20 MR. PRUITT: Thank you.

21 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

22 Next we have Senator Schmitt and Senator Maria
23 Chappelle-Nadal.

24 And I know that both of you have testified
25 before, so I'll just issue our reminder about that.

1 SENATOR SCHMITT: Right.

2 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

3 VICE CHAIRMAN HONORABLE RICHTER: Is this what we
4 got by e-mail?

5 SENATOR SCHMITT: Yes.

6 VICE CHAIRMAN HONORABLE RICHTER: Okay. That's
7 fine.

8 SENATOR SCHMITT: I feel like in this situation I
9 should be saying, may it please the Court. But I just
10 wanted to thank you for your time. I know this is a very
11 difficult task.

12 For the record, I'm State Senator Eric Schmitt
13 representing the people of the 15th District in St. Louis
14 County.

15 SENATOR CHAPPELLE-NADAL: And I'm Maria
16 Chappelle-Nadal, State Senator from the 14th District,
17 which is the mid part of St. Louis County all the way to
18 North County.

19 SENATOR SCHMITT: And we wanted to jointly
20 present the map that the St. Louis delegation spent a lot
21 of time working through. And I understand the challenges
22 of -- in some ways being part of a political process where
23 the cannon of ethics often prohibits or does prohibit
24 judges from being engaged in that.

25 And what we tried to do in this effort here is we

1 all represent areas that have distinct communities of
2 interest; Kirkwood School District, different
3 municipalities, those sorts of things. We tried doing a
4 bipartisan way in looking at the broader community of
5 interests that is the St. Louis metropolitan region and the
6 economic impact, of course, that it has on the state with
7 44 percent of state's GDP being derived from that area to
8 maintain ample representation of that area in a -- really
9 in a bipartisan way.

10 And in my third year in the Legislature I can
11 tell you that is significant. Former Senator Joan Bray who
12 was there, even though we were a different party. You
13 often find yourself working together because there are
14 obviously things that affect the St. Louis region as there
15 are other regions in the state that operate that way too.

16 But what we're being confronted with, of course,
17 is right now the City of St. Louis has two Senators.
18 St. Louis County has six, and really I would argue six and
19 a half, because a portion of the 26th District as it
20 currently stands pulls in part of St. Louis County.

21 So in an effort, as opposed to wholesale moving a
22 district from one portion of the state to another portion
23 of the state, to actually in a more finely wrought manner
24 dealing with that, St. Louis County lost 1.7 percent of its
25 population.

1 Instead of a portion of another district pulling
2 into St. Louis County, a portion of St. Louis County
3 pulling into another county seemed like a more reasonable
4 solution to that population loss.

5 The map that has been proposed -- and the reason
6 why -- I'll testify again -- at the time we originally
7 testified, we did not have a map. We had endeavored to
8 create a map together. And as you find out, sometimes that
9 falls apart, but we were able to come together on something
10 that makes sense for the reason --

11 VICE CHAIRMAN HONORABLE RICHTER: We were looking
12 at this yesterday.

13 SENATOR SCHMITT: Sure.

14 VICE CHAIRMAN HONORABLE RICHTER: Why is this
15 tail out here?

16 SENATOR SCHMITT: Well --

17 VICE CHAIRMAN HONORABLE RICHTER: Nobody lives
18 out there, so why is it there?

19 SENATOR SCHMITT: Are you talking about part of
20 the 24th?

21 VICE CHAIRMAN HONORABLE RICHTER: The tail there,
22 the 24th that goes out to (inaudible) to Manchester.

23 SENATOR SCHMITT: Sure.

24 SENATOR CHAPPELLE-NADAL: Let me just interject
25 here and just go backwards just a little bit.

1 There were nine senators who came together, and
2 really more than that, and made a decision of what we
3 wanted to do. It was not easy for the nine of us. It was
4 like pulling hair at times. And I don't want you to think
5 that at any time when we put this together we were solely
6 thinking about our own interest in being reelected. We
7 were thinking about our communities of interest.

8 So what we are presenting to you today is
9 something that we battled with among our group of people.
10 And it was not easy. And I was thinking about that scale,
11 and that probably is the result of one of our arguments
12 that we had between the nine of us.

13 But we did come up with something that we think
14 is doable. What's important to know is that one of the
15 things that we all looked at, not only the communities of
16 interest, but we also have different deviations.

17 I have a population in my district that went down
18 thousands of people, so did the 4th District, whereas if
19 you look at the 7th Senatorial District or the 15th
20 Senatorial District, they did not have a loss of population
21 like we did in North County.

22 So in our map what we accounted for, one, was the
23 potential of slow growth and also the potential of great
24 loss. So in St. Louis County and North County we have an
25 older population of people, but we have a growth of

1 African-Americans. And that point was brought out ten
2 years ago when we did redistricting.

3 And Albert Walton was part of that process. And
4 one of the things he talked about is that the 13th and the
5 14th have a potential of growth, mainly the 13th, which was
6 his district.

7 So we looked at those variations and, again,
8 tried to do something that allowed us to not have a
9 district that had a hundred thousand more people in it, but
10 we understood that there were some districts that were
11 going to experience great loss just because of the
12 population that was there.

13 SENATOR SCHMITT: And let me address that even
14 specifically. So our starting point, as case law has
15 indicated, that the core district from a prior map is a
16 really important consideration in this process. So we
17 started, of course, with the map in 2000 that the Court
18 came up with as is currently constituted.

19 Getting into specifically why things head west.
20 The City lost population. Currently the 1st Senate
21 District pulls in part of south St. Louis. That no longer
22 is possible because of the population loss in the City.

23 So the City of St. Louis actually has to pull in
24 a portion of the county, which means in order to deal with
25 the communities of interest, I -- well, the 15th District

1 currently pulls in part of Affton and splits up Affton
2 School District.

3 So the 1st District, under this proposed map, can
4 fully represent the Affton School District, but as that
5 population as Senator Chappelle-Nadal indicated has
6 basically, if you look at it from people who are not
7 necessarily from the St. Louis area, that population shift
8 has moved sort of southwestward.

9 And so those North County areas where I actually
10 grew up are not gaining population, in fact, some losing.
11 So if you're going to pick up the population required to
12 meet the standard deviation, those districts putting a
13 little bit to the 15th, which remain basically stable, but
14 the 24th, those -- all of those districts, if you look at
15 it in math, have to pull from population as it goes further
16 west, thus that tail is what is referenced pulling
17 westward.

18 And what it also allows you to do with the
19 proposed map as I mentioned the 1st, picking up Affton, the
20 15th, for example, Des Peres, currently is not in the 15th
21 District as that currently -- as those districts move
22 westward it allows the Kirkwood School District, which both
23 has Kirkwood and Des Peres, to be represented by one Senate
24 District.

25 So we looked at it in a broader community of

1 interest perspective as far as the St. Louis delegation and
2 its representation of St. Louis County, but then when you
3 get to the nuts and bolts of it within the specifics of the
4 map take into account those specific communities of
5 interest as well, and showing that population is moving
6 westward.

7 SENATOR CHAPPELLE-NADAL: And here is the other
8 thing that I would also say is in my district currently I
9 reap about nine district schools every single week. And
10 what I'm learning like in the Ritenour School District, for
11 example, we're getting more students who are Asian-American
12 and Hispanic.

13 That's of interest to me because, one, not only
14 is my mother Hispanic, but my father is African-American.
15 So in part, half of my district, the eastern portion, is
16 heavily African-American.

17 When we go westward, what we're experiencing is a
18 growth in population among the Asian and Hispanic
19 communities. And so that's one of the reasons why we
20 wanted to keep St. Ann together, the Ritenour School
21 District together, as much as possible because we want to
22 keep that commonality, go through groups of people
23 represented by someone who has their interest at heart.

24 SENATOR SCHMITT: And I would also point out that
25 within the standard deviation that we fit in here, in

1 additional to those districts as they are constituted in
2 the proposed map moving westward, we also took into account
3 the 7th District, the 15 District, those districts that
4 represent part of West County. They have less than what
5 they might get ten years from now. So those North County
6 districts are maybe at or above where they ought to be, but
7 within the standard deviation to take into account what
8 will likely happen in the next decade so that you have a
9 balance.

10 So in addition to having the nine signing off on
11 this map, you also have, I would point out, although I'm
12 not going to testify on their behalf, but I believe they
13 have submitted a map, the St. Charles delegation, dividing
14 up St. Charles County which can now be two full Senate
15 Districts because of population gain. So you have 11, of
16 course then taking a look at, again, your communities of
17 interest and pointing out what the --

18 HONORABLE RAHMEYER: Now, are you saying that
19 their map meshes with yours?

20 SENATOR SCHMITT: Yeah. It doesn't affect in any
21 way because our map is wholly comprised of St. Louis City,
22 St. Louis County, Jefferson and St. Genevieve County. So
23 those four districts are what you -- or counties are what
24 you have in front of you.

25 And then St. Charles County, those two districts

1 are wholly represented within that one county as well. So
2 of those, would that be five or six counties, you have all
3 of those proposed maps, just including those counties.

4 HONORABLE RAHMEYER: And how do you respond to
5 the people who in previous testimony that say we need to
6 have competitive districts?

7 And it looks like you come in and you say, well,
8 we've now got our nine taken care of. And I assume that
9 from your percentages of potential voters that you have
10 somehow protected yourself higher than probably -- it's not
11 a 50-50, but --

12 SENATOR SCHMITT: Let me address that real
13 quickly. The political real-- if we're talking about the
14 political reality of the two, say, North County Districts,
15 13 and 14, those are overwhelmingly Democrat. That isn't
16 going to change, but I will tell you that the 24th, the
17 15th, the 1st are always politically competitive, and that
18 doesn't change.

19 There's no way -- there aren't enough -- like in
20 different parts of the state there aren't enough
21 Republicans to pack those other districts, and there aren't
22 enough Democrats to really pack those other districts. And
23 really what we were interested in really wasn't protecting
24 anything other than to try and draw a map that accurately
25 reflected changes in population but also having that

1 over -- that over arching position of St. Louis maintaining
2 the same number of senators, the St. Louis metropolitan
3 area, that it currently has now. And that was really the
4 critical point.

5 HONORABLE RAHMEYER: You're saying the 1st, the
6 15th and the 24th are competitive, and by competitive you
7 provide somewhere in the 50s?

8 SENATOR SCHMITT: Sure.

9 SENATOR CHAPPELLE-NADAL: Currently what
10 Harpool just said or someone said previously, Maupin
11 perhaps, the 24th District is currently 68 percent
12 Democratic and we have a Republican in there.

13 SENATOR SCHMITT: Yeah, 58 percent. 58 percent
14 Democrat in a Republican win. And trust me, in my neck of
15 the woods it's a very competitive area.

16 SENATOR CHAPPELLE-NADAL: And in the 1st I think
17 that senator only won by 70 votes.

18 SENATOR SCHMITT: Right.

19 SENATOR CHAPPELLE-NADAL: So that's competitive.
20 And I don't know your district, but what I wanted to add
21 really quickly is a different layer to this. Generally
22 what you will hear is the perspective from just the
23 Democratic party, and I am a Democrat, but someone like
24 myself not only deals with the layer of just being a
25 Democrat but also being a minority.

1 So right now we have 34 senators. We have six
2 women senators. We have only three African-American
3 senators. And many of the maps that I have seen would
4 potentially take the number of African-American senators
5 potentially to one, potentially to one.

6 So as I stand before you or sit before you today,
7 even though we do have an interest in having maps that are
8 competitive, I not only as a minority female fight against
9 the other people who are Democrats in my primary, but I
10 also have to deal with, am I going to be the minority or am
11 I going to have to battle with someone who is not a
12 minority.

13 And so that's the additional layer that we deal
14 with that is generally not even thought about. And some of
15 the maps that I've seen -- and I cannot tell you offhand
16 right now, because I don't have that before me, but it
17 would seriously question the number of minorities that
18 could be within the state senate.

19 CHAIRWOMAN HONORABLE HARDWICK: Now, when you say
20 that, I assume you're talking about the one district in
21 Kansas City would still be minority and the other three --

22 SENATOR CHAPPELLE-NADAL: Yes.

23 CHAIRWOMAN HONORABLE HARDWICK: -- in St. Louis
24 would be --

25 SENATOR CHAPPELLE-NADAL: Yes. Some of the other

1 maps they would be diluted down. You know, my theory and
2 in my ideal world is that we would have five minority
3 senate districts. I would love that majority-minority
4 senate districts, but the reality is even as they are drawn
5 right now, this case in point, the 4th District, which is
6 seemingly a minority district, is not held by a minority.

7 The 13th District is seemingly a minority
8 district. It is not held by a minority. So even though
9 something may be drawn kind of a 50-50 whatever, we are
10 having to deal with the added layer of, are we truly, even
11 if we get into a Democratic primary, are we going to be
12 able, as minorities, to raise the same amount of money as
13 some of our white counterparts who are Democrats?

14 And are we going to be able to send out the
15 message? And the answer is, no, we're not.

16 When I said that in previous testimony, it was
17 basically like you have to go find a billionaire. I'm
18 sorry, but we don't have billionaires that represent us as
19 minorities. We have people who are just willing to go to
20 the polls for us and help us out. And so that takes away
21 part of the competitiveness for us.

22 SENATOR SCHMITT: And I think, again, really what
23 this was an effort to do in a fair way is to come together
24 in a bipartisan manner to put together a map that
25 accurately reflects where populations have gone in the

1 regions, but maintaining the same number, which is
2 justifiable with the population. It is justifiable to keep
3 that same number representation in the St. Louis
4 metropolitan area.

5 And also there are things -- for example, in the
6 24th District with that proposed map you're able to have
7 Maryland Heights completely represented by one senator or
8 Creve Coeur completely represented by one senator. And as
9 I mentioned, by having Des Peres in with Kirkwood, you have
10 the Kirkwood School District represented by one senator.
11 So we really took a lot of time in looking at what those
12 communities of interest are.

13 VICE CHAIRMAN HONORABLE RICHTER: This pushes all
14 of Affton into the 15th?

15 SENATOR SCHMITT: Into the 1st.

16 VICE CHAIRMAN HONORABLE RICHTER: Into the 1st.

17 SENATOR SCHMITT: So the 1st, which comes out of
18 the City, because the City can't maintain --

19 VICE CHAIRMAN HONORABLE RICHTER: Right.

20 SENATOR SCHMITT: The most reasonable way of
21 dealing with that issue was where does the community of
22 interest lay?

23 Well, if the city district comes into more of
24 sort of an inner-ring area, which would be sort of Clayton,
25 just west of the City, that seemed more contiguous and

1 compact and allowed the 1st, for example, to pick up the
2 portion of Affton that the 15th currently has so that you
3 have the school district wholly represented.

4 VICE CHAIRMAN HONORABLE RICHTER: So you don't
5 have to deal with (inaudible) anymore?

6 SENATOR SCHMITT: No comment. No, I'm kidding.
7 But, again, it's not an easy process, and there's been sort
8 of a lot of rhetoric thrown out about why people are
9 proposing -- this is really an earnest attempt for us to
10 come together and have something that fairly represents
11 that -- the region.

12 HONORABLE DOWD: Quick question.

13 SENATOR SCHMITT: Yes.

14 HONORABLE DOWD: Speaking of little peninsulas,
15 the 13th down where Champ and Bridgeton is, there's a
16 little outgrowth there. What was the reason for that?

17 SENATOR SCHMITT: I think we were dealing with --
18 I think we were dealing with just shear numbers at that
19 point of trying to pull in. Because as the map currently
20 exists, the 7th District, which doesn't make, to me at
21 least, doesn't make a lot of sense, actually the 7th, which
22 is West St. Louis County crawls all the way up here to the
23 northwest and North County.

24 So really what we were left with is because West
25 County was gaining population was, how do you, in a fair

1 way, divide up the 13th and the 14th and the 24th to
2 represent that area. And I think it was just --

3 SENATOR CHAPPELLE-NADAL: We had to look at the
4 precincts. We went down to the precinct level. And so as
5 we were -- this was very hard.

6 VICE CHAIRMAN HONORABLE RICHTER: So these are
7 precinct lines?

8 SENATOR CHAPPELLE-NADAL: These are precincts.
9 We were trying to figure out how do we add or subtract what
10 precinct fit the number. And it was very difficult for us
11 to figure that out. I remember at least two conversations
12 or maybe three conversations about that where two or three
13 senators were involved in that, and that was a precinct
14 level, on my part at least, decision.

15 SENATOR SCHMITT: And the reason why that's
16 important is -- yeah, that was submitted electronically,
17 and also it's in the software, I think, that you guys have.

18 VICE CHAIRMAN HONORABLE RICHTER: We can play
19 with this?

20 SENATOR SCHMITT: You can play with it. And the
21 other thing I would point out is one of the reasons why we
22 would try to be so -- we wanted a map that could stand up,
23 of course, and fit within the standard deviation. And
24 also, again, as I mentioned earlier, take into account
25 where population, not only where it is right now but where

1 it will be ten years from now, which is why the West County
2 Districts have a fewer number right now knowing that they
3 will probably be gaining over the next ten years.

4 SENATOR CHAPPELLE-NADAL: And here's the other
5 deal just to be real quick, I added in all of Overland.
6 And the reason why I did that is, again, part of the
7 Ritenour School District. That has a growing population of
8 diversity and I wanted to represent the entire school
9 district rather than just part of that school district.

10 Now, St. Ann isn't. St. Charles is part of that
11 line, and that was a little bit more difficult to deal
12 with. But I have 40 -- currently 42 municipalities in my
13 district, which is nearly half of all the municipalities in
14 St. Louis County, which is a lot to deal with in all, but,
15 you know, that's the burden that we take on.

16 But most of these districts, they're -- most of
17 these municipalities are in whole. So I have about two or
18 three precincts, maybe four that are Florissant, and it's
19 okay. It's still in the Ferguson-Florissant School
20 District and it's still of common interest.

21 When you move west, again, you have that growing
22 diverse population within the Hispanic and Asian community.
23 It's also a white population. But I share that Bridgeton
24 currently with Senator Green, and Maryland Heights I share
25 with Senator Cunningham. And if we can reduce the number

1 of municipalities that we share, it also is helpful.

2 VICE CHAIRMAN HONORABLE RICHTER: That's what we
3 would like to do --

4 SENATOR CHAPPELLE-NADAL: So they go through one
5 person.

6 VICE CHAIRMAN HONORABLE RICHTER: -- is have
7 municipalities as a whole from the standpoint we can do
8 that. Do you have a bunch of these that are split?

9 SENATOR SCHMITT: Yeah. We tried -- we tried to
10 do that the best we could. The problem is when you have
11 91 --

12 VICE CHAIRMAN HONORABLE RICHTER: It's crazy.

13 SENATOR SCHMITT: -- it's tough. It's tough to
14 do it, but this was our best attempt to do it. And also I
15 would point out in taking a sort of a wholistic approach to
16 this was that's why we included Jefferson County in the
17 22nd District, because it's part of that growth area.
18 That's included in the St. Charles County because of its
19 growth. Like I said earlier, actually you can have two
20 full senate districts in St. Charles County.

21 SENATOR CHAPPELLE-NADAL: One thing to point out,
22 though, there's also another (inaudible) in here. That's
23 something that Senator Green wanted. That community is the
24 Hab Center of -- what do you call it?

25 SENATOR SCHMITT: Bellefontaine.

1 SENATOR CHAPPELLE-NADAL: -- Bellefontaine, and
2 so he's been really, really adamant about someone
3 protecting all of that community. And so, you know, he had
4 an interest that, listen, this is a community that is
5 together. I want to make sure they stay together in
6 dealing with the Hab Center.

7 SENATOR SCHMITT: And I think we have not just --
8 there's a lot of people. There's a lot of people that
9 would have this perspective, but this is -- in an era of
10 term limits, I mean nobody is going to be representing
11 these areas very long, truthfully. But the opportunity
12 that you get as you knock on -- when you run for office and
13 knock on doors and you speak to people, you do get a flavor
14 of commonality and communities of interest. We tried to
15 share those perspectives.

16 CHAIRWOMAN HONORABLE HARDWICK: Okay. Time is
17 up. If I can just ask one just to clarify. Which of these
18 are the minority/majority districts? Am I right it's 4, 5
19 and 13?

20 SENATOR SCHMITT: I believe it's actually 5, 13
21 and 14.

22 CHAIRWOMAN HONORABLE HARDWICK: And what are the
23 percentages there?

24 SENATOR SCHMITT: 13 has the growth at 49.38.

25 CHAIRWOMAN HONORABLE HARDWICK: Okay.

1 SENATOR SCHMITT: And 5 is at 61.77 and 14 is at
2 62.83.

3 CHAIRWOMAN HONORABLE HARDWICK: Okay. So 4 is
4 not one of them?

5 SENATOR SCHMITT: 4 is not one of them.

6 SENATOR CHAPPELLE-NADAL: That's where we had to
7 go into the county.

8 CHAIRWOMAN HONORABLE HARDWICK: Okay.

9 SENATOR SCHMITT: Yeah, because part of the
10 problem is because they have to go into St. Louis County,
11 but I also -- yeah, some of those -- but I will point out
12 that some of those precincts that are picked up,
13 particularly in Hadley, do have a significant minority
14 population.

15 CHAIRWOMAN HONORABLE HARDWICK: Okay. So you
16 don't have any that are 65 percent?

17 SENATOR CHAPPELLE-NADAL: No.

18 CHAIRWOMAN HONORABLE HARDWICK: Currently you-all
19 have something that is 80, 90; is that right?

20 SENATOR CHAPPELLE-NADAL: No.

21 CHAIRWOMAN HONORABLE HARDWICK: No. I guess
22 that's the House, not the Senate.

23 SENATOR CHAPPELLE-NADAL: And it's difficult.
24 Again, 13 is growing in population. It's proven that it's
25 growing in population.

1 CHAIRWOMAN HONORABLE HARDWICK: All right. Thank
2 you. Any other questions?

3 SENATOR SCHMITT: Thank you.

4 CHAIRWOMAN HONORABLE HARDWICK: Okay. I think
5 we'll take a five-minute break. Is that okay?

6 (A BREAK WAS TAKEN.)

7 CHAIRWOMAN HONORABLE HARDWICK: We'll get started
8 if you can take your seats, please.

9 And I want to just clarify something, I know
10 there's been some discussion about whether you can critique
11 other maps and that sort of thing. You can critique other
12 maps. I think the point we're making is that if you're
13 presenting us a map and you have ten minutes, then you need
14 to sell us that map if you want us to get the high points
15 of your map.

16 It's not that you can't critique somebody else's,
17 but if you're giving us a map, we want to understand your
18 map before you sit down. So try to focus on that. If your
19 whole point of being here is to critique someone else's
20 map, that's fine. Give us the critique. So hopefully that
21 clarifies it. Judge Richter may gave a different view.

22 VICE CHAIRMAN HONORABLE RICHTER: That's fine
23 with me.

24 CHAIRWOMAN HONORABLE HARDWICK: All right. Gary
25 Romine.

1 MR. ROMINE: Good morning. Thank you. My name
2 is Gary Romine, Farmington, Missouri, and my primary
3 concern is the 3rd Senate District.

4 There's been a couple of maps proposing to take
5 Ste. Gen out of that district, and I would like to say I'm
6 opposed to that and would ask your consideration. As a
7 businessman I have locations in Ste. Gen, St. Francois,
8 Washington and Perry County.

9 I'm also serving as president of our community
10 college that serves that district area, and I would say
11 that building a district along that corridor makes more
12 sense for constituency and would ask for your
13 consideration.

14 HONORABLE RAHMEYER: I'm sorry. Farmington and
15 Jefferson County you like being together?

16 MR. ROMINE: No. Ste. Gen, St. Francois,
17 Washington, Perry.

18 HONORABLE RAHMEYER: Okay. Got it.

19 CHAIRWOMAN HONORABLE HARDWICK: Thank you. All
20 right. Don Wells. I'm sorry. I don't have a witness
21 sheet on these, so I don't know if there's a senator or
22 representative that I should put on this. No disrespect.

23 REPRESENTATIVE WELLS: Thank you. I'm
24 Representative Don Wells representing the 147th District
25 which includes Texas County. And I do live in Texas

1 County. Some of the other maps that I have looked at,
2 which I know you-all will draw your own map, but some of
3 them have moved me into different districts and unlike
4 districts. This is a district that people of Texas County
5 would like to see, which I outlined and presented to you.

6 HONORABLE RAHMEYER: So currently you're all the
7 way down to Oregon and Howell?

8 REPRESENTATIVE WELLS: Yes.

9 HONORABLE RAHMEYER: So you're taking them out?

10 REPRESENTATIVE WELLS: Yes.

11 HONORABLE RAHMEYER: And Ozark, I'm sorry.

12 REPRESENTATIVE WELLS: We have added in Webster
13 County, which made a big difference. And by doing this we
14 have a Highway 60 corridor that runs east and west. We, as
15 Texas Countians, feel that Highway 60 ties us in with more
16 like people, and we do travel west. We never travel to the
17 east and we --

18 HONORABLE RAHMEYER: Never travel to the east, my
19 word. You got to get out.

20 VICE CHAIRMAN HONORABLE RICHTER: You go to
21 Howell, but not much in Shannon.

22 REPRESENTATIVE WELLS: Our district, basically
23 the chopping area is towards Greene County and (inaudible)
24 and Laclede county. Those go two directions that people in
25 my district frequent. And I just -- I know you will draw

1 your own map, but I wanted you to know what the thoughts of
2 the people of the county was. We didn't want to be left
3 out and we wanted you to know.

4 HONORABLE RAHMEYER: I guess you heard the Dallas
5 County woman just doesn't want to be in there. She doesn't
6 even know how to get there, so if you can meet up with her
7 and tell her how to get to Wright County, she's missing
8 some nice stuff.

9 REPRESENTATIVE WELLS: I'm going to draw her a
10 map.

11 HONORABLE RAHMEYER: You'll draw her a map.
12 Okay.

13 REPRESENTATIVE WELLS: Thank you very much.

14 CHAIRWOMAN HONORABLE HARDWICK: Thank you.
15 Darrell Pollock.

16 And I don't have a witness sheet. Same map?

17 REPRESENTATIVE POLLOCK: It may very well be.

18 CHAIRWOMAN HONORABLE HARDWICK: Okay.

19 REPRESENTATIVE POLLOCK: I'm actually from
20 Laclede County.

21 CHAIRWOMAN HONORABLE HARDWICK: It's the exact
22 same map we just looked at. Okay. Go ahead.

23 REPRESENTATIVE POLLOCK: Well, I respect your
24 time this morning. I will not take long. I wanted to just
25 use the opportunity to let you know the views of the people

1 that I represent and the areas that I feel like is probably
2 going to be affected by most folks that are involved in
3 this as far as redrawing and redistricting.

4 With the population growth in the southwest
5 Missouri portion, we feel like that that has to move out
6 and affect somebody at some point, and we feel like that's
7 probably an area where my district would be involved.

8 Currently it goes -- the district is the 33rd
9 District and it includes what I have here minus the Webster
10 and Dallas County and it picks up the Douglas, Howell and
11 Morgan Counties, which, again, that's Arkansas to Lake of
12 the Ozarks, which is a stretch.

13 VICE CHAIRMAN HONORABLE RICHTER: Would it make
14 more sense to dump Camden and keep Howell? Does Camden
15 really tie in with these others?

16 REPRESENTATIVE POLLOCK: Yes, they do.

17 VICE CHAIRMAN HONORABLE RICHTER: Okay.

18 REPRESENTATIVE POLLOCK: I think that Lebanon is
19 a -- or Laclede County is actually a fork going into the
20 Lake area.

21 VICE CHAIRMAN HONORABLE RICHTER: Right.

22 REPRESENTATIVE POLLOCK: We have like --

23 VICE CHAIRMAN HONORABLE RICHTER: Well, you're
24 running up 5.

25 REPRESENTATIVE POLLOCK: Right. And this

1 district actually is kind of a Highway 5 District and kind
2 of keeps more compact than what I've seen some of the other
3 maps there and some of the similarities together.

4 The similarities that I see is that we are a
5 farming agricultural area. We have a lot of forest
6 products in our area, and there's a lot of tourism in our
7 area with the Bennett Springs area. You can go and pick up
8 Lake of the Ozarks, and it just is more compact and the
9 people have more things in commonality, although I do
10 believe that diversity is good too.

11 I understand you will have lots of challenges in
12 trying to make that all come together, and I really do
13 appreciate the opportunity to visit with you. I just want
14 to make my comments known that although you'll be working
15 with the St. Louis and the Kansas City area and Springfield
16 areas, the rest of the state's not a map-over area. We do
17 have interests and we would like to just make sure that you
18 are aware of those.

19 HONORABLE RAHMEYER: I didn't catch your name
20 and --

21 REPRESENTATIVE POLLOCK: I'm Representative
22 Darrell Pollock from the 146th District.

23 HONORABLE RAHMEYER: Okay.

24 VICE CHAIRMAN HONORABLE RICHTER: You know
25 Buffalo wants to dump you all and maybe push you over and

1 catch Dent. You want to swap.

2 REPRESENTATIVE POLLOCK: She's a great
3 representative from that area, and we'll just have to work
4 together I guess. I'm not sure how that will be affected
5 at this point.

6 HONORABLE RAHMEYER: We've seen lots of e-mails
7 from Dallas County. I don't know what's wrong.

8 REPRESENTATIVE POLLOCK: Is it roto e-mail or
9 roto dial? We'll have to investigate that.

10 If there's no questions, I really do appreciate
11 the opportunity to be able to be before you, and I respect
12 that you do have a large job and task in front of you.

13 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

14 HONORABLE RAHMEYER: Thank you.

15 VICE CHAIRMAN HONORABLE RICHTER: Thank you.

16 CHAIRWOMAN HONORABLE HARDWICK: Mike Cunningham.
17 Did you sign a witness sheet?

18 MR. CUNNINGHAM: Yes, I did. I turned it in back
19 there.

20 Good morning, Ladies and Gentlemen. I'm Mike
21 Cunningham. I live in Webster County, which is the county
22 adjoining Greene County, Springfield. We're the seventh
23 fastest growing county in the state. I'm not sure where we
24 rank right now.

25 I presented you with a very simple, common sense

1 map, I think, of southwest Missouri. It shows several
2 things due to population growth. Definitely there will --
3 I would presume there will be a new senatorial district
4 come out of there.

5 I think it's important what we do to keep
6 people's like interests together. And in doing so I
7 think -- with the Springfield I think it's important for
8 one senator to represent the City of Springfield with one
9 school district.

10 I currently work as the Chief of Staff for
11 Senator Larry Wasson and understand from the phone calls we
12 get and everything the complexity that comes with people
13 that don't know who their representatives are.

14 So I think I presented something basically simple
15 and very workable, I think it falls within all the limits.

16 Any questions?

17 HONORABLE RAHMEYER: Just so I'm clear.

18 MR. CUNNINGHAM: Yes, ma'am.

19 HONORABLE RAHMEYER: Okay. Just so I'm clear,
20 what you're proposing is you want to go -- take in Camden
21 County?

22 MR. CUNNINGHAM: Yes, ma'am.

23 HONORABLE RAHMEYER: And go all the way down
24 to --

25 MR. CUNNINGHAM: To Ozark County.

1 HONORABLE RAHMEYER: Ozark and Taney County or
2 just Ozark?

3 MR. CUNNINGHAM: No. Just Ozark County. By
4 dropping Ozark County that makes the 28th -- 29th fit
5 within the limits.

6 HONORABLE RAHMEYER: So you want Ozark, Douglas,
7 Webster, Wright. Dallas?

8 MR. CUNNINGHAM: Yes.

9 HONORABLE RAHMEYER: Laclede and Camden Counties?

10 MR. CUNNINGHAM: Yes. And the lady from Dallas,
11 I honestly think she should be in Cole County because she's
12 up here a whole lot more than she is in Dallas.

13 HONORABLE RAHMEYER: If we could do something
14 really big and take her up there and just to punish her for
15 all those e-mails?

16 MR. CUNNINGHAM: I think that's correct.

17 HONORABLE RAHMEYER: Gosh. I'll let you guys
18 duke that out.

19 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

20 MR. CUNNINGHAM: Thank you all.

21 CHAIRWOMAN HONORABLE HARDWICK: All right. We
22 only have one more person listed on the Senate list here,
23 so we'll be to the House very soon unless -- you guys want
24 to check and see if there's another list back there?

25 The last person -- I can't read his name very

1 well -- Scott Sifton.

2 REPRESENTATIVE SIFTON: Thank you, Judge.

3 CHAIRWOMAN HONORABLE HARDWICK: Thank you. Scott
4 Sifton?

5 REPRESENTATIVE SIFTON: Yes.

6 CHAIRWOMAN HONORABLE HARDWICK: St. Louis?

7 REPRESENTATIVE SIFTON: Yes. I was also going to
8 begin with, May it Please the Court, but Senator Schmitt
9 beat me to it.

10 My name is Scott Sifton. I'm the representative
11 for the 96th State House District, which takes in parts of
12 Affton and Lemay in St. Louis County.

13 HONORABLE RAHMEYER: Which district is that?

14 REPRESENTATIVE SIFTON: The 96th. I am here
15 today to testify concerning senate redistricting as it
16 impacts the Affton School District where I served on the
17 board for nine years.

18 Affton is not a town. It is an unincorporated
19 area of St. Louis County. As such, Affton looks to the
20 county government in Clayton for services for constituent
21 needs. And as it stands currently, as Senator Schmitt
22 mentioned, Affton has two state senators that's cut, not
23 quite in half, as Senator Schmitt, I believe, has maybe
24 two-thirds and the 1st has maybe one-third of Affton.

25 But both of those state senate districts are

1 almost exclusively in St. Louis County, which is to say
2 today that people in Affton when they call their state
3 senator are calling somebody who is from St. Louis County
4 whose district is 95 or 100 percent St. Louis County. And
5 that's what folks in Affton are used to.

6 I wanted to comment specifically about the
7 Harpool 1 and 2 maps in that regard, because those maps
8 take a considerably different approach from what folks in
9 Affton are used to. They put most of the Affton School
10 District, all but really the western fringes --

11 HONORABLE RAHMEYER: Harpool 1 and 2?

12 REPRESENTATIVE SIFTON: Correct.

13 HONORABLE RAHMEYER: Doesn't he have a third?

14 REPRESENTATIVE SIFTON: He does have a third.

15 And I will say I believe three does address my concern, but
16 I want to make a record of my concerns with one and two
17 because, as I understand it, anything is game here.

18 CHAIRWOMAN HONORABLE HARDWICK: Sure.

19 REPRESENTATIVE SIFTON: So the Harpool 1 and 2
20 map take all but the very western fringes of the Affton
21 School District and put in it a state senate district that
22 is largely comprised of the City of St. Louis. And all I
23 would say is that that would be a new experience for folks
24 in Affton.

25 And the concern there is that you're likely to

1 have a state senator who is more oriented towards city hall
2 downtown and not the county government seat in Clayton.
3 And I think that that would be a concern to folks in
4 Affton. And I expect you'll be getting some e-mail
5 regarding that as well.

6 Harpool 3 appears to address that concern. And I
7 recognize you probably have to -- you're going to have
8 to -- because of the city population shift, you're going to
9 have some parts of the county that are drawn in with a
10 predominantly city senate district.

11 And I'm not saying that that shouldn't even
12 necessarily be Affton. You know, I understand you may have
13 to do that to a certain extent. I really just want to say
14 that you should have a substantial portion of the Affton
15 School District in a senate district that is primarily
16 St. Louis County based to make sure that folks there have a
17 St. Louis County based state senator.

18 HONORABLE RAHMEYER: Tell me where Affton --
19 which district is Affton now?

20 REPRESENTATIVE SIFTON: The senate district?

21 HONORABLE RAHMEYER: Right.

22 REPRESENTATIVE SIFTON: It's divided between the
23 1st and the 15th.

24 HONORABLE RAHMEYER: So 1st and 15th.

25 REPRESENTATIVE SIFTON: And if you'll look, you

1 will see that the 15th District is entirely in St. Louis
2 County and the 1st District is maybe 85 percent in St.
3 Louis County.

4 HONORABLE RAHMEYER: Okay.

5 REPRESENTATIVE SIFTON: That's all I have. Thank
6 you.

7 HONORABLE DOWD: Doesn't it go up to like
8 Loughborough in the city or something?

9 REPRESENTATIVE SIFTON: I think that's right,
10 yeah. It takes in a relatively small part of the southern
11 part of the City of St. Louis currently.

12 HONORABLE DOWD: Thank you.

13 CHAIRWOMAN HONORABLE HARDWICK: Great. Is there
14 anyone else who wants to make comments about the Senate?

15 All right. Okay. Do I have a list on the House
16 yet?

17 (AN OFF-THE-RECORD DISCUSSION WAS HELD.)

18 CHAIRWOMAN HONORABLE HARDWICK: Okay. We already
19 have 24 signed up on the House, so it looks like we'll be
20 going for a while here.

21 Glen Kolkmeier first. I guess he left. He was
22 here earlier. We'll come back. If we pass somebody, we'll
23 come back.

24 Okay. Bob Johnson, still here, and Joan Bray,
25 both together?

1 SENATOR JOHNSON: Yes, that's true.

2 SENATOR BRAY: Thank you again for allowing us to
3 be here today to testify before you. And I just want to
4 say I thank all six of you for what you're doing. I know
5 it's not your ideal judicial job, but we appreciate what
6 you are going through and just appreciate your
7 understanding of the complexity and the difficulty with
8 what this task is.

9 We want to present our House map. It's in the
10 packet that we gave you earlier, so --

11 CHAIRWOMAN HONORABLE HARDWICK: This differs
12 from --

13 SENATOR BRAY: Pardon me?

14 CHAIRWOMAN HONORABLE HARDWICK: This differs also
15 from what you presented before?

16 SENATOR BRAY: Indeed.

17 CHAIRWOMAN HONORABLE HARDWICK: Okay.

18 SENATOR BRAY: Indeed, yeah.

19 SENATOR JOHNSON: This is Bob Johnson. You asked
20 if I would give this -- the House map is one that was
21 inadvertently -- it was electronically filed with the
22 Office of Administration. It was inadvertently the totally
23 wrong map from what I presented in St. Louis, so we had no
24 choice to present this map.

25 SENATOR BRAY: And this is an improved map as

1 well, in our opinion.

2 MR. JOHNSON: It is.

3 SENATOR BRAY: And we just want to reemphasize
4 that, again, our state is a 50-50 state politically and we
5 tried to create as many competitive districts to reflect
6 that as possible.

7 Our work on the House -- you know, I think we --
8 in total that we created about a hundred maps as we went
9 through with iterations. It is -- you know, I know you
10 appreciate the tediousness and the length of time it takes,
11 but we just -- we really -- you know, we're very serious
12 about this competitive district business.

13 We were able to come up with 45 House Districts
14 that fall within our range of the competitive definition.

15 Our majority-minority districts, 14 districts
16 ranging from 50.04 percent to 94.7.

17 HONORABLE DOWD: How many of those are there?

18 SENATOR BRAY: 14.

19 HONORABLE DOWD: 14, thank you.

20 SENATOR BRAY: I do want to emphasize our efforts
21 to -- you know, to have compact districts, but, again, we
22 focused on the standard deviation. You know, we feel very
23 strongly about that one-person one-vote and having equal
24 districts as much as possible. We did a pretty good job.
25 Ours isn't the best map with standard deviation, but we

1 think it's really good.

2 HONORABLE RAHMEYER: What do you think is good?

3 SENATOR BRAY: The number of districts -- the
4 number of people in the district.

5 HONORABLE RAHMEYER: What percentage?

6 SENATOR BRAY: Again, I don't have a percentage
7 amount. I think it has 695 as the number, and I'm sorry,
8 we don't have that percentage calculation. Let me just
9 make sure. Our number is -- I'm sorry -- 395, yeah, so --

10 SENATOR JOHNSON: Percentage off the ideal.

11 HONORABLE RAHMEYER: The number of people?

12 SENATOR BRAY: I'm sorry we don't have that
13 percentage. We'll make sure that we have that to you.

14 But we also -- you know, the contiguous,
15 contiguity and the communities of interest and the
16 geographical and jurisdictional features we really did try
17 to focus on that.

18 We have an annotation of the 163 House Districts
19 in your packet. I would just give you an example of what
20 we did in relation to trying to draw communities that were,
21 you know, geographically and significantly together.

22 I don't know if you had -- we didn't draw your
23 attention to -- the Senate District 13, which along the
24 Missouri River is -- it's Callaway, and Montgomery and
25 Warren Counties along the Missouri River. And we were able

1 to keep the river as a, you know, a natural boundary on
2 that senate district.

3 Well, when we got to the House, there's a
4 district that's No. 15 that has Montgomery and Warren
5 Counties, which is mostly all of Montgomery and part of
6 Warren, but just below the river it's 59. And it follows
7 the river except it had to pick up some population just
8 north of the river, but we made it where there's a bridge.
9 So it's -- it works -- it works for --

10 VICE CHAIRMAN HONORABLE RICHTER: It goes up and
11 grabs a little southern Warren?

12 SENATOR BRAY: Exactly.

13 VICE CHAIRMAN HONORABLE RICHTER: Those folks all
14 get along.

15 SENATOR BRAY: Well, that's good.

16 VICE CHAIRMAN HONORABLE RICHTER: They're all
17 German and they grow wine.

18 SENATOR BRAY: Yeah, they're good people, aren't
19 they?

20 VICE CHAIRMAN HONORABLE RICHTER: Yeah.

21 SENATOR BRAY: So we tried to have those
22 sensitivities. And you will -- just to let you know, like
23 the 90th District in St. Louis County is the -- in our
24 annotation this district is drawn to contain Creve Coeur
25 entirely.

1 The western border is drawn to avoid going into
2 Maryland Heights.

3 And as straight as possible, the northern border
4 is drawn to avoid splitting Creve Coeur.

5 The Eastern border is drawn to avoid going into
6 University City.

7 And the southern border is drawn to avoid
8 splitting Westwood.

9 District 87, it's drawn as compactly as possible
10 to avoid splitting St. Ann, and the northern border is
11 drawn to avoid splitting Edmundson and Woodson Terrace.
12 And other borders are drawn to avoid splitting Bellerive
13 and Bel-Nor and Bel-Ridge. It's down in the Breckenridge
14 Hills.

15 So we tried to be sensitive to putting those
16 communities -- I know when I was in the House, I
17 represented Shrewsbury, which is a little town, little
18 bitty town. There were four of us representing Shrewsbury.
19 So we tried to avoid that kind of thing.

20 HONORABLE DOWD: While you're in the St. Louis
21 area, how many representatives by your map will St. Louis
22 area lose or will it lose representatives compared to the
23 current?

24 SENATOR BRAY: I'm sorry. We'll get you that
25 exact figure that our map does, yeah.

1 HONORABLE DOWD: So while I'm in St. Louis, I'm
2 trying to figure out by this map, where is the city
3 boundary?

4 SENATOR BRAY: We cross the city boundary in
5 several places, in five districts across the city boundary.

6 HONORABLE DOWD: Okay. Like 78 -- look at 78, is
7 that a city? Where is --

8 SENATOR BRAY: Seventy--

9 HONORABLE DOWD: Your 78 on your -- St. Louis
10 City.

11 SENATOR BRAY: You know what, that one -- I'm not
12 so sure that one actually does.

13 HONORABLE DOWD: Okay.

14 SENATOR BRAY: I think that's the natural city
15 line down there. I think. Judge, I stand corrected if
16 it's wrong, but there are five along the city/county that
17 do cross.

18 HONORABLE DOWD: Okay. So there's no --

19 SENATOR BRAY: Yeah.

20 HONORABLE DOWD: 78 opposing St. Louis City?

21 SENATOR BRAY: Right.

22 HONORABLE DOWD: Thank you.

23 CHAIRWOMAN HONORABLE HARDWICK: Those annotations
24 are very helpful.

25 SENATOR BRAY: And they are done by region, but

1 at the back of them there is a numerical order that you can
2 see what page that one is on. So I hope that's helpful.

3 SENATOR JOHNSON: And thank you. I know, Judge
4 Hardwick, I heard you this morning, but I want to reiterate
5 one more line, and this is, having served in the
6 legislature for 23 years I really do believe that we should
7 encourage voting in November, because in August people tend
8 not to vote as much.

9 So, again, I want to reiterate that in the 2010
10 election cycle 95 of the 163 House Districts were decided
11 by two-thirds of the winning candidate, more than
12 two-thirds of the votes. And I think that's unconscionable
13 frankly.

14 But our group, as one of its goals, was, again,
15 to foster competitive districts and to encourage choices
16 for voters in November.

17 And I am from the Jackson County area, the
18 western part, so if I get back to that, so I have always
19 been a great proponent for communities of interest when I
20 was in the Legislature. If you could, I would like to have
21 community of interests added for age.

22 On communities of interest, it was -- I had to
23 kind of make a decision on our part of the state, what's
24 more important is that we're trying to keep school
25 districts fully intact within one or two districts of

1 cities and so forth. Because our cities tend to be larger
2 than in the St. Louis County area, quite a bit larger.

3 As a result, you'll see in Jackson County, for
4 example, you'll see some west to east movements combining
5 parts of Kansas City with some suburban cities. That's
6 done for trying to achieve a competitive district to move
7 away from partisan divides.

8 So I don't know if you have any questions about
9 those. It's designed to -- as a top priority, first
10 priority is to be a competitive district.

11 HONORABLE WELSH: Senator, did you use the river
12 to divide Clay County and Jackson County?

13 SENATOR JOHNSON: Only once. Because for
14 population somewhere in Jackson County we have to go out --
15 we have to exceed the county, and, yes, you're correct, the
16 Sugar Creek area moves up into the eastern part of Clay
17 County.

18 HONORABLE BURRELL: If you said this earlier, I
19 apologize, when you addressed the Senate, but what, if any,
20 consideration did you give to having an area that looked
21 like they're going to continue to grow and be a little on
22 the shy side and areas that are losing population, maybe
23 being on the heavy side? Did you consider that at all?

24 SENATOR JOHNSON: This is my personal view. My
25 personal view is I'm not sure if Constitutionally we can

1 talk about the future. I think we have to talk about the
2 population as it was in 2010.

3 HONORABLE BURRELL: Well, Constitutionally
4 there's not a lot of what we're talking about.

5 SENATOR JOHNSON: Well, you're right.

6 HONORABLE BURRELL: It doesn't say anything about
7 making competitive districts.

8 SENATOR JOHNSON: You're right. I'm saying on
9 that --

10 HONORABLE BURRELL: It doesn't say anything about
11 making competitive districts.

12 SENATOR JOHNSON: You're right. I will tell you,
13 we just dealt with this in our city redistricting and our
14 citizens wanted to do with that.

15 I mean my personal view is I think we take the
16 population as it is in 2010, because I don't know what the
17 economy is going to do. I don't know if it's going to
18 recover and when it recovers and therefore will the
19 population shift move, pick up as they were. So I think --
20 I just think we have to deal with where it is today.

21 HONORABLE BURRELL: So the short answer is no?

22 SENATOR BRAY: Right. That's right. And I think
23 part of it goes to our wanting to keep our standard
24 deviation low and, you know, the whole one-person one-vote.
25 I know -- you know, we just have to deal with the snapshot

1 in time and not be -- try not to predict. So that's what
2 we did with that.

3 HONORABLE RAHMEYER: And I don't see anything for
4 the Springfield area. I don't see a small map of that. Do
5 you have a map?

6 SENATOR BRAY: It may not have been, because we
7 didn't -- we -- there were a few districts we wanted to
8 point out, and those are the ones. It's on it -- I think
9 it's on part of -- because I was going to point out there's
10 the one that's got Nos. 141 and 142, which are basically
11 two separate counties, but Springfield is just west of
12 that, and so -- no, east of that. Sorry, east of that.

13 SENATOR JOHNSON: But in the full map you have
14 it.

15 SENATOR BRAY: But on this one -- and the page is
16 not numbered, but it's the one where 141 and 142, then
17 you've got Springfield. Just on the right side of that
18 paper.

19 HONORABLE DOWD: There is one map that has the
20 entire state, correct?

21 HONORABLE RAHMEYER: Right. But you don't have a
22 breakout of Springfield? I know where it is.

23 SENATOR BRAY: After that -- and then one, two,
24 three -- the fourth map has most of Springfield.

25 HONORABLE DOWD: But not Springfield by itself.

1 It's just the southwest corner.

2 SENATOR BRAY: Do you see that?

3 HONORABLE RAHMEYER: Well, I see the 140 right up
4 here.

5 SENATOR BRAY: Right.

6 HONORABLE RAHMEYER: But you didn't do a breakout
7 like you did with St. Louis?

8 SENATOR BRAY: No. We didn't choose -- we didn't
9 pick out those to particularly mention.

10 HONORABLE RAHMEYER: Do you have those on the map
11 of what OA has?

12 SENATOR JOHNSON: There's an e-mail to you.
13 Every map has been -- the entire state has been e-mailed to
14 you all.

15 HONORABLE RAHMEYER: So we need to blow this up
16 or do you have this --

17 SENATOR BRAY: We can --

18 HONORABLE RAHMEYER: Like the streets and --

19 SENATOR JOHNSON: Yeah, you can get the streets.

20 SENATOR BRAY: Yes. Yes. And the front part of
21 the map does have the chart with all of the detail about
22 each district. We just picked selected ones that we were
23 going to mention to include in your packet of the blowup.

24 HONORABLE RAHMEYER: And your numbering, what did
25 you do with that?

1 SENATOR BRAY: We started over.

2 HONORABLE RAHMEYER: You just started over?

3 SENATOR BRAY: Exactly.

4 HONORABLE RAHMEYER: And talk to us about what
5 your feeling is about that renumbering and the chaos that's
6 caused by renumbering.

7 SENATOR BRAY: You know, in the House it doesn't
8 make any difference because everybody gets elected every
9 two years.

10 HONORABLE RAHMEYER: Right. I meant to ask about
11 the Senate.

12 SENATOR BRAY: Yeah, in the Senate we did
13 renumber, but we tried to be sensitive to even/odd because
14 of the way the elections go every two years.

15 SENATOR JOHNSON: An odd number today continues
16 to be an odd number tomorrow, but maybe a different odd
17 number.

18 HONORABLE RAHMEYER: Right. Okay.

19 SENATOR BRAY: And in the House we just redid
20 them all feeling like -- you know, because people get
21 attached to their numbers, but that's really a minor deal.

22 HONORABLE RAHMEYER: Okay.

23 SENATOR JOHNSON: When I served, I served -- I
24 had two House numbers and that never seemed to
25 psychologically bother me.

1 CHAIRWOMAN HONORABLE HARDWICK: You-all didn't do
2 annotations on the Senate map?

3 SENATOR BRAY: We did not.

4 SENATOR JOHNSON: No.

5 CHAIRWOMAN HONORABLE HARDWICK: I just wanted to
6 be clear that I wasn't missing anything.

7 SENATOR BRAY: No, you're not.

8 HONORABLE BURRELL: Forgive me for forgetting.
9 How many House seats does the City of St. Louis and the
10 County lose in your map?

11 SENATOR BRAY: Well, we're thinking it's one or
12 two.

13 HONORABLE BURRELL: One or two.

14 SENATOR BRAY: And we're going to get back to you
15 for sure. But we do have more crossing that line than
16 there has been historically.

17 CHAIRWOMAN HONORABLE HARDWICK: Any other
18 questions? If not, we appreciate that.

19 SENATOR BRAY: Thank you very much.

20 CHAIRWOMAN HONORABLE HARDWICK: Ann Wagner.

21 HONORABLE BURRELL: Madam, Chair?

22 CHAIRWOMAN HONORABLE HARDWICK: Yes.

23 HONORABLE BURRELL: Can I ask Senator Bray and
24 Senator Johnson to send us this latest stuff by e-mail so
25 we can fool with it electronically?

1 SENATOR BRAY: We did.

2 HONORABLE BURRELL: Oh, you did?

3 SENATOR BRAY: Yeah, we did.

4 HONORABLE BURRELL: All right. Thank you.

5 COMMISSIONER WAGNER: Good morning. I think it's
6 still morning.

7 Honorable members of the Appellate Apportionment
8 Commission, my name is Ann Wagner. I was the Republican
9 commissioner from the 2nd Congressional District and was
10 chosen by my colleagues to serve as vice chair of the
11 Redistricting Commission in 2011.

12 In 1991 I served in a staff role for the
13 Republican party of Missouri for their House and Senate
14 redistricting process.

15 And in 2001 was the chairman of the Missouri
16 Republican party, so I'm very aware of the challenging --
17 gravely important nature of the responsibility that you-all
18 have. And on behalf of all Missourians, we are grateful
19 for your service on this Commission and also for what you
20 do respectively in your courts every day.

21 Today I would like to share with you kind of the
22 process, reasoning and overall guiding principles of the
23 product of our work as Republicans on the House Commission.

24 Our Republican commissioners believe that the
25 Missouri Constitution provides very clear guidelines on how

1 to apportion the State of Missouri House of
2 Representatives. Article 3, Section 2 directs us to draw
3 districts that are contiguous, compact and as nearly equal
4 in population as possible. It was our strong conviction
5 that those very clear directives should guide our process
6 and be the foundation of any map we support.

7 Based on the Missouri Constitution and the public
8 testimony, our primary objective was to focus on
9 contiguity, compactness and population. We also took into
10 consideration a very important secondary objective, that of
11 holding communities of interest intact and together as
12 standards used by other courts and something citizens
13 advocated for strongly in their public testimony.

14 As we approach the challenging task of crafting a
15 fair Constitutional map, Republican commissioners embraced
16 the concept of minimum change. By minimum change we mean
17 starting with the existing maps that were drawn in 2001 by
18 a bipartisan Appellate Commission -- much like you'll draw
19 in the coming weeks -- and only making minimal changes to
20 reflect the population and demographic shifts over the past
21 decade.

22 Over the process of four public hearings our
23 Commission held across the state, we heard virtually no
24 testimony indicating unfairness or any underlying problems
25 with the 2001 maps drawn by the previous Appellate

1 Commission.

2 What we did hear time and again from Missourians
3 across the state who testified was that we should not
4 divide communities of interest. Missourians pleaded for us
5 to not divide counties, cities or neighborhoods when it
6 wasn't necessary, and to respect the voting strings of
7 minority communities.

8 Missouri was in the unfortunate position of
9 losing a congressional seat this decade, but in reality
10 Missouri's overall population has held relatively stable
11 providing us the opportunity to successfully draw many of
12 the districts with only slight alternations.

13 In areas where population shifts were more
14 significant, we followed the Constitutional requirements as
15 our guiding principles.

16 Respecting our public testimony and being
17 cognizant of the minority population our Republican
18 commissioners sought to preserve and protect
19 majority-minority districts. We chose an approach that
20 would enhance rather than dilute minority voting strings
21 and opportunity. This map maintains 15 majority-minority
22 districts, 13 of which have African-American majority and
23 two have African-American pluralities and a white
24 population below 50 percent.

25 HONORABLE RAHMEYER: Do you have the underlying

1 data for your Wagner Exhibit 1?

2 COMMISSIONER WAGNER: I believe that all of it is
3 on file with OA; is that correct?

4 HONORABLE RAHMEYER: So this is --

5 COMMISSIONER WAGNER: This was our commission map
6 as of August 11th.

7 HONORABLE RAHMEYER: The exact one?

8 COMMISSIONER WAGNER: It's the exact one, yes.

9 HONORABLE RAHMEYER: So there's nothing different
10 today in this?

11 COMMISSIONER WAGNER: Yes, judge, it's exactly
12 the same.

13 HONORABLE RAHMEYER: Okay.

14 COMMISSIONER WAGNER: We also went to great
15 lengths to ensure that to the greatest extent possible
16 communities of interests, counties, cities, school
17 districts, racial ethnic neighborhoods, et cetera, were not
18 unnecessarily divided.

19 We also attempted to use natural boundaries,
20 county lines, city limits, rivers, major highways and
21 streets as district boundaries wherever possible. We
22 resolved not to split more counties, cities or cohesive
23 neighborhoods than necessary.

24 It's our strong conviction that to divide
25 established communities of interest in order to accomplish

1 some extraneous objective, be it partisan, political or
2 otherwise, would be a great disservice to the citizens of
3 Missouri.

4 Therefore the GOP commissioners' minimum change
5 plan, which is Exhibit 1, which you-all I hope have, was
6 submitted on August 11, 2011. It incorporates all of those
7 guiding principles and has a deviation of 3.27, lower than
8 any Democrat map submitted.

9 In terms of compactness, we scored more compact
10 than any Democrat map submitted and in all measures chosen
11 by Governor Nixon's Office of Administration.

12 As I stated earlier, we avoided splitting
13 communities of interest wherever possible and use natural
14 boundaries as district lines as often as practical.

15 Our map kept 56 counties from being split, are
16 wholly contained within one district, far more than any
17 Democrat map submitted.

18 In addition, the GOP Commissioners' minimum
19 change plan avoided capriciously and punitively combining
20 incumbents into the same districts to achieve any partisan
21 political gain. Incumbents were combined into the same
22 district only when significant population shifts dictated
23 it.

24 My colleague, Nick Myers, tracked this occurrence
25 in other maps and will outline this in greater detail in

1 his upcoming testimony.

2 Therefore, the Republican plan submitted on
3 August 11, 2011 represents our desire to follow the
4 Constitutional and legal guidelines set forth and respects
5 the fabric richness and diversity of the communities of
6 interest in our state.

7 We, as Republican Commissioners and citizens of
8 this great state believe these guiding principles should
9 come first and that our work best reflects such intent. I
10 thank you very much.

11 CHAIRWOMAN HONORABLE HARDWICK: Any questions?

12 VICE CHAIRMAN HONORABLE RICHTER: This is labeled
13 11 in our stack.

14 CHAIRWOMAN HONORABLE HARDWICK: 11 in ours?

15 VICE CHAIRMAN HONORABLE RICHTER: Yeah.

16 CHAIRWOMAN HONORABLE HARDWICK: Okay.

17 COMMISSIONER WAGNER: Thank you-all very much.

18 CHAIRWOMAN HONORABLE HARDWICK: Next is Nick
19 Myers.

20 COMMISSIONER MYERS: Members of the Commission, I
21 have a handout here that is my testimony and also have some
22 maps. You will be looking at the same exhibit that will be
23 here on the board. So I'll be referring to those as we go
24 along.

25 My name is Nick Myers. I reside in Joplin,

1 Missouri. I'm a CPA. I practice public accounting in
2 Joplin and Anderson. Anderson is in McDonald County. It's
3 the most southwest county in the state.

4 I was the 7th Congressional District Commissioner
5 on the Republican side and was elected secretary of the
6 House Commission. So I served with Ann Wagner in the -- on
7 the House Apportionment Commission.

8 I echo Commissioner Wagner's comments about the
9 difficult work you're about to undertake. We know from the
10 months we served as a commission, this isn't easy, but with
11 God, all things are possible.

12 Commissioner Wagner spoke about why we as
13 Republican Commissioners crafted and supported our map. I
14 want to elaborate and contrast.

15 HONORABLE RAHMEYER: Excuse me. Is this the same
16 map that she supported?

17 COMMISSIONER MYERS: These exhibits -- I'll
18 explain it to you-all. We have some of the Democrat
19 Commissioners final map as submitted and our exhibits from
20 the GOP minimum change 8-11-11, which is the same map.

21 HONORABLE RAHMEYER: Which one are you
22 supporting?

23 COMMISSIONER MYERS: This exhibit is the Democrat
24 map. I'm contrasting the Democrat final map from the House
25 Commission with the Republican map.

1 HONORABLE RAHMEYER: But the one you're
2 supporting here today is which one?

3 COMMISSIONER MYERS: It's the same one.

4 HONORABLE RAHMEYER: That Ann Wagner presented?

5 COMMISSIONER MYERS: Yes.

6 HONORABLE RAHMEYER: Okay.

7 COMMISSIONER MYERS: Minimum -- GOP minimum
8 change 8-11-11 map.

9 HONORABLE RAHMEYER: Okay. I just didn't know if
10 you had any differences or anything?

11 COMMISSIONER MYERS: No. We had a number of maps
12 produced, but I'm talking about the two final maps that
13 were voted on by the House Commission. My exhibits here
14 will contrast those, and I think it will become apparent
15 which exhibit we're looking at, what map it came from. So
16 that's my purpose is to contrast the two maps.

17 Overall the Democrat maps, as they were
18 submitted, including the final one, had higher population
19 deviations than the Republican maps and would measure
20 against our Republican map. Every map that they submitted
21 failed to meet the Constitutional guidelines for House
22 apportionment.

23 As Commissioner Wagner said, all the Democrat
24 maps were found by measures utilized by Matt Hesser, the
25 state demographer with the Office of Administration. Their

1 maps were found to be less compact than the GOP minimum
2 change 8-11-11 map.

3 This is also apparent when we do visual
4 comparison. And one of the comparisons that jumped out at
5 me was the mapping in Jasper and Newton Counties. Joplin
6 sits right on the border of those two counties.

7 I have heard from many folks in Joplin, and they
8 registered strong oppositions of the Democrat-submitted
9 map. And despite population growth in the region, the
10 Democrat maps submitted combine three Joplin area
11 representatives into one district, and that's Exhibit 1
12 here. I think you can see -- these are the incumbent House
13 members with the stars.

14 These are incumbents who are freshman and are
15 eligible to run again. In other words, they're almost
16 one-fourth of the way through their eight-year term.

17 I will tell you in our community the folks I am
18 speaking to interpret this as an attempt to undercut the
19 seniority and the legislative experience in the Joplin area
20 when we need to work with the legislature to get back on
21 our feet.

22 The tornado took place the day before the
23 Commission's hearing in Springfield, which was the hearing
24 in southwest and southern Missouri. We attempted to
25 schedule a hearing in Joplin and had a room set aside at

1 MSSU, the college in Joplin, for that purpose, but we were
2 denied that opportunity by the legal counsel of the Office
3 of Administration.

4 So this is one of the examples that are most
5 apparent where three incumbents are drawn together. We
6 tried to keep the minimum change by keeping these three
7 incumbents generally in their own areas. Our map does not
8 look like that. It's reflected in the GOP minimum change
9 map you have.

10 Also note in northern and eastern Springfield two
11 incumbents are drawn together there as well. Incumbents
12 that do have the opportunity to serve further.

13 On Exhibit 7, which we do not have a flip chart
14 for, but it's the last exhibit in your package, it's a
15 table of the House Districts. You can see that the 134
16 House members alike, Republicans and Democrats alike,
17 roughly one-third of the incumbents are pitted against each
18 other.

19 And in that table you'll see that 18 of the 20
20 House Districts that grew the most as they're constituted
21 now, 18 are Republicans and of the 20 districts that lost
22 the most population, all of those were held by Democrats.
23 So you would -- that would argue that you would have to
24 draw -- expand the land base and draw more Democrats
25 together than you would Republicans the way I see it.

1 Well, while these districts were created in the
2 latest Democrat map that pit at least one Republican
3 incumbent against another, the Democrat map created only
4 one district where incumbent Democrats competed against
5 another.

6 What makes these two members unique from all the
7 rest in the design of that map, I'm not sure because I
8 wasn't privy to the mapping process; however, I do know
9 that these are the only two returning Democrat members that
10 voted this year to override the governor's veto of the U.S.
11 Congressional Redistricting map. Now, this might have
12 great political affect, but doesn't appear to meet the
13 Constitutional requirements.

14 While we recognize the population shifts require
15 that some districts will be eliminated and new ones
16 created, we feel that the Democrat map went far beyond the
17 necessary alternations.

18 If we look at Exhibit 2, this is an example.
19 Now, as Commissioner Wagner stated, the Republican
20 Commission's minimum change map tried to keep the counties
21 whole, but we kept 56 counties whole in our map. The
22 Democrat Commission's map kept only 33 counties whole.

23 For example, this Exhibit 2 is Carter County in
24 southwest Missouri, which is one of -- I'm sorry, southeast
25 Missouri, which is a county of over 6,000 people, just over

1 6,000. One of the smallest in the state; however, their
2 map says to divide them into two different districts in
3 multiple places.

4 Now, Exhibit 3 we have St. Francois County on the
5 eastern side of the state in the lead belt. This has a
6 population of over 65,000 people, more than enough to have
7 one district colleague within the county.

8 The final Democrat map cut this district -- this
9 county into five districts. And it's hard to tell --
10 somebody from the east will know which part of that is the
11 county, but there's five slices in the county.

12 On Exhibit 4 -- this is what the Republican map
13 of St. Francois County did. It's a little easier to tell
14 where the county is in that map in my estimation. We have
15 two districts, one wholly contained in the county and then
16 one that, because of population, had to bleed over into
17 another county.

18 You know, as a commission we received testimony
19 from many folks that requested that they have at least one
20 representative wholly within their county when they had at
21 least 36,000 population.

22 CHAIRWOMAN HONORABLE HARDWICK: I'll remind you,
23 you have one minute left.

24 COMMISSIONER MYERS: Well, in summary, we have
25 the same problems in St. Louis County. We may show Exhibit

1 5 here where the districts end up looking somewhat like
2 spaghetti noodles, if you'll look at that.

3 We, as Republican Commissioners, could have taken
4 this approach and drawn maps to maximize political gain.
5 We could have attempted to draw as many Democrats into the
6 same district as possible. We didn't do that.

7 We understood this to be a process that would
8 mean bipartisan support to achieve a commission-approved
9 map. We believe that we followed the Constitution and its
10 requirements in producing our map. And we ask that you
11 consider using the GOP minimum change 8-11-11 map as a
12 model for your commission.

13 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

14 Questions?

15 All right. Thank you, Mr. Myers.

16 COMMISSIONER MYERS: Thank you.

17 CHAIRWOMAN HONORABLE HARDWICK: Senator Kevin
18 Engler.

19 SENATOR ENGLER: Thank you. Appreciate it. For
20 the record, here's my testimony -- I mean here's my witness
21 form.

22 CHAIRWOMAN HONORABLE HARDWICK: Yes. We need
23 that.

24 SENATOR ENGLER: Okay. Thank you for letting me
25 testify. I did not testify to the other commissions

1 because I think what we've got is a complete screw-up
2 system that needs to be changed.

3 My district was redistricted ten years ago and it
4 was gerrymandered into a complete Democratic District, and
5 then I screwed up the process and won it as a Republican.

6 You need to do the right things for the people.
7 I heard my colleagues up here saying that they're not
8 trying to save their seat on that. That's laughable.
9 That's what we're all here for.

10 And when they adjust something from Affton from
11 one or two blocks, they didn't show what it does to the
12 district like in the 3rd. If you just move 6,000 people,
13 that moves them a two-minute drive difference. But when
14 you go down south, you are three and a half hours across
15 your district.

16 How often is somebody from West Plains going to,
17 if they get elected, be in Farmington or Bonne Terre or
18 vice versa? You're doing a disservice to the people to put
19 their districts that far just to make it convenient in
20 St. Louis County so they don't have to go any further out
21 of their district. So that's the Senate.

22 I'm here to comment on a couple of things. One,
23 it affects me personally. I served in the House for two
24 years. It's my intention to run back to the House for
25 another six years because I've been asked to. I have 1.2

1 years experience in the House, and after ten years I think
2 I could lend something to that.

3 St. Francois County is an example there. Five
4 districts -- you know, and I want to tell you that I could
5 use some resource in my area. St. Genevieve are like -- is
6 like Perryville as far as people. They have the same
7 ethnic background. They think the same, but then you start
8 throwing them in St. Louis County, it's not -- or Jefferson
9 County, it's not the same, the House Districts.

10 We have House Districts in Iron, Reynolds that
11 are very homogenous, very, very similar. You can't tell
12 when you cross the line. You start moving them way over an
13 hour away or taking little parts of Carter County that I
14 represent or in St. Francois.

15 The Representative Linda Black represents the
16 northern part of St. Francois County. I've won it. It's
17 solid Democrat, but I've won it. Our map is -- if you look
18 at our map, it does not separate. We live in the same
19 precinct. I live a pitching wedge and a driver away from
20 Farmington because I live on a golf course. I'm actually
21 in the 107th. It's a huge precinct. She just built a
22 house in the northern part.

23 I'm saying this Highway O, if we do not want to
24 be put together, the county clerk wants to separate it,
25 because we all live in the Farmington School District, the

1 Farmington zip code and our precinct votes in Park Hills.
2 It's a ways away. So he would like to separate it there.
3 If we did, we would be in separate -- and there's my ass
4 because I would -- really don't want to take somebody
5 else's seat, but I could go about that if I needed to. I
6 think it would be better.

7 HONORABLE RAHMEYER: What district are you?

8 SENATOR ENGLER: I represent the 3rd Senate
9 District, but I'm actually -- just moved -- I used to
10 represent the 106th House District, which goes to the city
11 limit of Farmington, and I moved to the golf course, which
12 is on the edge of the city limits. So I'm one hole away
13 from the 106th District, but both maps show Representative
14 Black and I going either way, and that's going to cause a
15 confrontation.

16 I get along with her. She's a Democrat and I get
17 along with her, and I would prefer if the county clerk says
18 it's reasonable, that we be separated in that line. She
19 testified to the committee to that effect and you have it
20 written. I just wanted to emphasize that.

21 That is good dividing. It's a huge precinct and
22 all the people that live with a zip code in Farmington send
23 their kids to Farmington. What he would like to do is put
24 them voting Farmington. And the ones who do Park Hills and
25 below us have them voting there, that way it wouldn't set

1 up a confrontation.

2 Like I said, I have nothing against her. I've
3 never had a cross word with her, so I don't want to be put
4 in an adversarial position. That's personal. You do
5 what's best for the citizens, I think they would be served
6 being in Farmington. I was mayor there a couple of times.
7 They know me well, and I would be happy to serve. If we
8 don't, I'll go someplace else.

9 The areas in rural Missouri, like separating
10 Potosi -- that's in my area too -- does not make sense.

11 HONORABLE RAHMEYER: Potosi is in what county?

12 SENATOR ENGLER: It's Washington. Just outside.
13 Washington County. And right now they drew it last time to
14 separate and put Washington up in Jefferson County. Well,
15 people from Lonedell do not have a lot of similarities with
16 people from Potosi.

17 When they divided it last time, I represented
18 Farmington and Perryville. Well, you had to drive
19 40 minutes out of your district to get into a new town that
20 doesn't have anything to do with Farmington.

21 All I'm asking you is that area -- try to look at
22 areas that have some similarities so it makes sense and
23 it's geographically available so somebody can truly serve
24 them. When they have to drive an hour or something, you're
25 not going to be at the Boy Scout, Eagle presentation

1 because you're not going to drive an hour and a half for
2 that ten-minute presentation.

3 You know, there are things like that, so try to
4 make it to where it makes sense. I would be happy to, in
5 district, because I can't run again, I'm term limited, to
6 tell you what actually makes sense.

7 Taking Grandin out of Carter County does not make
8 sense. Those people don't ever go down to Thayer. They're
9 two minutes from Ellsinore. You see what I'm saying? And
10 that makes a difference. Just don't treat them as numbers
11 and say, oh, we can grab 2,000 votes here or 2,000 here.
12 Well, what will that -- how will that affect -- we could
13 raise so that all the senators are happy in St. Louis, but
14 have the 3rd District go from Bonne Terre to almost
15 Arkansas and past West Plains, which is what's going to
16 happen.

17 So every time you move 6,000 in St. Louis County,
18 it's a whole county down there, a whole county. You take
19 their dividing line five blocks, it's a whole county. And
20 when you drive two-lane highways, which is all we have down
21 there, and without any shoulders, you can't get places in
22 less than two or three hours. You cannot serve the people
23 just to make it happy for the people in St. Louis County
24 that everybody's set and -- you have to take some of that
25 population in Jefferson County to be able to make them a

1 smaller clarity.

2 You can't do it in northern Missouri. There's
3 too many 5,000- 4,000-person counties. But you can do it
4 in areas that border Kansas City and St. Louis, and that's
5 what I would encourage you to do.

6 I'd be happy to answer any questions. I did
7 drive five hours just to make those eight minutes of
8 comments, but I would be happy -- it's easy to get to my
9 website and find out. But you can talk to the Democrats or
10 Republicans and they'll tell you -- they may not like me
11 but I won't lie to you.

12 HONORABLE RAHMEYER: Have you sent anything to
13 our --

14 SENATOR ENGLER: Nope.

15 HONORABLE RAHMEYER: Would you mind just sending
16 us your e-mail address?

17 SENATOR ENGLER: I'll do e-mail and basically
18 what I just talked about so that -- without hounding it.

19 HONORABLE RAHMEYER: That would be helpful.

20 SENATOR ENGLER: At least it would give you an
21 opportunity -- because I'm familiar with a lot of southeast
22 Missouri and I can tell you what towns actually belong --
23 for example, right here in St. Francois, St. Genevieve,
24 these people think they live in Farmington. My secretary
25 lives here. Everybody works in Farmington, shops in

1 Farmington. Everybody -- once you cross Highway 55, then
2 you're really in St. Genevieve.

3 So it's okay to have these precincts in
4 Farmington, because that's where they -- that's who
5 represents them and everybody else. And there are areas
6 like that just because of the geographic makeup, and
7 Farmington provides all the jobs in the area.

8 So it makes more sense to have those people --
9 rather than say, oh, we can't separate St. Genevieve. It's
10 already separated. Those people who live in Coffman think
11 they live in Farmington. They have rural route Farmington
12 addresses, their kids go to Farmington schools. They shop,
13 they work, everything in Farmington.

14 So those -- so that map from the Republicans
15 doesn't have any of that in there and it pushes the
16 Democrats up to where it can be won by somebody else. I
17 think you're better off making it more fair to everybody
18 and have Bonne Terre, Park Hills, Desloge in the same pre--
19 and then have the people from St. Genevieve County that
20 think they're in Farmington in with Farmington.

21 So I would be happy to -- and you're getting the
22 nitty-gritty and it's going to be easy for you to just
23 throw darts and say, awe, what the heck, that fits.

24 Perryville, that fits with Farmington.

25 Clarkton's grown so much you can't put Perryville in there.

1 And St. Francois County has now grown to 67,000 people.
2 Those type areas -- those changes have got to be. And just
3 throwing precincts around doesn't make sense because you
4 don't --

5 When I won Perryville, I knew three people. I
6 happened to be the mayor of Farmington. I knew three
7 people of Perryville. We don't -- you know, it takes a
8 long time to get to Perryville. That's not your shopping
9 area. Ste. Genevieve is, and Ste. Genevieve from
10 Perryville is, but -- and Iron County and Farmington is,
11 because that's where they come to shop and work and go to
12 the doctor.

13 So all I ask is that instead of looking at
14 numbers, look at people, and try to get somebody that's
15 actually going to be at those meetings so that they can
16 answer questions and serve the people.

17 I have to send somebody out in these districts
18 because I can't drive three and a half hours. I have a
19 job. I know you don't hear that from elected officials
20 much, but I'm gainfully employed, and so I have to pay
21 somebody to go down to Carter County and make sure that I
22 have representation there every month.

23 And when you start sending districts three hours
24 or longer, that's not serving the people when you have only
25 15 minutes apart from the City of St. Louis or the county

1 of St. Louis.

2 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

3 SENATOR ENGLER: Thank you very much.

4 CHAIRWOMAN HONORABLE HARDWICK: We have time for
5 at least one more before lunch. Representative Sheila
6 Solon.

7 The next three, just for planning purposes, will
8 be Sandy Crawford, Adolphus Pruitt and Rory Ellinger. I'm
9 not sure we'll get to you before the lunch. We'll see.

10 REPRESENTATIVE SOLON: And I want to begin with
11 thanking you for this opportunity to speak, and I
12 appreciate your willingness to have this forum today.
13 Thank you.

14 I'm State Representative Sheila Solon. I
15 represent District 55. It encompasses Blue Springs. Blue
16 Springs has a population of 55,000 people, so it's split
17 between District 54 and 55. Also Grain Valley, Oak Grove,
18 tiny little bit of Grain Valley and Oak Grove are in
19 District 54 currently.

20 I am a freshman, been in office for just one
21 year. I did serve in local government for 12 years. I was
22 on the city council for Blue Springs, so I'm very familiar
23 with the area. I will tell you --

24 HONORABLE RAHMEYER: Okay. Just to ask you on
25 your map, in the gray part of your map, is that the City of

1 Blue Springs, or what are the color codes? What do they
2 mean? What should we be looking at?

3 REPRESENTATIVE SOLON: Actually the blue is
4 actually going to be District 56.

5 HONORABLE RAHMEYER: Well, I'm looking at -- in
6 your District 55, which is what you said it was, there's a
7 gray background.

8 REPRESENTATIVE SOLON: It's pink.

9 HONORABLE RAHMEYER: Oh, that's pink, yeah.
10 Right here. I see. See where your pencil is on that upper
11 part right there?

12 REPRESENTATIVE SOLON: Right.

13 HONORABLE RAHMEYER: No. Move it over. Right
14 there. What does that gray mean? Does that mean anything?
15 Does that mean the City of Blue Springs?

16 REPRESENTATIVE SOLON: That's just my district
17 boundary lines.

18 HONORABLE RAHMEYER: No. No.

19 VICE CHAIRMAN HONORABLE RICHTER: No. The dark
20 gray versus the lighter gray.

21 HONORABLE RAHMEYER: Right here. This gray right
22 here. Is that supposed to be significant in any way? Why
23 is it a different color than that pink?

24 REPRESENTATIVE SOLON: It's Blue Springs.

25 HONORABLE RAHMEYER: It's Blue Springs. That's

1 what I wanted to know. So Blue Springs is divided in half
2 right now?

3 REPRESENTATIVE SOLON: Correct.

4 HONORABLE RAHMEYER: Okay.

5 CHAIRWOMAN HONORABLE HARDWICK: The other gray
6 area is Grain Valley.

7 REPRESENTATIVE SOLON: Right. That's correct.

8 CHAIRWOMAN HONORABLE HARDWICK: Okay. Got it.

9 REPRESENTATIVE SOLON: I had help with the map.
10 Obviously these are complicated to make out. The whole
11 area is Jackson County currently. The way that our
12 community divides itself is by the cities you live and you
13 reside in.

14 I would say that probably -- being in local
15 government, I'm used to nonpartisan races. I'm used to
16 always having competitive races just to kind of add to that
17 conversation.

18 My district currently, District 55, runs east and
19 west. It's basically a big rectangle. It's very compact
20 and contiguous. And in the 2000 census the population of
21 the District was 34,655, and in 2010 it was 44,553, so it's
22 grown.

23 And to reach, I guess, what the magic number is,
24 36,742, the district will need to lose 7,811 folks. The
25 furthest eastern boundary to my district is the City of

1 Oak Grove. It's fairly rural. I hit 8,000 doors when I
2 was running. It is a more rural area than Grain Valley and
3 Blue Springs. And according to the census in 2010, their
4 population was 7,795.

5 So if Oak Grove would be removed from District 55
6 there would only be a difference of 16 people. With the
7 City of Oak Grove being taken away, you're basically
8 leaving my district pretty much the way it stands now. And
9 it keeps the City of Grain Valley together with a small
10 exception, and it makes sense.

11 Since the City of Blue Springs and Grain Valley
12 are pretty closely tied, they kind of share, intercross
13 school districts. People who live in Grain Valley, some of
14 those folks go to Blue Springs schools and vice versa.
15 People who live in Blue Springs go to Grain Valley school.
16 They also share water and sewer services, also the same
17 fire district.

18 While it is not my intention to redraw everybody
19 else's map, I guess I have to account for where the folks
20 in Oak Grove are going to go to. So basically to make it
21 contiguous -- the District 54 has also grown and it needs
22 to lose 4,604 people.

23 District 54's eastern boundary is very similar to
24 Oak Grove in the fact that it's fairly rural. So if you
25 draw a straight line up from my district up to District 53,

1 which needs to add residents, it kind of makes the added
2 adjustments that are necessary.

3 And District 54 actually had a little bit of
4 Oak Grove, so with this change, all of Oak Grove will be in
5 the same district, because I didn't want to mess in
6 everybody else's district. I'm probably the only one here
7 who doesn't want to.

8 District 54 I left a little bit of the Grain
9 Valley folks in District 54, but that's an adjustment you
10 could definitely look at. It wasn't something that I
11 wanted to do.

12 HONORABLE RAHMEYER: Did you say 54 has some
13 Oak Grove people already?

14 REPRESENTATIVE SOLON: It currently has a little
15 bit of Oak Grove folks and a little bit of Grain Valley.

16 HONORABLE RAHMEYER: The northern part?

17 REPRESENTATIVE SOLON: The very northern section.
18 And I -- with this map it will make Oak Grove all in --

19 HONORABLE RAHMEYER: I'm sorry. I can't hear
20 you. When I asked you what those darker lines were, is
21 Oak Grove the darker green area?

22 REPRESENTATIVE SOLON: The green.

23 HONORABLE RAHMEYER: So how is it up in 54?

24 CHAIRWOMAN HONORABLE HARDWICK: The pink dotted
25 line is the old district, so there's a little bit above

1 that dotted line.

2 HONORABLE RAHMEYER: Oh, so you're saying 54 went
3 all the way over. You're suggesting -- this darker line is
4 what you're suggesting is the new district?

5 REPRESENTATIVE SOLON: Right.

6 HONORABLE RAHMEYER: Oh.

7 REPRESENTATIVE SOLON: It's got to be contiguous,
8 and District 54 needs to lose some residents too, so I have
9 to account for where Oak Grove goes to. And it can't go to
10 54 my northern neighbor, because they're losing folks too.
11 So that was the best idea of where to send them.

12 Like I said, I was trying to adjust -- basically
13 for me District 55, to keep it intact in the way it
14 currently sits to me makes the most sense. You're keeping
15 communities together. It is keeping the district in the
16 shape basically of a rectangle and very compact.

17 I appreciate your willingness to listen today and
18 look at my map. I would be happy to answer any questions.

19 CHAIRWOMAN HONORABLE HARDWICK: Where do you live
20 in the district?

21 REPRESENTATIVE SOLON: I'm in Blue Springs. I'm
22 in the southern portion of Blue Springs.

23 CHAIRWOMAN HONORABLE HARDWICK: What's the
24 population of Blue Springs?

25 REPRESENTATIVE SOLON: I think in the last census

1 it was about 55,000. So it's actually --

2 CHAIRWOMAN HONORABLE HARDWICK: It's not possible
3 to have a Blue Springs --

4 REPRESENTATIVE SOLON: No. That's why it's split
5 between 54 and 55.

6 CHAIRWOMAN HONORABLE HARDWICK: Okay.

7 REPRESENTATIVE SOLON: And actually it works out,
8 because we've got two high schools, so one is in 54 and
9 one's in 55, so . . .

10 CHAIRWOMAN HONORABLE HARDWICK: Okay.
11 Understood.

12 Any other questions for Representative Solon?

13 All right. Thank you.

14 REPRESENTATIVE SOLON: Thank you.

15 CHAIRWOMAN HONORABLE HARDWICK: It is straight up
16 noon, so I think we will take our lunch break.

17 (A LUNCH BREAK WAS TAKEN.)

18 CHAIRWOMAN HONORABLE HARDWICK: All right. I
19 think we're ready to reconvene the public hearing on the
20 Senate and House -- I'm sorry -- on the House Districts.
21 And I had skipped someone from earlier, so even though I
22 said Sandy Crawford was going to be first, I need to go
23 back and get Kevin McManus first, okay? Sorry about that.

24 REPRESENTATIVE McMANUS: No problem. I have some
25 written testimony, if you would like to take one and pass

1 it on.

2 Well, good afternoon. My name is Kevin McManus.
3 I'm a state representative for the 46th District, which is
4 in southern Jackson County. The 46th includes parts of
5 southern Kansas City, Missouri, Grandview, Missouri and
6 Lee's Summit.

7 And I'm very pleased to be here today. As a
8 young attorney in Kansas City, this is about the extent of
9 my appellate practice, so I appreciate you guys' humor in
10 this today.

11 And I'm going to be very brief because I was
12 lucky enough to sit through and hear some of the testimony
13 already. I think it really covers a lot of what I came
14 here to say.

15 In essence, I've submitted previous testimony to
16 the bipartisan commission which you may have access to, you
17 may not. I've also e-mailed this to you-all so you'll have
18 it. This really is just a quick summary of some thoughts
19 that I have about southern Jackson County.

20 You know, some of the elements that came out in
21 making these tough choices about redistricting have
22 been the catch phrases that we hear all the time. One is a
23 Constitutional standard of compactness. The other I've
24 heard is communities of interest and keeping those
25 together.

1 Another I've heard is preserving natural
2 boundaries or geographic boundaries when permissible. And
3 I think all three of those things are very important
4 things. Those are the things that I've highlighted in the
5 sheets and that's what I would really like to talk about
6 today, specifically as it pertains to southern Jackson
7 County.

8 CHAIRWOMAN HONORABLE HARDWICK: Let me just ask,
9 what's the southern boundary of your district?

10 REPRESENTATIVE McMANUS: Currently the 46th abuts
11 Cass County.

12 CHAIRWOMAN HONORABLE HARDWICK: So you're Belton.

13 REPRESENTATIVE McMANUS: No. Actually Belton
14 would be in Cass, so I would be the last one before Belton.

15 CHAIRWOMAN HONORABLE HARDWICK: Gotcha.
16 Grandview?

17 REPRESENTATIVE McMANUS: I do have Grandview,
18 yes. Exactly.

19 CHAIRWOMAN HONORABLE HARDWICK: Okay.

20 REPRESENTATIVE McMANUS: So right now just to get
21 your bearings straight. If you're familiar with the City,
22 it's roughly Red Bridge Road is my northern boundary.
23 State line with Kansas would be the west. And the south
24 would be Cass County line, roughly 155th Street. And the
25 eastern boundary goes actually all the way through the

1 first portion of Lee's Summit, Longview College. Pryor
2 Road is the boundary over there.

3 CHAIRWOMAN HONORABLE HARDWICK: Okay.

4 HONORABLE RAHMEYER: We have discussed sending
5 some of those counties over to Kansas. Did you want to go
6 over that?

7 REPRESENTATIVE McMANUS: Well, they're taking our
8 businesses right now, so --

9 HONORABLE RAHMEYER: I will have a (inaudible).

10 REPRESENTATIVE McMANUS: No. I very much prefer
11 as a born and bred Missourian to stay where I am.

12 CHAIRWOMAN HONORABLE HARDWICK: There's a part of
13 45 that dips down into -- well, it seems to be in your
14 natural area -- is that Mike Brown?

15 REPRESENTATIVE McMANUS: That is actually Jason
16 Holsman.

17 CHAIRWOMAN HONORABLE HARDWICK: Jason Holsman?

18 REPRESENTATIVE McMANUS: Yes.

19 HONORABLE DOWN: Do you run as a Democrat or a
20 Republican?

21 REPRESENTATIVE McMANUS: I am a Democrat.

22 HONORABLE WELSH: And do you and Holsman live
23 within blocks of each other?

24 REPRESENTATIVE McMANUS: We do.

25 HONORABLE WELSH: Okay. So your northern

1 boundary moves it all?

2 REPRESENTATIVE McMANUS: That's correct.

3 HONORABLE WELSH: Either way you're going to be
4 in the -- you're going to be right next to him?

5 REPRESENTATIVE McMANUS: We like each other a
6 lot, but, yes, that's correct. We get along very well, but
7 you're absolutely right. We live within probably too close
8 for comfort sometimes. But it's roughly a few blocks away
9 from each other there near Red Bridge.

10 HONORABLE RAHMEYER: And what is the Staggs-Davis
11 map?

12 REPRESENTATIVE McMANUS: That was -- apparently
13 wasn't a commission map, so I'm not sure if you have --

14 HONORABLE RAHMEYER: Oh, so it's not in there?

15 CHAIRWOMAN HONORABLE HARDWICK: It's in the
16 testimony, but it's not --

17 HONORABLE RAHMEYER: But we're not talking about
18 it?

19 REPRESENTATIVE McMANUS: No. And the only reason
20 I bring that up was because my prior testimony referred to
21 it. And I'll briefly refer to it just now.

22 Conceptionally what that map did with southern
23 Jackson County was it divided the district I'm in, the
24 46th, in half horizontally. And it took the district, the
25 two new created districts from State Line Road with Kansas,

1 our friends there, and it took us all the way out into the
2 unincorporated Jackson County.

3 And between there you really have a broad
4 spectrum of people. I mean, you have an urban Kansas City
5 area. You've got Grandview, suburban, and Lee's Summit.
6 And then you actually get into rural and agricultural
7 areas.

8 And that's a great kind of segway to really
9 getting at these three concepts that I mentioned
10 previously, because I really think that they're extremely
11 important not only for the state but just I would like to
12 emphasize them for southern Jackson County, because when
13 we're drawing lines like that, we need to be aware, not
14 only is it difficult in terms of compactness to really come
15 up with a reason.

16 It's also combining and dividing and diluting
17 different communities of interest in really strange ways.
18 And it would make it, I think, very difficult for someone
19 representing that district to really be able to know how to
20 vote and represent them.

21 As was previously discussed, it makes it
22 difficult for you to get around to all the different
23 communities and it also ignores, I think, the geographic
24 and natural boundaries that exist. You have four to five
25 municipalities, and then you also have just as many school

1 districts. So it's really combining and dividing a lot of
2 different communities. So I'd just draw that to your
3 attention.

4 I think -- I'm confident that you-all will make
5 the best choices possible, and I'm very happy that you're
6 involved. It's just when you're doing so, please keep
7 those, I think, three things in mind when you're dealing
8 with southern Jackson County. Because when we have a
9 portion of the county that is, like I say, borderline urban
10 and then it goes to rural very quickly, you're really
11 changing demographically the interest. And those interests
12 may be conflicting and competing interests for someone to
13 represent.

14 So that's really the extent of my testimony. I
15 really appreciate the opportunity to be here and testify in
16 front of you. I'm happy to take any questions.

17 HONORABLE BURRELL: When you talk about the
18 minimum change map, which map specifically are you talking
19 about?

20 REPRESENTATIVE McMANUS: Well, I think there may
21 be a couple of different maps with that name, but I think
22 the 8-11, the final map that came out, is one that actually
23 keeps Grandview and south Kansas City together.

24 HONORABLE BURRELL: And that's how somebody else
25 referred to it before, the 8-11-11 map.

1 REPRESENTATIVE McMANUS: Right.

2 HONORABLE BURRELL: Okay. Which we had both the
3 Democrats and Republicans submitted those on the same day;
4 is that right or not?

5 REPRESENTATIVE McMANUS: I'm not sure, honestly.

6 MR. HESSER: It is. So there's two plans that
7 were created on 8-11 -- or submitted on 8-11-11.

8 HONORABLE BURRELL: Are they both called minimum
9 change?

10 MR. HESSER: No.

11 MS. JENKINS: That's the GOP.

12 REPRESENTATIVE McMANUS: I think the GOP is
13 called the minimum change. And the reason I think that,
14 just for this district, for the -- for this area of the
15 state, it roughly keeps the lines conterminous with the
16 Grandview School District, and it also keeps south Kansas
17 City and Grandview together, so . . .

18 HONORABLE WELSH: I have seen reference to a
19 McManus map. Did you submit one to the --

20 REPRESENTATIVE McMANUS: I did, and it's not a
21 commission map, but it was one, and it was one that was
22 compacting and conterminous with the Grandview School
23 District much like the minimum change.

24 HONORABLE WELSH: Did it show anything other than
25 southern Jackson County?

1 REPRESENTATIVE McMANUS: No.

2 HONORABLE WELSH: Okay.

3 REPRESENTATIVE McMANUS: And that's -- honestly,
4 I don't pretend to know all that you need to know to do
5 your job, and so I'm not going to pretend to give you an
6 opinion on that.

7 And I won't tell you that that's the only way to
8 do it. I'm purely just saying that I think those elements
9 of being compact and keeping the communities together and
10 respecting the boundaries that exist is a good way to go.

11 It will allow us to better represent the folks
12 who are also, I think, to the average Missouri citizen when
13 they look at the map and they see these long squiggly lines
14 that go from state line into rural Jackson County, there's
15 going to be an honest question of why. And I think people
16 are going to ask that. I have already gotten questions
17 from constituents about that.

18 So anyway, I appreciate the opportunity to be
19 here and thank you for your time.

20 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

21 All right. Representative Sandy Crawford.

22 REPRESENTATIVE CRAWFORD: Here I am again. I did
23 testify earlier in Springfield at the hearing, and what I
24 want to address is a couple of maps that have been floated
25 out since that hearing.

1 As stated earlier by, I believe it was Ann
2 Wagner, throughout this date she said that whenever they
3 had all their hearings one of the things that they heard
4 is -- the main thing was don't split the rural counties.

5 And, again, I would emphasize that, not to do
6 that. Well, the last Democrat map that I saw that was
7 floated out -- and I think maybe that was one of the 8-11
8 maps, I did not refer to it by that -- but I believe it was
9 the last one that they floated out.

10 That map gives my state rep district, which
11 currently is Dallas, Hickory and St. Clair counties, three
12 full rural counties. The new map that I would have leaves
13 Dallas County all together in one piece, which that's
14 great, but it also gives me -- and I'm just looking -- I
15 didn't look at numbers, but I'm just eyeballing the maps.

16 Geographically speaking, that map also gives me
17 roughly half of Hickory County, half of Laclede County,
18 one-third of Wright County. And you already know that I
19 don't know how to get to Wright County from my earlier
20 testimony, but Dugger back in the back from the Wright
21 County did enlighten me during the break, so now I know how
22 to get there.

23 It also gives me a small piece of Benton County
24 and a very small sliver of Camden County. So in case you
25 weren't counting, that's one full county and parts of five

1 counties.

2 In my estimation that is unreasonable. Our
3 district has the numbers to stay exactly the way it is now.
4 We have around 500 people, plus I think 500 or so people
5 short, well within the margin of error. There is no need
6 to change -- to change our -- the map right now in my
7 district.

8 But I believe this map is unreasonable. It's a
9 waste of money for those counties. I believe that it
10 doesn't give good representation, specifically that very
11 small piece of Benton and Camden County. You know, they're
12 going to have other state reps in that county, but they're
13 not really going to be represented very well in my
14 estimation.

15 Because if you have six counties to represent and
16 one or two of them are just very small pieces, in reality
17 you are not going to spend much time in that area. And I
18 think that is poor representation for those people that
19 happen to live in those sections of those counties.

20 HONORABLE RAHMEYER: Wait. Let me make sure,
21 you're in the 146th?

22 REPRESENTATIVE CRAWFORD: I am currently the
23 119th.

24 HONORABLE RAHMEYER: 119th.

25 REPRESENTATIVE CRAWFORD: Some of those numbers

1 changed on those maps, so it's probably not referred to as
2 the 119th on that map.

3 HONORABLE RAHMEYER: I'm looking at the current
4 map.

5 REPRESENTATIVE CRAWFORD: 119th.

6 HONORABLE RAHMEYER: So the 119th?

7 REPRESENTATIVE CRAWFORD: Just north of
8 Springfield.

9 HONORABLE RAHMEYER: Dallas County?

10 REPRESENTATIVE CRAWFORD: Hickory and St. Clair.

11 HONORABLE RAHMEYER: Hickory and St. Clair.

12 REPRESENTATIVE CRAWFORD: Yes, kind of sideways.
13 It kind of slants up, yes.

14 HONORABLE RAHMEYER: Okay.

15 REPRESENTATIVE CRAWFORD: Also, the other thing I
16 want to point out about that map is, not only do I just
17 have about half of Hickory County in that new map, but that
18 map splits Hickory County with a population of 9,627 into
19 three state rep districts. Now that is just unreasonable,
20 in my opinion. I mean, it's ridiculous. It's not
21 necessary. That is very costly for those counties.

22 Especially a small rural county, they're going to
23 have different ballots. It's going to be a nightmare to
24 try to come up with the ballot for that particular county.

25 The other thing I want to make mention of is that

1 the 4th District members of the House Redistricting
2 Committee did come up with a map. The Democrat and
3 Republican agreed upon a map. I believe that's the
4 Corbett-Willwerth (phonetic spelling) map.

5 They did come up with a 4th District map that
6 leaves my district basically the same with a very small
7 change. That map and the GOP map for my district are very
8 similar.

9 And, again, I would just urge you to take a look
10 at that and, again, please don't split our rural counties.
11 And with that I think I'm finished.

12 If you have any questions, I'll answer those.

13 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

14 REPRESENTATIVE CRAWFORD: Thank you.

15 CHAIRWOMAN HONORABLE HARDWICK: All right.

16 Mr. Pruitt.

17 MR. PRUITT: Again, I'm Adolphus Pruitt,
18 St. Louis NAACP. And while we did talk about the Senate, I
19 want to talk about the House in detail.

20 The document you have in front of you, what we
21 did was in order to prepare for this, we secured good
22 counsel who had some background on redistricting and asked
23 to apply a certain legal test to some of the maps and some
24 of the stuff we have been seeing.

25 And what I wanted to do is I want to read into

1 the record that (inaudible) prepared this, and that over
2 the past four reapportionment cycles and he since then --
3 since 1980 he has given testimony for commissions like this
4 and also represented plaintiffs in litigation in federal
5 court. So we're comfortable that he has the background and
6 expertise to make some opinion that he made in this
7 document.

8 What I wanted to do -- and we can jump straight
9 to Page 3. One of the unique things about what's going on
10 right now is the fact that, again, before you as a panel do
11 anything, we have 18 districts across the State of Missouri
12 that are majority-minority.

13 And I want to note that the Wagner map that's
14 spoke of earlier would take that 18 and reduce them down to
15 13. In our estimation there's more cracking, a lot of
16 cracking today.

17 But 18 right now before you do anything. On the
18 Wagner plan it will drop down to 13. And unfortunately, he
19 hasn't testified here, but I'm confident on the maps, which
20 came from the Democratic side, does some cracking too.

21 If you turn to Page 6 is where we wanted to focus
22 our discussion, on Page 6 and the next three pages. And
23 that is we asked him to do a U.S. Justice Department
24 standards of review of what's being presented and thrown
25 out there. Because we've been hearing so much different

1 stuff, we really wanted to have a better feel for what was
2 going on.

3 And as we go through this review we look at Item
4 No. 2, when it talks about altering the boundaries of
5 districts that match black incumbent legislators in the
6 same district.

7 What is exactly being proposed, at least in the
8 maps that we've seen so far, and unfortunately from the
9 Democrat's side is that they propose to combine the 61st
10 and the 58th District and eliminate the black legislator at
11 the same time as the 59th District would have an incumbent,
12 which could easily be eliminated and allow for the number
13 of African-American state legislators to stay the same as
14 they are now.

15 The same thing applies to Item No. 3 as relates
16 to altering district boundaries. So you call them up with
17 constituencies of a black incumbent so that it prevents
18 said constituencies from reelecting the incumbent to
19 office. We think combining them together creates the same
20 problem.

21 No. 4 was even more interesting, because this is
22 applicable to a district out in St. Louis County, and
23 that's Representative Ellinger's district which is right
24 now a majority-minority district. And the maps -- we have
25 seen all of them -- either eliminated or turned it into a

1 majority not a minority district.

2 Again, we think there is some cracking. We think
3 it's reducing the percent of the voters in a district where
4 black voters have been able to eliminate a candidate of
5 their choice. And let's be mindful that Representative
6 Ellinger's not African-American, but he's getting elected
7 in a majority-minority district.

8 VICE CHAIRMAN HONORABLE RICHTER: Must mean they
9 like him. Is there anything wrong with that?

10 MR. PRUITT: No. No. Absolutely not.
11 Absolutely not.

12 HONORABLE RAHMEYER: What I'm confused about, you
13 say you put it in two black counties, you mean two
14 incumbents and three people or was that in the primary?

15 MR. PRUITT: In the primary.

16 HONORABLE RAHMEYER: Well, whose fault is that?

17 MR. PRUITT: I understand. We're not blaming
18 anybody. We're not blaming anybody for the outcome. What
19 we're saying is it takes a majority-minority district, and
20 to reduce it down or eliminate it, to reduce it down to a
21 majority/non-minority district or to eliminate it, it's
22 cracking. We think it violates the Voter Rights Act.

23 HONORABLE RAHMEYER: Let's talk about the
24 percentage just so I'm clear. Several of the plans have
25 53, 54 percent. Are you saying that's insufficient?

1 MR. PRUITT: I'm saying that under the 65 Rule it
2 is insufficient and 60 -- a minimum of 60 is the -- under
3 the rule 60 percent is the bottom.

4 HONORABLE RAHMEYER: But you can create more
5 majority districts if you have -- or more minority
6 districts if you have 50 or above. You know, when you go
7 from 50 to 60, you reduce the number of total districts you
8 can have, and you're saying that's not a good thing.

9 MR. PRUITT: It's not, because under the 65 Rule
10 while you may think that because the minority represents a
11 simple majority, because of the voting trends, number of
12 registered voting and voting age, it does not turn out to
13 be that way in practicality. So the Courts have found --
14 and that's where the 65 Rule came from.

15 CHAIRWOMAN HONORABLE HARDWICK: When you
16 talk about the 18 districts that right now are
17 minority/majority, you have some on here that are under
18 45 percent.

19 MR. PRUITT: That's the voting age.

20 CHAIRWOMAN HONORABLE HARDWICK: Okay.

21 MR. PRUITT: That's voting age.

22 CHAIRWOMAN HONORABLE HARDWICK: Okay.

23 MR. PRUITT: Versus the number of
24 African/Americans in that district now.

25 CHAIRWOMAN HONORABLE HARDWICK: Okay. But the

1 population in all those is over 50 percent.

2 MR. PRUITT: Exactly.

3 CHAIRWOMAN HONORABLE HARDWICK: It's over 60.

4 MR. PRUITT: It's over 60.

5 CHAIRWOMAN HONORABLE HARDWICK: Okay. It's over
6 60. Okay.

7 MR. PRUITT: Yes.

8 CHAIRWOMAN HONORABLE HARDWICK: Okay. Appreciate
9 that.

10 MR. PRUITT: Same thing under No. 5. It goes
11 back to this maintaining the reelection chances of white
12 incumbents by preserving old district lines. Same thing
13 applies to what's going on in the 59th and in the 72nd
14 District.

15 No. 6 also -- and in No. 6 it talks about the
16 Senate. We won't go there. If you look at the notation
17 under No. 6, which does speak to the 61 versus the majority
18 52 percent. It speaks again to the fact that that rule is
19 65 and that bottom of 60 is the preference in order to
20 comply with the Voter Rights Act under the 65 percent rule.

21 HONORABLE BURRELL: Let me run a hypothetical by
22 you, and I think this may be supported by the census data.

23 MR. PRUITT: Sure.

24 HONORABLE BURRELL: Let's say the minority
25 communities have dispersed geographically out from where

1 they were, it seems like there's going to be some kind of
2 tension between having the same number of majority-minority
3 districts if a lesser percentage of margin or if you crank
4 that percentage of margin up to 65, you're not going to
5 have as many. What are your thoughts on that?

6 MR. PRUITT: A good example would be when we talk
7 about the 72nd District, the district next to it is
8 occupied by Representative Clem. He has probably 95
9 percent minority now. So it would be easy to get him down
10 to 60 something, and at the same time not impact or have to
11 eliminate the 72nd as one map does or crack it as another
12 one does.

13 The same thing is applicable to the City of
14 St. Louis. You have where they've taken Representative
15 Nasheed and Representative Hubbard and combined them in one
16 district, which is eliminating the minority district with
17 the understanding that this is needed because minority
18 population has migrated over St. Louis and has lost
19 minority population.

20 But next to there you have a majority white
21 district with an incumbent who's term-limited out. So it
22 would be easier if you're going to eliminate a district, it
23 would be easier to eliminate that district and allow the
24 two --

25 VICE CHAIRMAN HONORABLE RICHTER: We aren't

1 eliminating any districts. This is not congress. We're
2 not going from nine to eight. We're going from 163 to 163.

3 MR. PRUITT: I hope that's the case.

4 VICE CHAIRMAN HONORABLE RICHTER: We're not
5 eliminating anyone.

6 HONORABLE RAHMEYER: But you're saying it
7 eliminates blacks -- minority districts.

8 MR. PRUITT: Exactly. What I'm saying is, what's
9 been proposed -- what you may not do, but what's been
10 proposed and testimony prior and I'm assuming additional
11 testimony is what's going to be asking you to do, is to
12 adhere to what they have proposed. And what they have
13 proposed has been elimination or the packing or the
14 cracking or the number of majority-minority districts, and
15 that's what we have a problem with.

16 VICE CHAIRMAN HONORABLE RICHTER: Well, we've
17 been looking at this, and believe me, we have. And we're
18 trying to figure out how to do it too, and some of the
19 problems come in that African/Americans are a very compact
20 area in St. Louis because there's also been some spread out
21 into other areas. And you end up with a bunch of spokes,
22 long, skinny districts that aren't going to be compact and
23 you're going to try to do, as Judge Burrell was talking
24 about -- we've got a whole bunch that are right there --
25 we've got several there that are at 65 percent. We can get

1 more, but that percentage is going to drop down.

2 MR. PRUITT: Yeah.

3 VICE CHAIRMAN HONORABLE RICHTER: But you're
4 encouraging us to stay with that 65 percent or above?

5 MR. PRUITT: No. I'm saying that 65 percent is
6 the ideal situation. Dropping down to 60 percent,
7 according to the rule, is also acceptable. In some cases
8 you may have to drop a little bit under 60, but to go -- to
9 take a district that is 65 percent or greater now and to
10 reduce it down to 50 is truly cracking that district. It's
11 truly cracking. That's the concern.

12 That's the concern is when you have the ability
13 to -- I guess I shouldn't use this as an analogy, but I
14 wear a 44 long suit. I may be able to get in a 42, but to
15 hand me a 40 would be a little ridiculous.

16 That's the concern is that, sure, we understand
17 that there may be some adjustment to fit the situation, but
18 to reduce it down solely for the fact that there are some
19 folks who want to -- and that's -- and let's be direct now.
20 It's nothing new -- to combine a couple of state rep
21 districts simply because they decided to vote on the other
22 side of the aisle on the issue, override a veto, that's not
23 a reason to crack a district or to eliminate one.

24 That's our concern, and that's -- and we think
25 that's what's being proposed. We think that's the

1 rationale behind it. We've heard a lot of that today.

2 Just to step back, when we were talking about the
3 Senate, they -- two senators said all the nine senators
4 came together and we agreed on how we want the St. Louis
5 area to look. And our rationale for that was that we truly
6 just looked at the population and where to move. Then in
7 the same testimony they turn around and say, well, when I
8 move all the Affton School District in my district because
9 I wanted all of Affton, and I made this move because Tim
10 Green wanted this in his district, that totally
11 contradicts.

12 The beginning of that testimony was that, hey,
13 we're doing this purely based on population shifts and
14 things of that nature. It even took the 13th Senatorial
15 District, which is now 65, and it dropped it down to 40 and
16 a half percent. That's cracking no matter how you look at.
17 That is outright cracking that district.

18 I didn't mean to take you back to the previous
19 testimony, but that's what we sit here and that's what we
20 are hearing. And one thing that -- I'll close by saying
21 this --

22 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

23 MR. PRUITT: -- at the end of the day you guys
24 have probably one of the toughest jobs out here as relates
25 to redistricting. All we ask is that as you look at this,

1 that we eliminate the clutter as it relates to these,
2 whether a hidden agenda, overt agenda and all that, that we
3 eliminate the clutter and try to do what's best and what's
4 fair and equitable for the minority community. And that is
5 where they have the opportunity to maintain strength within
6 the House or the Senate that we try best to make that
7 happen as practical and that we not get into the issue of I
8 want a whole school district in my district, so therefore I
9 want to crack the district at 65 down to 49, or I want to
10 eliminate a district because those overrode the governor's
11 veto.

12 We would prefer and we hope that as judge that
13 you will be able to do what both Apportionment Commissions
14 have failed to do, and that is to look at it from a balance
15 perspective and try to be as fair as possible and as
16 equitable as possible for the community that we represent.
17 And I thank you for your time.

18 CHAIRWOMAN HONORABLE HARDWICK: Thank you. Roy
19 Ellinger.

20 REPRESENTATIVE ELLINGER: Thank you. I heard my
21 name mentioned. To please the Court, I would like to just
22 show a map.

23 HONORABLE RAHMEYER: Would you mind saying your
24 name, please?

25 REPRESENTATIVE ELLINGER: Ellinger. I think they

1 referred to me and my district in the last --

2 CHAIRWOMAN HONORABLE HARDWICK: Speak up so the
3 court reporter can hear you.

4 REPRESENTATIVE ELLINGER: I apologize that
5 everyone won't be able to see the map, but my specific
6 district that came up, the 72nd, and I would like to just
7 quickly --

8 CHAIRWOMAN HONORABLE HARDWICK: You are
9 representing --

10 REPRESENTATIVE ELLINGER: I am Roy Ellinger. I
11 represent the 72nd District.

12 HONORABLE DOWD: And that's where, please?

13 REPRESENTATIVE ELLINGER: That is right here.
14 That is University City.

15 HONORABLE DOWD: University City.

16 REPRESENTATIVE ELLINGER: This is the eastern
17 part of Missouri. Here's the boundary lines of the City of
18 St. Louis. I am right on the edge of City of St. Louis. I
19 represent almost all of University City, Pagedale and
20 Wellston.

21 My district is approximately 77 to 80 percent
22 African-American. I do not represent anything below
23 Delmar, which is largely Caucasian. I won't belabor this,
24 but I think it's important both -- my name was mentioned
25 here, and I'm a lifetime member of the N double A. I was

1 an aide for one week of Dr. King, and a lot of
2 African-American people do support me.

3 I think we raise the issue here of can a white
4 person represent people of color? And that perhaps is
5 where we are regarding this particular district. One of
6 the judges made some comment that came close to raising
7 that issue.

8 There are other groups that have constituents
9 that are very -- that they lean to. For example, there is
10 a labor caucus. The big battle right now is underway for
11 Mr. Zimmerman's seat. It's right next to mine. It's
12 between a woman candidate and between a labor candidate.
13 Both groups highly motivated. Both groups highly
14 organized.

15 Race is one element. There is certainly no
16 question about that. Actually, I'm an honorary member of
17 the black caucus. I'm proud of that. I understand the N
18 double A's position. I have fought for the N double A's
19 position, but we should be able to say race is not in the
20 criteria.

21 I have -- with your permission, I have some maps
22 to pass out?

23 HONORABLE WELSH: Thanks.

24 CHAIRWOMAN HONORABLE HARDWICK: Go ahead.

25 REPRESENTATIVE ELLINGER: There you are. Thank

1 you, Judge.

2 The Republican map, the Wagner map, would place
3 me with my good friend Clem Smith in a district that would
4 be 95 percent African-American. If you in your wisdom feel
5 that that is correct, so be it.

6 The Democratic map has its own problem though.

7 CHAIRWOMAN HONORABLE HARDWICK: Is that Harpool
8 3?

9 REPRESENTATIVE ELLINGER: I'll go right to it.

10 CHAIRWOMAN HONORABLE HARDWICK: Okay.

11 REPRESENTATIVE ELLINGER: The Democratic map,
12 this is where I am now, the orange section. Here's where
13 Clem Smith is right above me. In the new district, Clem
14 would come all the way down to where the dotted lines are.

15 I live right here, this tiny little dot right
16 behind city hall in University City. That would give
17 Mr. Smith approximately 95 percent district. I do not
18 believe that Mr. Smith -- he's personally a good friend of
19 mine -- needs 95 percent African-American vote.

20 Leaving color out completely he's a wonderful
21 State Representative and a future leader in the state in my
22 opinion.

23 As questionable, of course, as officers of the
24 Court and members of the Court whether you want to look at
25 personality, that's, you know --

1 HONORABLE RAHMEYER: I'm pretty sure we're not.

2 REPRESENTATIVE ELLINGER: Okay. There you are.

3 The new map that we call the Skaggs map drew -- I have a
4 contiguous solid district. The new map would draw me
5 all -- everything in green all the way over to these dotted
6 lines.

7 HONORABLE RAHMEYER: By the new map, which map?
8 Is that Harpool 3?

9 REPRESENTATIVE ELLINGER: I don't know that.

10 HONORABLE RAHMEYER: It's not Harpool 3.

11 REPRESENTATIVE ELLINGER: Okay. The Democratic
12 has its problem. What it does is draws me all the way into
13 Ladue, Frontenac, Town and Country and every other of the
14 richest suburbs of St. Louis County, and the state I
15 believe.

16 And I represent perhaps two of the poorest cities
17 in the state, Pagedale, Wellston. What I have proposed to
18 you is a compromise map that there are other communities to
19 consider. I have Maps 1 and 2 in front of you. The black
20 solid line would still give my district a majority
21 African-American vote, because Ladue -- and that's in the
22 green -- and Clayton, the homes are much more scattered.
23 The homes are much more concentrated in University City.

24 CHAIRWOMAN HONORABLE HARDWICK: What do the pink
25 lines represent on this map?

1 REPRESENTATIVE ELLINGER: You know, this was
2 taken off other maps that we've drawn.

3 CHAIRWOMAN HONORABLE HARDWICK: So it means
4 nothing?

5 REPRESENTATIVE ELLINGER: My apologies to the
6 Court on that, that they mean nothing.

7 CHAIRWOMAN HONORABLE HARDWICK: Okay.

8 HONORABLE RAHMEYER: And do you have numbers on
9 this?

10 REPRESENTATIVE ELLINGER: I have one and two.
11 What one is --

12 HONORABLE RAHMEYER: Well, I have Map 2. Do you
13 have Map 1?

14 REPRESENTATIVE ELLINGER: One and two is on the
15 same piece of paper. One shows that if I get half of
16 Olivette and the other half would go north into Mr. Clem
17 Smith's district -- he would take over the north part and I
18 would take over the south part -- his district still, since
19 Olivette is a majority African-American community, would
20 increase in percentage of African-Americans.

21 HONORABLE RAHMEYER: The numbers I'm asking you
22 for are the numbers of percentages of the black population
23 and --

24 REPRESENTATIVE ELLINGER: I can only give you --

25 HONORABLE RAHMEYER: -- people in the district?

1 REPRESENTATIVE ELLINGER: I can only give them to
2 you roughly.

3 HONORABLE RAHMEYER: Okay.

4 REPRESENTATIVE ELLINGER: It's just roughly.

5 HONORABLE RAHMEYER: So you're just going to
6 verbally tell us, you don't have anything with percentages?

7 REPRESENTATIVE ELLINGER: No, I do not. If I
8 were to take the Olivette section -- I may also then take
9 the bottom part of Ladue -- the district as a whole would
10 be still African-American majority.

11 If we just went with the dark lines and
12 surrounding, then I would not have any of Olivette. I
13 would not have any of Olivette. I would have part of
14 Clayton. I would have a good part of Ladue and University
15 City. University City is a unique integrated community.
16 That's one of the reasons why I won there. It's very
17 liberal. It's very progressive in the areas. Our people
18 could say, you know --

19 VICE CHAIRMAN HONORABLE RICHTER: Do you see a
20 real community of interest between University City and
21 Ladue?

22 REPRESENTATIVE ELLINGER: There doesn't seem to
23 be a community of interest between -- let's go further west
24 to Frontenac or to Town and Country. They traditionally
25 have been represented by, right now, I think, responsible

1 Republican conservatives while University City tends to
2 have representation from I think responsible progressive
3 liberal Democrats. So it's hard to do.

4 The Map 3 would make me inclusive with another
5 group that hasn't been mentioned here today and that is the
6 conservative Jewish community, which largely lives along
7 the border of University City and Olivette. There must be
8 10 to 15 synagogues in that neighborhood. It is the heart
9 of the conservative Jewish community. And I represent a
10 good part of those people as -- and proudly so.

11 So we just want to look at communities and
12 keeping communities together. I would submit Map 3 does
13 that, or my Map 1 and 2 still makes things contiguous and
14 solid. And I do raise the issue of, can we reach that time
15 that Dr. King would have talked about that we do not have
16 to look at the race of someone to represent a party but the
17 content of their character, the skill of their ability to
18 persuade members on the floor, et cetera.

19 HONORABLE DOWD: Under the -- Mr. Ellinger, under
20 the Voting Rights Act we have to look at things like that.

21 REPRESENTATIVE ELLINGER: Yes, sir.

22 HONORABLE DOWD: Okay.

23 REPRESENTATIVE ELLINGER: Yes sir. I think that
24 would be all. The only other thing I would add is, I know
25 that you don't want to look at personalities. There are

1 17 lawyers in the Missouri House right now. That's a
2 little -- that's like 11 percent, something like that.

3 At one time in my life, and in many of your
4 lifetimes, majority of the House or a very high percentage
5 were attorneys. I think it's good. Representative Green,
6 Representative Jones rather, majority leaders for this day.
7 We just heard from a really bright young lawyer from Kansas
8 City who just testified before you.

9 I think lawyers sometimes catch things. We want
10 good laws written. Lawyers should not be a special
11 classification. But I can easily draw you a map and I can
12 put four lawyers up here, easily, if we don't -- you know,
13 I don't know if that will be best for the district. I
14 don't know that that will be best for the state.

15 I think we want to encourage all the
16 professionals to run. I think lawyers, as a general group
17 if they're semi-retired like me, give up a lot to --
18 McManus, the young man there, or Mr. -- Speaker Jones.
19 There's younger men and women such as Susan Carlson, and I
20 think that you can look at that in my humble opinion.

21 And that will complete my remarks. I thank you
22 for your attention. Also, I quite sincerely mean good luck
23 to you because this is a really -- I don't know how you're
24 going to do it. I mean, somebody is going to be mad at you
25 no matter what happens.

1 VICE CHAIRMAN HONORABLE RICHTER: Everybody is
2 going to be mad.

3 REPRESENTATIVE ELLINGER: I know that.

4 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

5 REPRESENTATIVE ELLINGER: I'd be happy to answer
6 any questions if anyone has any.

7 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

8 All right. Gary Cross, Representative Gary
9 Cross.

10 REPRESENTATIVE CROSS: Thank you. I'm used to
11 being called -- I'm just Gary. I'm only 56 years old, but
12 I guess in my professional life it's Representative Gary
13 Cross, so thank you very much.

14 What I want to talk about is just a few things
15 today, and I didn't bring any kind of notes and I don't
16 read to people. I like to talk to people.

17 HONORABLE RAHMEYER: What district are you from?

18 REPRESENTATIVE CROSS: I'm sorry, ma'am. I'm
19 from the 48th District. It's made up of Lee's Summit,
20 Raytown and Kansas City.

21 One of the things I want to talk about is, I'm
22 sure you go by what's called the census figures, if I'm
23 right. By the census figures -- I want to make sure I'm
24 concrete here. I don't want to bring in something that
25 doesn't -- that's not valid.

1 By the census figures the City of Lee's Summit
2 has grown a little over 20,000 or right around 20,000 in
3 the last ten years. Currently I represent Lee's Summit,
4 like I said, Raytown and Kansas City. Those areas are the
5 three areas I represent. I represent the different
6 constituents.

7 The needs of Lee's Summit are totally different
8 than Raytown. Raytown's needs are totally different than
9 Kansas City. What we have in Lee's Summit currently is
10 that we have two representatives plus myself currently.
11 That is overpopulated by approximately about 4 to 5,000.

12 I'm going to give you approximate numbers. I
13 don't have concrete numbers, because I don't have that in
14 front of me. Representative on the north end of Lee's
15 Summit is at least 4,000 overpopulated.

16 Okay. What has been proposed is, is to remove
17 Raytown by both sides, the Democratic and Republican map,
18 is to send me away from Raytown.

19 If I can use this term right, one proposed map
20 was a thin spoke. Here I am, I'm on the very east end of
21 the district. Mr. Holsman's put a block and a half from
22 the state line to the extreme west end of the spoke.

23 I have conversed with these people, Mr. Holsman
24 on the other side of the aisle and we've worked together
25 and we've talked. He's said, you know, you can stay in

1 Lee's Summit as far as I'm concerned.

2 I said thank you.

3 He said I would just as soon be in Kansas City.

4 I said that's fine. I'm happy to work with you.

5 Mr. McManus who represents on the west side of
6 town called -- up to Longview College. It's a slight area
7 on the west side of Lee's Summit out to, I think it's
8 called, Winter Valley Road, that goes all the way out to
9 Longview College. I don't have the exact street on the
10 west side, but that is Lee's Summit.

11 And in our discussion he says, I am very -- I
12 would just as soon give up that particular section. You
13 know, you can have that in your district. I would be more
14 than honored to --

15 VICE CHAIRMAN HONORABLE RICHTER: How big is
16 Lee's Summit?

17 REPRESENTATIVE CROSS: Lee's Summit's got 92,000,
18 sir.

19 VICE CHAIRMAN HONORABLE RICHTER: Okay. So
20 you're going to get three reps out of that?

21 REPRESENTATIVE CROSS: Currently we do have three
22 representatives in Lee's Summit, because I live there, but
23 I would say the district I have is the most divided up.

24 Go ahead. I'm sorry.

25 VICE CHAIRMAN HONORABLE RICHTER: Well, if you've

1 got 92,000, you're going to end up with three state
2 representatives then for Lee's Summit, right?

3 REPRESENTATIVE CROSS: I would like to think so,
4 yes, but the point being the population shift which is
5 growing in Lee's Summit, the proposal is to move me not
6 just from the west end but move me to the east end on one
7 map, okay, with a residence -- to the east end versus the
8 other map was to take me from the east -- from the -- I
9 live on the west side. It would take me west all the way
10 over to the state line in Kansas City.

11 HONORABLE RAHMEYER: I'm not sure what map you're
12 talking about.

13 REPRESENTATIVE CROSS: The 8-11 map.

14 HONORABLE RAHMEYER: Tell us what you think ought
15 to happen.

16 REPRESENTATIVE CROSS: What I think should
17 happen?

18 HONORABLE RAHMEYER: Yes.

19 REPRESENTATIVE CROSS: I think we should --

20 HONORABLE RAHMEYER: How do divide Lee's Summit?
21 Give us what you think should happen.

22 REPRESENTATIVE CROSS: What I think should happen
23 basically is that I think that I should be removed from
24 Kansas City and Raytown and be taken home to Lee's Summit,
25 because the population -- we have two reps that are

1 overpopulated and that --

2 HONORABLE RAHMEYER: We're not going, like, from
3 people and saying what people should get what. We're
4 looking at a city and saying what are we going to do with
5 Lee's Summit or this area. Tell us what -- it doesn't help
6 us when you say take me to the east or --

7 REPRESENTATIVE CROSS: Represent Lee's Summit as
8 a whole. I feel like there's a potential there.

9 HONORABLE RAHMEYER: So you're thinking is there
10 should be a district that represents Lee's Summit and --

11 REPRESENTATIVE CROSS: Absolutely.

12 HONORABLE RAHMEYER: There's going to be more
13 than one. So you think Lee's Summit should be three, four,
14 just Lee's Summit and no surrounding -- is that what you're
15 saying?

16 REPRESENTATIVE CROSS: I feel like what has been
17 set up by the north and the south -- I live in the west
18 side going east with the north and the south end, which
19 would be taking population from two of the reps that are
20 overpopulated. Am I saying that right?

21 HONORABLE RAHMEYER: Okay. Well, I'm just
22 thinking there's a blog called Lee's Summit and you want to
23 divide it north, south three ways that way, or you want it
24 that way, this way?

25 REPRESENTATIVE CROSS: Currently it is all -- you

1 can just about say divide it three ways. What we're doing
2 is --

3 HONORABLE RAHMEYER: From east to west?

4 REPRESENTATIVE CROSS: That is correct.

5 HONORABLE RAHMEYER: Equal districts. And that
6 you think is good or bad?

7 REPRESENTATIVE CROSS: I think it's good.

8 HONORABLE RAHMEYER: Okay. I'm just trying to
9 get at -- you know, you can divide it this way too or you
10 can divide it this way.

11 REPRESENTATIVE CROSS: With the population
12 increase, though, moving more towards Lee's Summit because
13 the population has dropped on the other sides, like Kansas
14 City and Raytown. Raytown by the census was about 29.4 was
15 the population. I know it's declined.

16 On the west side of Kansas City that I represent,
17 that population has declined also. So I would feel like it
18 would make more sense to move to an area where the
19 population has increased versus moving somebody to an area
20 where the population has decreased.

21 I want to make sure I'm with you here.

22 HONORABLE RAHMEYER: I think so. I'm not sure
23 how we move you anywhere. We're just kind of like keep the
24 land and you'll be living in the middle of some district
25 somehow.

1 VICE CHAIRMAN HONORABLE RICHTER: You'll be one
2 of the three people living in Lee's Summit.

3 HONORABLE RAHMEYER: Yeah. You will be living in
4 Lee's Summit. We won't move you.

5 VICE CHAIRMAN HONORABLE RICHTER: There's three
6 Lee's Summit residents in the House. So unless you live
7 right across the street from somebody, this could be a
8 problem.

9 REPRESENTATIVE CROSS: Well, the map --

10 VICE CHAIRMAN HONORABLE RICHTER: If the lines --
11 the street in front of your house and you're on one side
12 and your neighbor across the street is the state rep for
13 that next district, I can see where that could be a
14 problem. You all are scattered way out amongst the
15 different parts of Lee's Summit.

16 REPRESENTATIVE CROSS: We are scattered out.

17 VICE CHAIRMAN HONORABLE RICHTER: Yeah, I don't
18 know. We haven't looked at that.

19 REPRESENTATIVE CROSS: We are scattered out. The
20 one that we represent, the northeast is, I would say, a
21 good eight to ten miles from where I live, at least.

22 VICE CHAIRMAN HONORABLE RICHTER: So you're more
23 in the middle?

24 REPRESENTATIVE CROSS: I'm more in the middle,
25 sir.

1 VICE CHAIRMAN HONORABLE RICHTER: And there's
2 somebody that lives down in the south part?

3 REPRESENTATIVE CROSS: South of me, right.
4 That's where I'm going with that. And we have two other
5 people here who are overpopulated, and the town has grown.
6 I'm asking basically to be moved to an area where the
7 population has increased geographically.

8 I feel like I can better serve the needs of the
9 people in Lee's Summit. We'd have one school district
10 versus different school districts, Raytown, Kansas City,
11 Lee's Summit. There's people who live in Kansas City but
12 go to Hickman Mills School District. I think that of
13 Kansas City, but I'm trying to do the right thing. That's
14 what I'm asking.

15 Anybody else?

16 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

17 REPRESENTATIVE CROSS: Thank you for your time.

18 CHAIRWOMAN HONORABLE HARDWICK: All right. Next
19 we have Holmes Osborne and Glen Kolkmeier.

20 MR. KOLKMEYER: Good afternoon. Glen Kolkmeier
21 from Odessa, Missouri, serving Lafayette -- not serving
22 yet, Lafayette. I'm a Republican and Holmes is a Democrat,
23 but we're here united in one cause saying that Lafayette
24 County needs to be put back together.

25 Historically, prior to 2000, Lafayette was

1 together and then took another township or so in another
2 county, Johnson. In 2000 they took a cookie cutter to
3 Lafayette County and now there are four state reps serving
4 Lafayette County.

5 It's about -- it's cut in two. The 122nd serves
6 three counties. And in our mind Lafayette County has
7 33,000 and change. And if we put 3,000 and change with it
8 from a neighboring county, Johnson would be the most
9 logical. It has 50 some thousand, and it's serving part of
10 that now, the 122nd is, would get our -- the number that
11 we're after. It makes no sense to serve three counties.

12 VICE CHAIRMAN HONORABLE RICHTER: You need, what,
13 a couple thousand from somebody?

14 MR. KOLKMEYER: From somewhere.

15 VICE CHAIRMAN HONORABLE RICHTER: Johnson?

16 MR. KOLKMEYER: From Johnson would make the most
17 logical sense.

18 VICE CHAIRMAN HONORABLE RICHTER: And then they
19 will be here yelling at us, but they're going to have to go
20 somewhere anyway because they're over 35,000.

21 MR. KOLKMEYER: They have 50 some thousand, so
22 they have to.

23 HONORABLE RAHMEYER: But Lafayette also has more
24 than --

25 MR. OSBORNE: Lafayette County has 33,000

1 population, okay? Johnson County -- the lion's share of
2 people that live in Johnson County live in Warrensburg.
3 Denny Hoskins represents that. That will most certainly be
4 its own state rep district.

5 So like Glen said, he's a presumptive Republican
6 candidate. I'm the presumptive Democratic candidate. It
7 would make sense if -- for Lafayette County to take in a
8 little bit of Johnson or Ray or Saline, which are the three
9 contiguous rural counties in the area.

10 VICE CHAIRMAN HONORABLE RICHTER: You guys are
11 going to run against each other?

12 MR. OSBORNE: Yes.

13 (INAUDIBLE DISCUSSION)

14 MR. OSBORNE: His daughter-in-law, I think, is my
15 cousin. That's just how we do things out there.

16 (INAUDIBLE DISCUSSION).

17 MR. OSBORNE: I just got a letter on my
18 Blackberry from the mayor of Pleasant Hill. Pleasant Hill
19 is Cass County. Currently the district goes clear down to
20 Cass County which is in the southern side of Kansas City.
21 We are in the eastern side of Kansas City.

22 This is from the mayor of Pleasant Hill. Dear
23 Redistricting Committee Members: On behalf of the City of
24 Pleasant Hill, Missouri I'm writing this to request that
25 our community be placed in what is now the 124th State

1 Representative District which is in Cass County.

2 As you know, Pleasant Hill has historically been
3 part of what is now the 124th District. As a result of the
4 last redistricting however our community was carved out of
5 the 124th District and placed in the 122nd District which
6 is primarily located in Lafayette County.

7 We would prefer to be in a district with fellow
8 Cass County communities with whom we regularly partner in
9 corporative initiatives such as countywide economic
10 development projects, road and bridge, sales tax allocation
11 and regional solid waste programs.

12 We would greatly appreciate your consideration of
13 this request as you work to determine the new state
14 representative district boundaries. Respectfully
15 submitted, Mayor Terry Wilson, Pleasant Hill, Missouri.

16 HONORABLE RAHMEYER: Did he or she, Terry, did
17 they send a copy of that to our --

18 MR. OSBORNE: No.

19 HONORABLE RAHMEYER: They need to send that to
20 us.

21 MR. OSBORNE: Okay. I can send that to you, but
22 I just got it just about an hour ago.

23 HONORABLE RAHMEYER: I was going to say --

24 THE COURT REPORTER: I didn't hear any of that.

25 (AN OFF-THE-RECORD DISCUSSION WAS HELD.)

1 MR. KOLKMEYER: I'm just here to ditto also
2 Representative Crawford's comment about splitting up
3 counties. Lafayette County shouldn't be split. She was
4 talking about rural counties.

5 Lafayette County, for the most part, like I said
6 this morning, is an agricultural county from east to west,
7 and it makes no sense to split it up. It's all one sports
8 conference for the most part. There's a lot of things that
9 it doesn't make sense to split it up.

10 HONORABLE DOWD: First sports reference we've
11 heard.

12 VICE CHAIRMAN HONORABLE RICHTER: No. They were
13 talking about a conference down south, but I don't think it
14 was Dallas County.

15 MR. OSBORNE: We can bet them in football.

16 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

17 MR. KOLKMEYER: Thank you.

18 CHAIRWOMAN HONORABLE HARDWICK: Cliff Hammock.

19 MR. HAMMOCK: I appreciate the opportunity to be
20 here today. Court, I'm Mayor Cliff Hammock from the City
21 of Waynesville, Pulaski County, current 148th District.

22 Ladies and Gentlemen, I have been the mayor there
23 now for approximately ten years. And I am also announced
24 to a candidate in this House seat for the election in 2012,
25 so I do have a legitimate and valid interest in the future

1 of our district.

2 As the panel may be aware, there has been
3 substantial growth along the I-44 corridor in our district,
4 Pulaski County, over the last ten years. And I don't have
5 the numbers in front of me, but I'm going to say somewhere
6 around 10 to 11,000 since the last census.

7 A lot of that's been within my own municipality
8 with the City of Waynesville and the City of St. Robert. A
9 lot of that was brought on by the movement of new missions
10 from Fort Belvoir, Virginia as well as Fort McClellan. As
11 you can imagine, a lot of ancillary growth there on the
12 commercial side in our two municipalities.

13 What makes the 148th, I think, a very unique
14 district is the fact that the economic engine, if you will,
15 for Pulaski County right now is in the Waynesville,
16 St. Robert area. And the economic driver is Fort Leonard
17 Wood and the federal jobs and the military missions there.

18 And so our borders are contiguous. You may be
19 aware or not aware that both the City of Waynesville and
20 St. Robert, we are working with Post officials, Department
21 of Defense and Corps of Engineers to look at annexation
22 agreements to bring those numbers into the population
23 counts for our communities, and that's purely for economic
24 and marketing purposes. And those models are out there at
25 other installations, Fort Bragg, North Carolina and I

1 believe Fort Bliss, Texas. So that initiative has been
2 moving forward for about the last year. And from all
3 indications I think we are going to be successful.

4 I'm not going to take a whole lot of your time.
5 I do know that given the growth and the law, I think we
6 have to accept some adjustments on our side, but I would
7 ask that the panel just be aware that, you know, the
8 northern part of our county and district, if you look at
9 it, you would probably think it is agricultural, and a lot
10 of farming interest up in the northern part, and there are
11 areas of that, but just please be aware that over the last
12 10 to 15 years that we've got a lot of new families that
13 are retiring that work at Fort Leonard Wood or civilians
14 moving into the area, and they are moving into the northern
15 part of our district and they daily do their business in
16 the Waynesville, St. Robert area as well as work at Fort
17 Leonard Wood. So we would like --

18 HONORABLE RAHMEYER: I'm not sure what you're
19 asking. You're asking us to consider Waynesville,
20 St. Robert and Fort Leonard Wood all as one district; is
21 that what you're saying?

22 MR. HAMMOCK: Well, currently Fort Leonard Wood
23 is within the 147th.

24 HONORABLE RAHMEYER: Okay. So you don't want
25 that?

1 MR. HAMMOCK: Well, I think there has been some
2 discussion about cutting some of our northern areas out of
3 the current district map and moving that northern.

4 HONORABLE RAHMEYER: We don't know about that.

5 HONORABLE DOWD: The discussion doesn't come from
6 us.

7 MR. HAMMOCK: Right.

8 HONORABLE RAHMEYER: It doesn't come from us, so
9 tell us what you want us to do.

10 MR. HAMMOCK: What I would like is to see us try
11 to keep the district that we currently have.

12 HONORABLE BURRELL: If you have 10,000 more
13 people in that area, you know that's impossible?

14 MR. HAMMOCK: Well, yes.

15 HONORABLE BURRELL: Okay.

16 MR. HAMMOCK: But what I'm asking you to consider
17 here, as we look at the maps as the proposals out there,
18 that we don't cut this thing up, this district where we
19 have four or five representatives.

20 I think, you know, if you look at our current
21 configuration, I think we have two representatives,
22 Fort Wood and the southern part of our district is
23 currently in the 147th and our current representative,
24 David Day, I think he pretty much has the rest of the
25 county.

1 I'm thinking that if we go more than two
2 representatives for this current district, I think we're
3 going to lose a lot in the representation.

4 HONORABLE RAHMEYER: You mean the 148th and the
5 147th combined?

6 MR. HAMMOCK: No, ma'am. What I'm saying is
7 Fort Leonard Wood and south, I'd probably be okay with
8 leaving that within the 147th footprint right now. But
9 looking at the rest of the 148th the way it's currently
10 configured if we're going to cut off to the north and we're
11 going to cut off to the west there and we're going to, you
12 know, do population adjustments that way, I think we're
13 going to be in for some problems and some issues and
14 concerns.

15 CHAIRWOMAN HONORABLE HARDWICK: All right. Thank
16 you.

17 MR. HAMMOCK: Thank you, ma'am. Appreciate.

18 VICE CHAIRMAN HONORABLE RICHTER: Tell Judy
19 Blackburn I said hello.

20 MR. HAMMOCK: I'll do it. Thank you.

21 CHAIRWOMAN HONORABLE HARDWICK: All right. We
22 have a trio of Paula Willmarth, Todd Patterson and Joe
23 Maxwell.

24 COMMISSIONER MAXWELL: While Todd is handing out
25 our brief, I would like to make a point. This brief was

1 presented to you by Mr. Harpool earlier as a joint brief
2 filed by the Democrats.

3 VICE CHAIRMAN HONORABLE RICHTER: Same thing?

4 COMMISSIONER MAXWELL: Same thing. We were
5 uncertain how you would do your record, so we wanted to
6 make sure it's entered into the record for the House.

7 HONORABLE DOWD: I know you're Senator Maxwell.
8 Can you state your name, please?

9 COMMISSIONER MAXWELL: I'm Joe Maxwell -- I'll go
10 ahead and introduce myself -- and to save time we decided
11 to all three come up here. The three of us are Democratic
12 commissioners from the Reapportionment Committee. I'm Joe
13 Maxwell. I am a former --

14 HONORABLE DOWD: I just didn't hear the other two
15 names.

16 COMMISSIONER MAXWELL. Yeah. Well, what we
17 thought, your Honor, is we'd go ahead and -- this is Paula
18 Willmarth, she'll introduce herself and give more
19 description about the district that she represented, and
20 Todd Patterson.

21 HONORABLE DOWD: Thank you.

22 COMMISSIONER MAXWELL: My colleagues did choose
23 to elect me as chairman of the reapportionment for the
24 Missouri House of Representatives. And I'm here today to
25 present the brief that we've handed out and testimony in

1 regards to the Democratic commissioners.

2 We want to thank you all for your time and
3 apologize that you're here today because we failed to
4 accomplish that which we set out to do.

5 Further, today our comments are referencing a map
6 for which is on file with the Office of Administration. It
7 is the Democratic caucus map filed 9-19 as well as we've
8 presented a thumb drive that may be duplicated that has the
9 brief and other data on it; therefore, our testimony will
10 not be duplicative of that information we've provided to
11 the Court.

12 Democrats approached this process as we think the
13 Constitution fully intended ensuring a transparent and open
14 process in which the public has had a full and fair
15 opportunity to provide specific commentary about the
16 proposed districts.

17 We approached an overreaching goal to ensure that
18 we would develop a fair and balanced infrastructure for
19 which legislative elections can be held and that all
20 Missourians can be represented.

21 I'm now going to turn this over to Commissioner
22 Patterson and then I will have closing remarks.

23 COMMISSIONER PATTERSON: Thank you, Mr. Chairman.
24 I'm Todd Patterson. I'm a commissioner from the 7th
25 Congressional District. I'm a Democratic Commissioner, and

1 I want to thank you all for having us here today.

2 Your Honors, one remarkable thing about the
3 process that we set forth to do was the way that we
4 approached the construction of majority-minority districts.

5 Like the Republicans, we bore out 13
6 African-American majority seats in our map. But our map
7 went a few steps further recognizing the Hispanic growth in
8 the state and their need for equal representation, and also
9 other communities of interest, ethnic communities of
10 interests including the Bosnia community in St. Louis.

11 As many have referenced to our map today -- by
12 the way, I believe that some testimony previously was based
13 on our August map while our final map was actually in our
14 September 19th submission, so we would like to add that for
15 the record.

16 I know that the references earlier from our
17 Republican counterparts were to that August one, which is
18 not our most recent map. Our most recent map was September
19 19th.

20 CHAIRWOMAN HONORABLE HARDWICK: And that is
21 exhibit what in your book here?

22 VICE CHAIRMAN HONORABLE RICHTER: That's not the
23 Harpool 3?

24 COMMISSIONER PATTERSON: No. That is
25 Skaggs-Davis 2, I believe, or it would be listed as

1 Democratic Commission Final.

2 VICE CHAIRMAN HONORABLE RICHTER: Oh, Democratic
3 Commission who?

4 COMMISSIONER PATTERSON: Democratic Commission
5 Final.

6 VICE CHAIRMAN HONORABLE RICHTER: Final.

7 HONORABLE RAHMEYER: Okay. Is it in here?

8 COMMISSIONER MAXWELL: It is.

9 HONORABLE RAHMEYER: Okay. And where is it?

10 COMMISSIONER MAXWELL: It's provided on the thumb
11 drive and can be found on OA's --

12 CHAIRWOMAN HONORABLE HARDWICK: I'm just trying
13 to look at it here.

14 COMMISSIONER PATTERSON: Yes. It would be --

15 HONORABLE RAHMEYER: What I'm finding are mostly
16 (inaudible). I'm not finding it in here. If you're
17 talking about a map, I'm not finding it.

18 VICE CHAIRMAN HONORABLE RICHTER: If you have it
19 on a thumb drive, we'll get it.

20 COMMISSIONER PATTERSON: It is on the thumb
21 drive. So we had a final submission in September, and
22 that's the map which we're referencing. In that map, as
23 others have noted, in St. Louis County you notice the -- I
24 think it was referred to earlier as spaghetti districts
25 that come out of south city and south county and drop down.

1 Those weren't done out of just artist and whim,
2 that reflects the Bosnia outgrowth from the city going into
3 St. Louis County. And in particularly the Affton area you
4 have remarkable growth in the last ten years, and we're
5 anticipating that if the Bosnia community could not have
6 their own representation now, that in the next ten years
7 they could earn that.

8 Likewise, we were successful in drawing an
9 Hispanic district in Kansas City, and we worked very
10 closely in both the draws of the Hispanic district and the
11 African-American district, worked very closely with Senator
12 Curls and Representative Talboy in that effort. And that
13 effort produced in the northern part of Kansas City an
14 Hispanic district. Likewise, we anticipated more Hispanic
15 growth in southwest Missouri.

16 And being the commissioner for the 7th District,
17 we really took a long hard look at McDonald County and also
18 Newton County. And you'll see the draw that we have in
19 that map reflects where those communities of interest are
20 where a growing Hispanic community exists in southwest
21 Missouri.

22 And although it has not matured to the point yet
23 to be a majority-minority district down there, certainly
24 within 10 to 15 years you have the potential for that. So
25 our map reflects that as well.

1 We worked very closely with Hispanic leaders and
2 African-American leaders alike in trying to construct our
3 majority-minority districts. In years past, 10 years ago,
4 20 years ago, even 30 years ago it was a very factious
5 effort on the Democratic side of things. There oftentimes
6 wasn't much cooperation between the African-American
7 community and those commissioners who (inaudible).

8 This year we achieved the greatest cooperation
9 that many have ever witnessed who have watched either as a
10 commissioner directly or who have watched from the
11 sidelines the process.

12 One of our key players is our commissioner,
13 Marlene Davis, in St. Louis City. She worked very closely
14 with the African-American community there and actually
15 submitted their map for consideration. You'll see that our
16 final September map, or our Democratic commission's final
17 map, reflects a lot of what that community offered at the
18 table.

19 What is lacking is only due to the fact that we
20 have another 150 districts to construct in the process. So
21 it's not identical to what they offered us, but we tried to
22 keep it as close as possible.

23 So with the cooperation that we tried to achieve
24 and tried to be as inclusive as we were in the process, we
25 also approached our Republican counterparts in each

1 congressional district. So, for instance, I worked very
2 closely with my 7th District Republican counterpart in
3 trying to achieve some of these goals.

4 As you will hear shortly, that was not the
5 greatest success in some areas of the state than others.
6 We were hoping that we could continue the process so that
7 more of those congressional districts could have come
8 together in agreement.

9 I know that you heard from my counterpart, Nick
10 Myers, earlier, and Nick and I came rather close in
11 reaching an agreement, but unfortunately the time -- the
12 clock ran out on us.

13 HONORABLE DOWD: Was Brian Lobbie (phonetic
14 spelling) involved in this?

15 COMMISSIONER PATTERSON: He was not. Well, he
16 had some input. He was involved in the city redistricting.

17 HONORABLE DOWD: So this doesn't involve the city
18 redistricting? I'm sorry. You're talking about the city
19 as far as what?

20 COMMISSIONER PATTERSON: Working with
21 Africa-American leaders in the city --

22 HONORABLE DOWD: I gotcha.

23 COMMISSIONER PATTERSON: -- with all the state
24 legislative districts and to try to draw as many
25 majority-minority districts as possible.

1 I would like to leave with you after talking
2 about the efforts we put forth and the hard work in
3 representing not only communities of shared interests, not
4 only minorities in the State of Missouri, but also other
5 ethnicities that -- I know that we have been committed, and
6 some of our Republican colleagues as well, for the spirit
7 of cooperation and inclusion that we tried to put forth in
8 this process.

9 CHAIRWOMAN HONORABLE HARDWICK: Did I understand
10 you to say in Kansas City there was a Hispanic district
11 that's been proposed?

12 COMMISSIONER PATTERSON: Yes. I believe it's
13 still No. 37.

14 CHAIRWOMAN HONORABLE HARDWICK: And what's the
15 percentage on that, do you know?

16 COMMISSIONER PATTERSON: It was, I believe,
17 60 percent. It was rather high that majority district,
18 so --

19 CHAIRWOMAN HONORABLE HARDWICK: That's District
20 37?

21 COMMISSIONER PATTERSON: Right.

22 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

23 COMMISSIONER WILLMARTH: Your Honors, my name is
24 Paula Willmarth. I represent the 4th Congressional
25 District on the House Redistricting Commission. I live

1 here in Jefferson City.

2 Just to follow up a little bit on what Todd said
3 about the cooperation and the inclusion. When we, as
4 Democrats, sat together for the very first time, we all
5 agreed that our task was to get a map that we could all
6 agree on. And we strove every day to that end.

7 Unfortunately, as you know, because you're here
8 with us today, we did not meet our goal. It was not for
9 lack of trying and it was not for lack of including
10 everybody we could. We would caucus ourselves. We would
11 go back to our constituencies. We would spend time with
12 our constituencies in addition to the public hearings that
13 we had.

14 We began to reach out to our Republican
15 counterparts on the Commission several times, and tried to
16 work in the spirit of negotiation. And I am pleased to
17 tell you that I was the single commissioner on that
18 commission that got agreement with my Republican
19 counterparts.

20 Having presented that map to my colleague on the
21 Democrat Commission, they, in very strong spirit, did in
22 fact accept the map that myself and my Republican
23 counterpart agreed upon. And you will see that reflected
24 in the Democrat final map.

25 I would appreciate your consideration of that,

1 and I thank you very much for the opportunity to speak with
2 you.

3 COMMISSIONER MAXWELL: As we stated, our final
4 plan or map is the Democrat caucus map filed 9-19 for
5 reference. The brief does have segments of that map only
6 as it relates to the references of that map as outlined in
7 the brief. And I apologize, your Honors, I should have
8 explained that when we handed out the brief.

9 When you have time to study the brief, I would
10 ask that you pay close attention to Section 2 of the brief,
11 and that's found on Page 7.

12 There is solid, legal precedence for you to
13 consider Missouri's electorate as a whole when making your
14 decision. We believe that the map we have presented does
15 meet the Constitutional requirements as set out by the
16 Supreme Court. We also believe, as testified by
17 Mr. Patterson, that we have met the precepts for the
18 minority-majority districts to include a district in
19 regards to the Hispanic population.

20 We would ask that you would consider Missouri's
21 electorate as a whole. It's my belief that this has not
22 been considered in the past. It has been in Illinois,
23 Wisconsin, Michigan and in one Supreme Court decision for
24 Congressional Districts.

25 And the reason why I believe we need to consider

1 this particular issue at this time in this reapportionment
2 period, and by you, sitting here as a panel, is that in a
3 published document, the Missouri Republican party in 2002
4 titled Election Analysis, that document stated on Page 3 of
5 the document one of the underlying secrets of Republican
6 success in this year's legislative races was our efforts on
7 redistricting 2001.

8 The new state Senate and state House boundaries
9 are clearly the most pro GOP of any in history due to
10 demographic shifts and a highly Republican approach to
11 redistricting.

12 Page 4 of the same published document it states:
13 This year, thanks to redistricting and term-limits 89 seats
14 were open and almost half of them were up for grabs.

15 Perhaps that's the basis for the other testimony
16 that was here today to have minimum change. If you have
17 been able to have such success in prior redistricting
18 before the Courts, then you surely don't want to change the
19 success for pro GOP redistricting that was held in 2001.

20 There is precedence that's outlined in the brief,
21 Page 7, other courts have considered this balance between
22 the legislative districts as they are reflected as the
23 balance of Democrat, Republican majority party elections in
24 the past. We've outlined that election data and it's there
25 for you in the brief.

1 Finally, it's my strong feeling that we sit here
2 today as commissioners who failed to comply with our
3 Constitutional duty that we were sworn to follow through
4 when we were sworn in as commissioners because there has
5 been too much success, one-sided success, in past
6 redistricting before the Courts.

7 It leaves the ability to be less enthusiastic
8 when you're sitting at the table of compromise and
9 negotiation. There's nine on one side, nine on the other,
10 but if you think you have in your hip pocket another
11 solution, you're a lot less conciliatory in going forward.

12 I believe that is why those Courts that are
13 outlined in the brief took into consideration this ballot
14 in order that the process would be fair and balanced and
15 have a better opportunity to work in the future.

16 We thank you very much for the time that you've
17 given us here today and we would be happy to answer any
18 further questions you might have.

19 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

20 VICE CHAIRMAN HONORABLE RICHTER: Do we have the
21 thumb drive in a format we can play with?

22 COMMISSIONER MAXWELL: Yes, you do, your Honor.

23 VICE CHAIRMAN HONORABLE RICHTER: Okay.

24 COMMISSIONER MAXWELL: That is correct, right,
25 Matt?

1 (AN OFF-THE-RECORD DISCUSSION WAS HELD.)

2 CHAIRWOMAN HONORABLE HARDWICK: James Thomas the
3 third.

4 COMMISSIONER THOMAS: That was rather fortuitous.

5 CHAIRWOMAN HONORABLE HARDWICK: I don't think I
6 have a witness form.

7 COMMISSIONER THOMAS: I filled one out.

8 CHAIRWOMAN HONORABLE HARDWICK: I do have it,
9 thank you.

10 COMMISSIONER THOMAS: My name is James Thomas the
11 third. My address is 5920 Northwest 96th Terrace, Kansas
12 City, Missouri 64154. I was on the Commission from the 6th
13 Congressional District representative. Also, I have been
14 an officer of the 6th Congressional District Committee for
15 more than a decade, and as a result of that, I've traveled
16 throughout the 6th District and have worked with people all
17 over the district and am aware of a variety of natural
18 boundaries and manmade boundaries and the normal
19 separations of communities that happen to exist throughout
20 the 6th District, but I'm not here in an official capacity
21 on behalf of the commission or on behalf of the 6th
22 Congressional District. I'm just here as Joe Schmo
23 visiting.

24 HONORABLE DOWD: Are you an attorney?

25 COMMISSIONER THOMAS: Yes, I am. And I respect

1 the effort that you are making. I have spent 150 to 200
2 hours on this project this year, so you're going to have a
3 busy fall ahead of you.

4 I have three points I want to cover, but before I
5 do that, I just have to, out of fear of getting offtrack, I
6 need to address a couple of things.

7 The map the Democrats have discussed today, I was
8 on the Commission, I have never seen it. It was submitted
9 more than a month after our commission disbanded.

10 CHAIRWOMAN HONORABLE HARDWICK: Which map was
11 that?

12 COMMISSIONER THOMAS: The map he just discussed,
13 the 9-19 map --

14 CHAIRWOMAN HONORABLE HARDWICK: Oh, okay.

15 COMMISSIONER THOMAS: -- which was more than a
16 month after we disbanded.

17 CHAIRWOMAN HONORABLE HARDWICK: So the day after
18 the Commission was -- I think it was September --

19 COMMISSIONER THOMAS: We haven't met since August
20 18 -- August 11th, so -- they -- it's a brand new thing. I
21 attended all the hearings. I don't remember a presentation
22 by a Bosnia community group, and maybe that was the one in
23 St. Louis, I can't remember, but I do not remember that
24 being on the record.

25 They mentioned that they had drawn a 60 percent

1 Hispanic District, okay? We wanted to draw a 60 -- draw a
2 Hispanic District as part of our mapping efforts. The best
3 their map got to when we pulled it up before it was pulled
4 off of the OA website was a 35.7 percent Hispanic District.
5 That is just absolutely incorrect.

6 HONORABLE RAHMEYER: So you think it's a good
7 idea to have a Hispanic --

8 COMMISSIONER THOMAS: If they wanted to have an
9 Hispanic -- we tried to do that, yes, but what I'm saying
10 is, their statement is incorrect. They said they had a
11 60 percent Hispanic District in their map, that's not true.

12 HONORABLE RAHMEYER: I'm just asking if you think
13 it is?

14 COMMISSIONER THOMAS: As the Republicans, we
15 attempted to see if we could find a community of interest
16 in looking at various communities of interest, yes.

17 HONORABLE RAHMEYER: Okay. I'm just curious at
18 the time whether they're in agreement or not?

19 COMMISSIONER THOMAS: And the 4th District
20 commissioners, they tried very hard. My compatriot refused
21 to talk, refused to meet, refused to do anything. So that
22 leads me to my three points I want to talk about.

23 There are three things I want to talk about. I
24 want to mention a couple of -- I want to mention certainly
25 traditional redistricting principles. I want to talk about

1 a general strategy for how to approach drawing the
2 districts and some specific comments on how to draw the
3 districts within the 6th Congressional District.

4 Obviously we have what the Missouri Constitution
5 tells us to take the numbers, divide by 163 and get
6 compactness. The Supreme Court has mentioned a series of
7 principles that are what they describe as traditional
8 redistricting principles. In Shaw v. Reno they mention
9 looking at compactness, contiguity and respect political
10 subdivisions, respect for communities of interest defined
11 by actual shared interest, maintaining traditional
12 boundaries, maintaining district cores and protecting
13 incumbents from contest with each other.

14 Now, this doesn't mean they'd be safe for
15 incumbents. It just means don't purposely stick two people
16 together if you don't have to.

17 Where we really drew a loggerhead with our
18 Democrat counterparts is they didn't want to discuss any of
19 these concepts.

20 Let me talk about some strategies that I'd just
21 encourage, and I know this is a very difficult task. I
22 encourage you not just to kind of look at a blank sheet of
23 paper. I tried to look at, okay, we're over or we're under
24 or how do we get the numbers to mesh out between each of
25 the districts?

1 It's a challenge because the 12 districts in
2 western Jackson County have lost collectively 48,000
3 people. That's about one and a third districts. So some
4 of that area in western Jackson is going to lose at least
5 one and a little bit more of one in order to make it work.

6 On the opposite end, northern Clay County, the
7 35th District, gained over 23,000 people, so they're going
8 to have to get some people lopped off to help create some
9 other district.

10 Second I would encourage you to try to draw your
11 map in chunks. I was able to convince my fellow
12 commissioners that we would try to draw the districts in
13 congressional districts and then try to merge, and it
14 doesn't work perfectly because you've always got -- you
15 know, the number doesn't divide by the number of
16 congressional districts evenly, but at least it gives you
17 kind of a starting point so you're not looking at the whole
18 state. You're kind of looking at pieces. And then we get
19 down around the edges and we have to kind of cooperate.

20 For example, the minimum change map that the
21 Republican commissioners presented crossed the Missouri
22 River a little bit into Clay County. Well, I didn't like
23 that, but I also understood that as we try to, you know,
24 balance out all districts and get our numbers to work, we
25 had to do that.

1 And second I would think -- besides big chunks,
2 like congressional districts, I would encourage thinking of
3 it from congressional districts potentially into smaller
4 chunks. I looked at the 6th District into four basic
5 chunks, which are kind of outlined on the two exhibits that
6 I've attached. Those basic chunks where I looked at 27, 28
7 and 29, those are three districts, okay, I looked at Clay
8 and Platte Counties. I looked at northwest, north central
9 Missouri and I looked at Jackson County.

10 In looking at this approach I kept 27, 28 and 29
11 together because essentially -- and all of Andrew, all of
12 Buchanan and a little sliver of Platte. It has been this
13 way for at least 20 to 30 years.

14 And where St. Joseph is located on the northern
15 side of Buchanan County that creates sort of a center where
16 these people have interaction between Andrew and Buchanan
17 County. They don't have quite enough people so Platte can
18 give them enough to make their third district.

19 Conveniently these three districts were only
20 collectively off by 438 people. Okay. Your absolute
21 target population, one was about 1,200 over, one was about
22 1,000 under, but you have the ability to shift around with
23 their exterior boundaries intact and get to your number
24 using things like 36 Highway or other main roads as a basis
25 of drawing those.

1 The more complicated area is probably the Clay
2 and Platte Counties mix. Clay and Platte Counties have had
3 a long history of working together. In fact, Platte County
4 exists because a bunch of guys from Clay County advocated
5 to the Platte purchase which added northwest Missouri,
6 Platte, to the State of Missouri in the first place. So
7 they have had a long-standing connection of working
8 together.

9 After you take a little sliver off from the 29th
10 from Platte that goes up to the 27th, 28th and 29th, you
11 have the ability to work within the county. From all the
12 different folks that I talked to Platte County currently
13 has the 30th and 32nd which is entirely within the
14 boundaries of Platte County.

15 These districts have gained between 5 and 6,000
16 people apiece, but everybody I talked to wanted to keep two
17 full districts in Platte County. We have a population of
18 approximately 90,000 which is more than enough for two
19 complete districts.

20 I propose that we take the 32nd and we take the
21 City of Parkville off the bottom and give it to the 30th,
22 and that gets you within 50 people of your target number.

23 Then you take the addition of Parkville in the
24 existing 30th, but you cut northeast Platte County off of
25 the existing 30th and give it to what I call the new 32nd,

1 and that gets you within the target range of your
2 population goal.

3 Then part of the idea of cutting off the top of
4 the 30th is because the 35th, directly over in Clay County
5 which runs along the northern edge of Clay County, they are
6 20-something thousand people over. So by using the
7 Smithville School District boundary as the eastern boundary
8 of the so-called new 37th or the western boundary of the
9 existing 35th, you can draw a district that takes that
10 piece of Smithville and the Smithville School District and
11 the part that stretches into the northeast Platte County
12 and create a new 37 to get you really close to your number.

13 CHAIRWOMAN HONORABLE HARDWICK: You have one
14 minute.

15 COMMISSIONER THOMAS: Okay. I think the biggest
16 goal I would like to encourage is that we not split
17 counties. One of things when we were drawing northwest
18 Missouri was I tried to propose that we don't carve up
19 counties unnecessarily. It doesn't work perfectly, but to
20 the extent we can do that, that's great.

21 You can draw boundaries using roads, rivers,
22 things that are obvious marks, that's very helpful to do.
23 And try to keep entire districts within counties whenever
24 you can, because the county governments who interact
25 extensively with the state legislature, all of your

1 authority as a county comes from the state statute. You're
2 not a freestanding county unless you're, you know, Jackson
3 County, St. Louis. So you have to interact substantially
4 with your state legislators. So I really appreciate your
5 time.

6 CHAIRWOMAN HONORABLE HARDWICK: Thank you. No
7 questions?

8 All right. Tony Dugger, Representative Dugger,
9 144th District State Rep.

10 REPRESENTATIVE DUGGER: Thank you. My name is
11 Tony Dugger. I do represent the 144th District, which is
12 all of Wright County, all of Douglas county and I have a
13 portion of Texas County also in my district.

14 We are a farming community. We are out in rural
15 Missouri. Mostly we're dairy cattle. Wright County is the
16 number one dairy county. Douglas County is like fourth or
17 fifth. That's just what we do. We are a farming
18 community.

19 The direction I would like to go with my
20 district, because I need to pick up about 3,000-plus
21 people, it just makes sense for me to go to the east and
22 pick up the area of Cabool, which will basically pick up
23 those people.

24 Also on the eastern side of mine, Douglas County,
25 those people already attend the Cabool School District, so

1 it's just basically bringing my district together.

2 The only other area that I moved is the little
3 red mark you see on the top there. The reason is because I
4 currently split a township -- it's a very small township in
5 Texas County -- and it just makes sense to put it back
6 together if we can.

7 HONORABLE RAHMEYER: What town is that?

8 REPRESENTATIVE DUGGER: It's a township that I'm
9 splitting.

10 CHAIRWOMAN HONORABLE HARDWICK: So the orange on
11 here is your current district and the red is what you think
12 you would add?

13 REPRESENTATIVE DUGGER: Yes. That's what I would
14 like to add, because I need to pick up about 3,000, maybe a
15 little more. So that is the direction that I would like to
16 go.

17 HONORABLE RAHMEYER: Do you have anybody in
18 Howell County or is that --

19 REPRESENTATIVE DUGGER: I just over --

20 VICE CHAIRMAN HONORABLE RICHTER: You're like me,
21 you can't stay in the lines.

22 REPRESENTATIVE DUGGER: I can't stay inside the
23 lines. That is what I'm proposing that my district would
24 be.

25 A couple of other things I want to throw out

1 because earlier you have seen the Wagner map, and if you
2 look at what they did to my district, they split Douglas
3 County off in my district, took me a little further into
4 Texas County and then took me up into the Waynesville area.
5 And as you heard the testimony previously, the Waynesville
6 area is geared toward Fort Leonard Wood and it just doesn't
7 fit. I mean, they're good people up there, but it just
8 doesn't fit.

9 HONORABLE RAHMEYER: So Nick will get stuck with
10 them.

11 REPRESENTATIVE DUGGER: They just don't fit into
12 the farming community. It just doesn't make sense for us
13 to go that direction. So I don't understand why they did
14 that, but anyway, that is not the direction that we need to
15 go.

16 Most of all today if I could convey anything to
17 you it is that we keep Wright and Douglas Counties
18 together. For years Wright and Douglas Counties have been
19 together. If you look at the line there between Wright and
20 Douglas County, six miles probably north of that Douglas
21 County line contains more than 50 percent of Wright
22 County's population, because it's right down the railroad
23 tracks. There are three cities right down that line. And
24 so Wright and Douglas County share four school districts
25 together. So they are two counties that fit together.

1 The reason that we are moving Texas County and
2 another reason to go east is because the City of Mountain
3 Grove branches into both counties. It sits right on the
4 Wright, Texas County line. So I think that's why we were
5 in the Texas County area.

6 So with that, that's all that I have, but the
7 biggest thing I can leave you with is that we keep Wright
8 and Douglas together.

9 VICE CHAIRMAN HONORABLE RICHTER: Were you held
10 together before 2000?

11 REPRESENTATIVE DUGGER: Oh, yeah. I can't
12 remember when we wasn't together.

13 CHAIRWOMAN HONORABLE HARDWICK: Thank you. All
14 right. We've been at it for about an hour and a half,
15 let's take a five-minute break. We have six more people
16 that have signed up.

17 (A BREAK WAS TAKEN.)

18 CHAIRWOMAN HONORABLE HARDWICK: Okay. We're
19 ready to reconvene. And first of all we'll take
20 Representative Tim Jones.

21 REPRESENTATIVE JONES: Thank you, your Honor.
22 Thank you, your Honors. Aaron Willard is passing out
23 copies of my remarks and also some remarks from
24 Representative Denny Hoskins who asked me to submit those.
25 He could not be here today. I think he sent them

1 electronically, but that's copies for you as well.

2 Thank you for taking me at this time. It is
3 indeed an honor to come before you today as a practicing
4 attorney myself, a member of the Missouri Bar and a fellow
5 public servant and to represent my colleagues in the House
6 majority caucus.

7 I am Representative Tim Jones from the 89th
8 District which is in western St. Louis County. I represent
9 predominately the cities of Eureka, Wildwood and portions
10 of unincorporated St. Louis County on the perimeters.

11 I'm currently serving as the majority floor
12 leader in the House and my caucus has honored me once again
13 with giving me the designation of speaker elect. So
14 apparently I wasn't smart enough to realize this was enough
15 work and I've asked for more, but I thank them for that
16 privilege.

17 The task I know before you is extremely
18 important, and I know how difficult it is. I was engaged
19 in this congressional redistricting in the House this year,
20 and I can tell you that we spent a large part of the
21 session focused on that. It was a monumental task and we
22 completed it literally probably in the eleventh and a half
23 hour. And it required a lot of folks to come together on a
24 lot of difficult issues in both chambers and on both sides
25 of the aisle.

1 So I know I speak for all members of the House
2 when I say we appreciate your willingness to complete this
3 task of reapportionment. We're very confident about your
4 ability to complete the process in a manner that's fair and
5 reflective of the clear Constitutional guidelines that many
6 have discussed and spelled out today.

7 I would again reiterate that in my opinion those
8 guidelines are clear to draw districts that are contiguous,
9 compact and as equal in population as possible. Similar
10 guidelines as we dealt with on congressional redistricting.

11 There's also, of course, the federal guidelines
12 for protecting voting strength of minority communities
13 throughout the state.

14 The majority caucus is not asking the Commission
15 to draw districts that sacrifice any of these objectives to
16 achieve any arbitrary objectives such as any sort of
17 political engineering, protecting or punishing any
18 incumbent, any current incumbent member of either party, or
19 any other outcome that makes districts not contiguous, less
20 compact and/or higher in terms of population deviation. I
21 know the commissioners took their job very seriously in
22 examining all these criteria.

23 The only ones that we'd ask you to consider
24 today, beyond those spelled out so well in the
25 Constitution, would be to preserve the majority-minority

1 districts to the greatest extent possible. We've heard a
2 lot of testimony about that.

3 I have been here for a while, and I was glad I
4 got to hear some of the different remarks. And also in not
5 splitting communities of interest whenever possible.

6 When colleagues in the House or when I'm talking
7 with colleagues in the Senate when we talk about
8 redistricting, which is, of course, a frequent topic this
9 year, we don't focus on how many Democrats or Republicans
10 that we represent within your districts or some arbitrary
11 statistical scoring, but instead the discussion often leads
12 to our individual cities, our counties, our school
13 districts, the neighborhoods. Those are the components,
14 especially in a House District, that are most important to
15 the makeup of that district.

16 A good state representative builds rapport with
17 their mayors, their city council folks, their aldermen,
18 their county officials, the various members of their school
19 boards and other civic leaders.

20 Many of those relationships, if not all of them,
21 are done in a fairly nonpartisan or bipartisan fashion.
22 All of my district, and I know many of my neighboring
23 districts in St. Louis County, the school board election,
24 the city councils are all nonpartisan in nature. So we
25 work with whoever is there as best we can.

1 And the House can represent those communities of
2 interest when they aren't split arbitrarily to meet some
3 sort of statistical outcome that doesn't have a correlation
4 to the fabric of all those interested that I mentioned.

5 We just heard mention about -- from
6 Representative Dugger about the importance of not dividing
7 the county, and I will echo -- I will echo that sentiment
8 and expand it to urge you to try and not divide communities
9 or neighborhoods as well that might vote one way to pair it
10 with another unnecessarily divided area to achieve some
11 sort of random political --

12 VICE CHAIRMAN HONORABLE RICHTER: Let me
13 interrupt you just a second.

14 REPRESENTATIVE JONES: Sure.

15 VICE CHAIRMAN HONORABLE RICHTER: There's six of
16 us scattered across the state. And were you here for
17 Senator Engler's testimony?

18 REPRESENTATIVE JONES: I was not. Probably came
19 in right after.

20 VICE CHAIRMAN HONORABLE RICHTER: Okay. He was
21 talking about how, you know, Perryville and St. Genevieve
22 mesh or don't mesh. We don't know that about 114 counties.
23 I mean, we try. And we've got a pretty good cross-section
24 from across the state, but -- and I understand what you're
25 saying, but if you've got a really good suggestion of how

1 we are going to know what communities of interest we're
2 dealing with when we're trying to draw this map, I'd sure
3 like to hear them.

4 Because we would like to do that, but, you know,
5 I don't know how Lancaster, Missouri and Kirksville
6 interact. And I don't know how I'm going to find out,
7 because we're going to try to get this done by the end of
8 the month.

9 REPRESENTATIVE JONES: It's an excellent point.

10 VICE CHAIRMAN HONORABLE RICHTER: Help me.

11 REPRESENTATIVE JONES: Right. Exactly. I think
12 the only thing you can do is take as much of the testimony
13 that you hear from all the folks who are willing to come up
14 and represent those communities of interest.

15 I would -- in a perfect world, you'd hear from
16 every single particular region across the state. That's
17 probably not going to happen. So I probably should have
18 given you my conclusion before I started.

19 I'm going to suggest to you that the GOP
20 commissioners' minimum change plan does achieve all of
21 these factors that I'm suggesting to you as a whole.

22 I heard a couple of my colleagues from the other
23 side of the aisle speak, Representative Ellinger, and there
24 were a few other gentlemen, and I would say that when they
25 were talking about some of those communities of interest,

1 you know, they may not be writing the majority opinion if
2 we were drawing the map, but I think they would be
3 concurring with me.

4 And so I think you just have to assemble
5 everything you've heard as best you can. It's not going to
6 be a perfect decision. And I'm not going to suggest that
7 you're going to be able to make a perfect decision on this.

8 The congressional redistricting we did was -- did
9 not make everyone happy. We had to look at it as a
10 totality. What is best for the totality of the state as
11 best we can. And we worked mainly within the
12 Constitutional guidelines. I just think communities of
13 interests are important as well, as much as you can factor
14 them in.

15 VICE CHAIRMAN HONORABLE RICHTER: I mean, we
16 don't know what to factor because there are so many of them
17 and they're so -- you know, they're scattered out across
18 the state. We don't have anybody from that extreme
19 northern tier, so we don't know how those things are going
20 to break, where we should break those.

21 REPRESENTATIVE JONES: Right.

22 VICE CHAIRMAN HONORABLE RICHTER: You know, we're
23 not going to try to potentially screw something up.

24 REPRESENTATIVE JONES: Sure.

25 VICE CHAIRMAN HONORABLE RICHTER: We'll do that

1 really well on our own without trying.

2 REPRESENTATIVE JONES: And some will argue that
3 we do that every day in the legislature. So what I would
4 say is that I'd give you a real simple answer to that and
5 just tell you to -- I believe that the GOP commissioners'
6 minimum change plan, all the work they did for all the
7 preceding months and all the testimony they did across the
8 state, I believe their map does achieve that.

9 Perfectly, not at all, but the most perfect
10 amongst the maps that have been considered, I would submit
11 that.

12 VICE CHAIRMAN HONORABLE RICHTER: You mean the
13 one from Senator Johnson?

14 CHAIRWOMAN HONORABLE HARDWICK: Let Missourians
15 Decide, the bipartisan map.

16 HONORABLE DOWD: Ray Johnson. The one called the
17 bipartisan map.

18 REPRESENTATIVE JONES: Okay. I'll take a look at
19 that one. I've looked at a lot of maps unfortunately.

20 HONORABLE RAHMEYER: And let me give you just a
21 different perspective, I was at an event where Senator Jack
22 Danforth spoke. And he was asking why is there so much
23 bickering that they can't get anything done in the
24 legislature? What's going on with that?

25 And he said, I think the problem is that the

1 districts are tailored to single issues or to single --
2 it's too easy to get elected on both sides. He said, if
3 you had to, as a rural representative, take in some of the
4 cities and deal with some of the city problems, then maybe
5 you would be a little more compromising.

6 That was his position, and I thought, you know,
7 we hear all the time, our community, our community, our
8 community. We all live in Missouri. And what happens in
9 St. Louis affects me in Springfield. And what happens in
10 northern Missouri when they are losing their farms, that
11 affects me in Springfield.

12 So I just wonder if this whole idea about similar
13 communities, similar communities might be a little overdone
14 and cause all this fraction that we've got going on.

15 REPRESENTATIVE JONES: Well, trust me, I have
16 given that speech multiple times to our caucus and to the
17 House as a whole because we are state representatives. And
18 I always urge -- and that's why I've traveled around the
19 state more times than I count in the last 18 months,
20 because I believe as a state representative, you have the
21 duty to the state as a whole.

22 Again, though, we have to create 163 districts in
23 some fashion. And the plan that I have been referring to
24 does offer the lowest deviation and the best compactness in
25 comparing it to the other plans, and it meets the

1 Constitutional guidelines. And you're never going to get
2 community of interest perfect, but I believe it goes the
3 furthest in trying to reach that goal.

4 CHAIRWOMAN HONORABLE HARDWICK: Time is up. So I
5 know you're responding to her question, and that's fine,
6 but you need to sum it up.

7 REPRESENTATIVE JONES: Sure. I will sum up. I
8 would say that back in 2001 when similar nonpartisan
9 commissions such as yourself drew the map that served us, I
10 believe, well over the last decade, my party had not had a
11 majority in the legislature since the '40s. Yet at that
12 time the folks from my side of the aisle that came forth
13 and asked for a very similar minimum change map as the one
14 that we have, we felt it followed the Constitution,
15 protected minorities, didn't split communities of interest.

16 It's the same exact points that we're advocating
17 for today. We haven't asked for sweeping changes in order
18 to manufacture any particular result at the ballot box at
19 that time in 2001 and we don't ask for that today.

20 I understand the task before you is vital. I do
21 very much appreciate your time. I understand the chore
22 that's before you and I would just submit that the map that
23 our GOP commissioners have submitted, the minimum change
24 plan, does meet your criteria the best.

25 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

1 REPRESENTATIVE JONES: Thank you very much.

2 CHAIRWOMAN HONORABLE HARDWICK: Representative
3 Brent Lasater from District 53.

4 MS. KIMBELL: Hello. My name is Robbin Kimbell.
5 I'm here on behalf of Representative Brent Lasater. He
6 serves the 53rd District of Independence, the northeastern
7 part of Jackson County are district communities that he
8 serves there.

9 He believes that keeping it simple is better. He
10 currently serves about 40,000 constituents. He's looking
11 to downsize that. The current map that is out there for
12 his district considers it to be too big.

13 HONORABLE DOWD: What current map? What do you
14 mean by that?

15 MS. KIMBELL: The one that's been distributed
16 that you-all are debating.

17 VICE CHAIRMAN HONORABLE RICHTER: We're not
18 debating it.

19 CHAIRWOMAN HONORABLE HARDWICK: No, we're not
20 debating anything.

21 HONORABLE RAHMEYER: You mean the current
22 district has too many people in it?

23 MS. KIMBELL: Yes.

24 HONORABLE RAHMEYER: Okay. Thank you.

25 MS. KIMBELL: Thank you. So what he is wanting

1 to do is to bring that to 30,000, okay, so that he can
2 better serve his constituents.

3 VICE CHAIRMAN HONORABLE RICHTER: 35, that's our
4 target number.

5 MS. KIMBELL: Okay.

6 MR. HESSER: 36.

7 MS. KIMBELL: Bottom line is he wants to be able
8 to serve his constituents better. That is the bottom line.
9 Currently it would be, what is proposed, too big, what
10 you-all are deciding. He want to keep that smaller.

11 So he was asking you if you would be willing to
12 leave what he has currently in his district which is
13 Buckner, Sibley and Levasy, and leave those where they are
14 and not add any more counties to that or any more cities to
15 that.

16 CHAIRWOMAN HONORABLE HARDWICK: So he wants to
17 keep the eastern half --

18 MS. KIMBELL: Yes, he does.

19 CHAIRWOMAN HONORABLE HARDWICK: -- of his
20 district?

21 MS. KIMBELL: Yes.

22 CHAIRWOMAN HONORABLE HARDWICK: And send the
23 western half into Independence, Kansas City area?

24 MS. KIMBELL: Yes.

25 CHAIRWOMAN HONORABLE HARDWICK: Okay.

1 MS. KIMBELL: And he believes that he was elected
2 to keep his constituents happy and that he's able to do
3 that in a smaller scale than it is to increase it any. So
4 that's what I'm here for, just to keep it simple. That's
5 all I have. Thank you.

6 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

7 Okay. Bev Thomas, Camden County. I don't
8 believe I have a witness sheet from you.

9 MS. THOMAS: Here it is.

10 CHAIRWOMAN HONORABLE HARDWICK: Okay. Thank you.

11 MS. THOMAS: And I apologize, Ladies and
12 Gentlemen, I don't have enough copies. I didn't know how
13 many we had.

14 CHAIRWOMAN HONORABLE HARDWICK: Okay. We'll pass
15 it around.

16 VICE CHAIRMAN HONORABLE RICHTER: We share well.
17 We play well with each other.

18 MS. THOMAS: Thank you.

19 CHAIRWOMAN HONORABLE HARDWICK: You're Camden
20 County?

21 MS. THOMAS: I am Camden County commissioner,
22 Lake of the Ozarks. I will make mine very brief. We are
23 just suggesting that we would like -- we want people to
24 understand the importance that the Lake area has specific
25 concerns that don't always affect everybody else in the

1 State of Missouri.

2 Right now, as you know, we are dealing with the
3 Attorney General on some clean water issues. We are
4 dealing also with some shoreline management issues. We are
5 dealing with FEMA on some floodplain management issues.

6 So we feel it is important in Camden County to
7 keep as much of the Lake district within that 155th so we
8 have one representative.

9 I appreciate your concern that there is
10 diversity, but it's very difficult sometimes to have the
11 conversations to make everybody understand all the problems
12 you have, and working with one representative is certainly
13 to our advantage.

14 Our county is in excess of the number you are
15 preferring. We were at 44,000 this year, so that we have
16 proposed taking a corner and putting it in 115th, because
17 the 115th does also contain part of Lake of the Ozarks.

18 The 116th is the other one that also contains
19 part of Lake of the Ozarks, but the portion of the 115th
20 that we are proposing that goes to the 115th from the 155th
21 is a portion that is less populated. It has more rural
22 area, more agricultural area, and so we propose that that
23 would be an area that doesn't have quite as many concerns
24 as the major Lake areas that include the City of Osage
25 Beach, Lake Ozark, City of Camdenton, Horseshoe Bend, those

1 areas.

2 HONORABLE DOWD: Are they the 115th now?

3 MS. THOMAS: The 115th, we made sure, and I put
4 it in my letter, we made sure that we were within the
5 deviation of everything we proposed, and we tried to do it
6 with voting districts to keep all the voting districts
7 intact.

8 Could I answer any questions? I just wanted to
9 make sure people understood what our reasoning is, that it
10 wasn't just a random -- we think that the Lake population
11 in general has concerns that not everybody else share.

12 HONORABLE RAHMEYER: When you cross county lines,
13 each one of the districts, one county -- you have three
14 counties?

15 MS. THOMAS: Right. But they maintain all but
16 one major county. Like, for instance, the 116th has all of
17 Miller County. The 117th has all of Benton County. I mean
18 the 115th has all of Benton County.

19 Camden County, like I said, we have more than can
20 be in our district, so what we tried to do, like I said,
21 was to keep Lake portions so they were all within basic
22 contained areas.

23 Is there anything else I can help with?

24 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

25 MS. THOMAS: Thank you very much for your time,

1 and thanks for maintaining your sense of humor while you're
2 still up there.

3 CHAIRWOMAN HONORABLE HARDWICK: Chase Waggoner.

4 And I don't have a witness sheet for you.

5 MR. WAGGONER: I've got one right here.

6 CHAIRWOMAN HONORABLE HARDWICK: Okay. Thank you.

7 Are you from a -- are you a representative or --

8 MR. WAGGONER: No. I'm just a private citizen.

9 CHAIRWOMAN HONORABLE HARDWICK: Okay. Chase
10 Waggoner Map.

11 MR. WAGGONER: My name is Chase Waggoner. I'm a
12 former city councilman with the City of Lebanon, Missouri.
13 In the interest of full disclosure, I am an employee of the
14 House of Representatives; however, I am coming here today
15 as a private citizen. In fact, I used some vacation time
16 from work to be here so there's not a conflict of interest.

17 CHAIRWOMAN HONORABLE HARDWICK: What particular
18 representative?

19 MR. WAGGONER: I work for Representative John
20 McCarty out of Jefferson County. And, again, my reasons
21 for being here are not indicative on his office and they're
22 not representative of any of his viewpoints. I will say
23 that little disclaimer statement there.

24 HONORABLE RAHMEYER: Do you just have an interest
25 in redistricting and access to mapping materials?

1 MR. WAGGONER: That's actually the case. I am --
2 as a staff member, I work with district lines. I was
3 previously assigned to a district in the Kansas City area
4 where the lines were very compact and very close. It was a
5 representative whose district was mentioned earlier, lives
6 approximately two blocks away from a different
7 representative in a different district.

8 I understand the hardships of having to deal with
9 lines that are close and squiggly and were occasionally
10 gerrymandered for one particular purpose or the other. And
11 frankly as a stubborn German American, I looked at the map
12 and said, I think I can do a better job at this.

13 HONORABLE RAHMEYER: Okay.

14 MR. WAGGONER: So what I'm here to do is to just
15 submit a map for consideration. Obviously the color copy I
16 was able to provide offers some limitations, and so I do
17 have an electronic file I would like to submit that all of
18 you can peruse and look at.

19 It does break down the districts relatively
20 evenly which I'll get into in the presentation. And I know
21 several of you have asked presenters for, you know, our
22 ideas of what would be our proposal for the best map, and
23 so I brought forth -- you know, I brought forth something
24 that I think offers compact districts of equal population.
25 I'm a visual learner, so I don't know how you guys are able

1 to keep up with some of the folks telling, you know, about
2 this line and that line. So hopefully seeing it on black
3 and white paper is a little bit easier.

4 When I did my proposed plan, and you can look
5 over my notes which are in the last page, my priorities
6 were obviously equal population. I put a high priority on
7 easily identifiable district boundaries, you know, roads,
8 railroads, rivers, county lines, to be able to let people
9 know where their district is. Because especially in the
10 urban areas, and even in some parts of rural areas far away
11 from communities of interest, the people don't know where
12 their district is. And when the district lines cross over
13 school board boundaries and things of that nature, it's
14 hard for people to know who represents them.

15 I tried to keep counties intact. I tried to
16 maintain compactness of districts. I tried to keep them as
17 square as possible. And when possible, trying to maintain
18 the districts similar to the current maps just because
19 there is no point in trying to combine incumbents when
20 that's not necessary and avoiding that when feasible.

21 And one of the things that a few of the other
22 representatives have brought forth today is that -- I
23 believe Representative Crawford had said that one of the
24 proposed maps gives her portions of six different counties.
25 That was one of the things that I tried to avoid.

1 I'm from the rural area myself. I'm from Laclede
2 County, Missouri. And I tried to present a map that had
3 districts that were -- that if they did not contain full
4 counties, contained usually a maximum of two partial
5 counties and preferably only one.

6 So, for example, you might represent, you know,
7 County A and portions of County B rather than small
8 fragments of multiple counties.

9 In the plan that I put forth with a 5 percent
10 standard deviation of 1,837 people one way or the other
11 plus or minus, I was able to get 158 of the districts
12 within 5 percent.

13 And I have listed out, there were five districts
14 that were within 6 percent, but I couldn't get within
15 5 percent. There was a small typographical error in there.
16 On District 59 I had said I had gone over 1,846 people, it
17 was actually under 1,846 people.

18 But basically it is just a proposed map. And
19 also since we had the confusion over multiple maps bearing
20 title 8-11 and bearing the title of the -- maintaining the
21 current one, I thought we could use a little more confusion
22 with Wagner Map and a Waggoner Map. But unfortunately I
23 didn't have any say over Ambassador Wagner's last name or
24 my own.

25 So basically --

1 HONORABLE RAHMEYER: Okay. Did you --

2 MR. WAGGONER: Oh, go ahead.

3 HONORABLE RAHMEYER: Did you check your map at
4 all for any voting rights? Did you check for that?

5 MR. WAGGONER: Voting rights as far as --

6 HONORABLE WELSH: Majority-minority in the parts
7 of St. Louis and Kansas City?

8 MR. WAGGONER: Numerically and statistically I
9 didn't. I can't say that I put a pen to paper as far as
10 what percentage of minority-majority districts were
11 contained.

12 I tried to, as best to my knowledge of those
13 communities, and I have worked as a staff member for a
14 Kansas City area district and a St. Louis area district,
15 but, again, I'm not from those areas.

16 Based on my knowledge of some of those particular
17 neighborhoods and areas, tried to maintain communities as
18 similar as possible, but I will say that numerically I
19 can't say that I was drawing in districts with certain
20 percentage of African-American representation or certain
21 percentage of Hispanic minority representation.

22 And also, you know, there is some (inaudible) in
23 some of the areas. I don't know where the enclave of
24 certain ethnic groups or certain religious groups are just
25 from, as you guys say, from not having perfect knowledge of

1 the entire state.

2 HONORABLE RAHMEYER: Did you check it out against
3 any of the data that's out there, apparently to the
4 Republicans and the Democrats, and say these are Democrat
5 leaning areas and these are Republican leaning areas?

6 MR. WAGGONER: Yes and no. I was afraid that by
7 trying to -- trying to put a -- divide it out with parts
8 and spin on it, that that was going to bias my result. I
9 mean, obviously we're all political people, and I was
10 afraid that by looking at that, that that would be, in
11 essence, influencing myself or whoever read the map to
12 build Republican districts, build Democrat districts or
13 build competitive districts.

14 So I tried to -- I tried to keep from
15 separating -- from combining incumbents, because I didn't
16 want either party to be able to look at this and say, well,
17 you know, you've lumped X number of Republicans or X number
18 of Democrats together.

19 But I was afraid that if by looking at the
20 partisan standpoint of the district that we were drawing
21 together, that that would unfairly bias it one way or the
22 other saying, this is too Republican or this is too
23 Democrat or this is not liberal or conservative enough.

24 I don't think that's what the purpose of this
25 whole redistricting process is. It's not to -- not to

1 maintain any sort of equilibrium minority or majority in
2 the political spectrum. It's to give people districts and
3 allow those people to choose what representatives they want
4 to choose regardless of partisan families.

5 CHAIRWOMAN HONORABLE HARDWICK: So how did you
6 draw this map? Did you take the current map and just make
7 population changes or just for population changes?

8 MR. WAGGONER: I used a piece of computer
9 software that is available and free online, and with that
10 frankly I just pulled out the big current map of the
11 districts and just laid it on the table and said, okay,
12 where can we draw the lines?

13 And I spent several hours, you know, mapping it
14 out and getting myself worked into a corner and saying,
15 oops, this is not going to work and kind of going back and
16 forth from there. And then once I got done trying to
17 pinpoint where the current incumbent officeholders live and
18 then going back and saying, I put two people in the same
19 area or two people in the same neighborhood and they're in
20 the same district and just kind of a back and forth thing.

21 But primarily it was just starting out with
22 some -- with some areas and drawing the lines and
23 putting -- like putting together a puzzle. You know, just
24 put together one piece at a time until you start seeing a
25 picture.

1 HONORABLE RAHMEYER: So is the yes part of your
2 answer when I asked you if you considered party
3 affiliation, are you saying the yes part of your answer is
4 that you did to the extent you favored incumbents?

5 MR. WAGGONER: I did to the extent that I -- I
6 hate to say favor incumbents, but, yes, to that extent,
7 yes, I did. Because of the fact that the districts and the
8 neighborhoods, especially those that will overwhelmingly
9 elect a member of one party or another, I tried not to --
10 tried not to just randomly split any group up one way or
11 the other.

12 I tried not to go into St. Louis and say, aha,
13 we'll combine three Democratic reps in one district or try
14 not to go into the, you know, rural southwestern Missouri
15 and say, you know, hey, let's chop these lines up to hurt
16 anyone else.

17 So if nothing else, the map may favor the
18 incumbent parties or the incumbent politicians because of
19 trying to not split up their incumbencies. However, you
20 can look on the map area by area, there are some areas
21 where it's just not feasible. You know, especially in the
22 center parts of St. Louis where the population growth
23 shifted so tremendously. You know, is it possible to take
24 an area that had population for, you know, 18
25 representatives and now it has a population for 14

1 representatives. Some folks are going to have to lose
2 their seats or we're going to have to be, you know,
3 fighting against each other in the primary or the general
4 against other incumbents. That's just how it works.

5 HONORABLE RAHMEYER: How many races did you find
6 that you had to have --

7 MR. WAGGONER: You know, I had that number
8 written down at one point, and, again, I tried to -- if
9 that was possible, I tried to put those districts in where
10 the incumbent officeholders term-limited out to at least
11 not keep -- not keep, you know, two freshmen or two
12 sophomore legislators together.

13 I am going to estimate that happened probably
14 maybe eight or nine times, and that's just a rough
15 estimate. And, again, a little bit of it is based on the
16 fact that I didn't have complete pressing knowledge of
17 where all the members lived. Some of it was an estimated
18 guess to where there might have been people who lived on
19 the edge of their districts, but if I didn't have access to
20 their home address or if it wasn't publically available
21 information, then it was a guess.

22 HONORABLE RAHMEYER: What's the pin represent?

23 MR. WAGGONER: Oh, the pin is an American flag
24 and U.S. Coast Guard pin. I am in the U.S. Coast Guard
25 Auxiliary, or have been, for ten years. In fact, was the

1 commanding officer in the Springfield unit for about two
2 years.

3 CHAIRWOMAN HONORABLE HARDWICK: All right.
4 Anything else? Thank you.

5 MR. WAGGONER: Thank you.

6 CHAIRWOMAN HONORABLE HARDWICK: Mr. Wierzbicki.
7 Is this different from what you --

8 MR. WIERZBICKI: Different map.

9 CHAIRWOMAN HONORABLE HARDWICK: Okay.

10 MR. WIERZBICKI: This is for the House. Please
11 turn to this page, the last page. There should be five.

12 Real quickly this a -- again, Judge, I'm here to
13 represent my folks from Clay County, okay?

14 This map has to do with, here's all your cities
15 that you were asking me about this morning on the
16 right-hand -- it will be on your right-hand side. And then
17 I want to explain the map to you a little bit.

18 This is -- the 36th is Ray County, and the reason
19 why Ray County is like that going over into Clay County is
20 because Excelsior Springs, part of the city limits of
21 Excelsior Springs lies in Ray County. So we encompassed
22 all the Excelsior Springs city limits into Ray County.

23 One quick story, Ray County has one Republican in
24 the courthouse. Everybody else is Democrat. But the guy
25 that has the office now is a Republican guy. And when he

1 came into office, nobody said he could win. He won. And
2 he won like by a 100 votes the first time and last time he
3 got 67 percent of the votes.

4 This is how good he was -- and this is what you
5 want to hear because it is a Democrat county, how good he
6 was, you'd go up -- there were two houses sitting on the
7 street, there was an Obama sign on one house next door and
8 a McCain sign on the other one and the two houses had
9 Representative Nance signs there, one was a Democrat and
10 one was a Republican. This guy is just good. He got 67
11 percent of the votes the last time he won in a Democrat
12 county.

13 So you might say you look at the deviation and
14 things like that, that is a Democratic county, but the
15 guy's a great representative.

16 VICE CHAIRMAN HONORABLE RICHTER: 33 I see this
17 full of green. That is not contiguous.

18 MR. WIERZBICKI: Well, you can see that just kind
19 of -- it goes right down there. It is. It is actually.

20 VICE CHAIRMAN HONORABLE RICHTER: Okay.

21 MR. WIERZBICKI: Let's go to 33.

22 VICE CHAIRMAN HONORABLE RICHTER: Go down an
23 alley and --

24 MR. WIERZBICKI: Okay. So 33, the story there,
25 the representative's name is Jerry Nolte. He's Republican.

1 This was, before he was elected, 48 percent Republican and
2 50 percent Democrat. And he won by about 167 votes,
3 somewhere in that neighborhood, approximately. This last
4 time, he's job his job, he got above -- well above 50
5 percent in winning this election. This is a Democrat
6 district, but this guy's done his job in that district.

7 VICE CHAIRMAN HONORABLE RICHTER: Does he live
8 there?

9 MR. WIERZBICKI: Yes.

10 VICE CHAIRMAN HONORABLE RICHTER: Does he live in
11 that little town there at the bottom?

12 MR. WIERZBICKI: No. I don't know where he
13 lives. He lives in Gladstone, I know that.

14 VICE CHAIRMAN HONORABLE RICHTER: We'll have
15 serious trouble with that.

16 CHAIRWOMAN HONORABLE HARDWICK: That area is not
17 (inaudible).

18 MR. WIERZBICKI: Well, I can get it verified for
19 you.

20 CHAIRWOMAN HONORABLE HARDWICK: What is that
21 little area? Is that near the downtown area?

22 MR. WIERZBICKI: Well, that's right before you go
23 into the downtown area.

24 CHAIRWOMAN HONORABLE HARDWICK: The airport?

25 MR. WIERZBICKI: Yeah, right down there.

1 HONORABLE WELSH: It's known as Harlem.

2 MR. WIERZBICKI: Yeah, the old Harlem area.

3 The 31st is a highly Democrat area. You can see
4 that.

5 The 34th is Liberty, Missouri. That's a
6 Republican area.

7 The 35th is where we had that large growth of
8 folks above 20,000. And it's a corn area that heads
9 into -- towards the north of Liberty, and that's a -- as
10 the new district that we would propose is a District No. 37
11 to offset some of that loss.

12 HONORABLE WELSH: Smithton?

13 MR. WIERZBICKI: Smithton area, and all over to
14 the border of Platte County. And if you look at it,
15 there's one, two, three districts that are Democrat -- or,
16 no, one, two, three, four depending upon the 38th can go
17 either way. It's about a 50-50 district between Democrats
18 and Republicans.

19 CHAIRWOMAN HONORABLE HARDWICK: Tell me about
20 that index, that Cook part and voter index.

21 MR. WIERZBICKI: Cook part and voter index is
22 right here. What they -- you can pick it up online.
23 Basically I'll read it for you. What it does is it goes
24 back through all the congressional elections and then it
25 comes back and you can see right here, up here, there's a

1 map drawn. That blue area is a Democrat area. This is the
2 Kansas City area heading up into Clay County and the red
3 area. That's how it kind of designates and goes across,
4 and it's got its own specific map for you. It will show
5 you where the Democrat and Republican areas are.

6 HONORABLE RAHMEYER: How is that significant
7 here?

8 MR. WIERZBICKI: It's significant here -- in the
9 last election it produces a -- it gives you a demographic
10 as far as Democrats and Republicans and a plus eight so
11 forth on down the line.

12 CHAIRWOMAN HONORABLE HARDWICK: D plus eight
13 indicates that's a heavily Democratic area?

14 MR. WIERZBICKI: Yep.

15 CHAIRWOMAN HONORABLE HARDWICK: Okay. D plus one
16 means it's just a little over 50 percent?

17 MR. WIERZBICKI: Yeah, a little over 50. But the
18 R one -- what's deceiving about it, because it's based on
19 the last election, is that that's that Ray County, which
20 only has one Republican in the whole courthouse.

21 CHAIRWOMAN HONORABLE HARDWICK: Well, this is
22 about voters, not about officeholders.

23 MR. WIERZBICKI: Well, the reason why I'm doing
24 that is to give you a trend. That's what you're after are
25 trends here. It's not this or that. That's a better

1 trend.

2 VICE CHAIRMAN HONORABLE RICHTER: To tell you the
3 truth, we don't care about the partisan voter index at all.

4 MR. WIERZBICKI: Yeah. Okay. That's fine. I'm
5 just putting that in there.

6 Now, how does that fit in? If you'll go back to
7 this page right here, we fit it in for the whole northwest
8 Missouri.

9 HONORABLE RAHMEYER: You fit what in?

10 MR. WIERZBICKI: Clay County and the rest of it.
11 Take the whole district and fit into contiguous as far
12 as the --

13 HONORABLE RAHMEYER: So what you're telling us is
14 that you made some new districts over here and you fit them
15 in over here in the northern half.

16 MR. WIERZBICKI: Only one district.

17 HONORABLE RAHMEYER: The 37th?

18 MR. WIERZBICKI: Yes.

19 HONORABLE RAHMEYER: And you drew them -- but
20 these districts are the old districts?

21 MR. WIERZBICKI: Yes.

22 HONORABLE RAHMEYER: No.

23 MR. WIERZBICKI: Well, these districts are pretty
24 much --

25 HONORABLE RAHMEYER: 33, 34, 31, they are the old

1 districts?

2 MR. WIERZBICKI: Yeah, but 31, 33, 34, 35, 36,
3 38. 37 is the new one, because we had to do that because
4 we were much over the population.

5 HONORABLE RAHMEYER: Well, all these are new.

6 MR. WIERZBICKI: No, not really. I mean, their
7 boundaries are new.

8 HONORABLE RAHMEYER: Well, that's a new district
9 then, if it has new boundaries.

10 MR. WIERZBICKI: (Inaudible) Ray County
11 (inaudible) approximately.

12 HONORABLE RAHMEYER: Okay.

13 MR. WIERZBICKI: And what happens is when you
14 look at it contiguously that down here in the 31, it's
15 heavily Democratic, but that's where the (inaudible) vote
16 is. There's 4,000 workers in the Kansas City area for the
17 Ford Motor Company. I think they are throughout this whole
18 area here in Ray County. It's a heavily industrial area.

19 HONORABLE RAHMEYER: And so that's why that
20 district --

21 MR. WIERZBICKI: No. It's (inaudible).

22 HONORABLE RAHMEYER: I don't get why you're
23 telling us this.

24 MR. WIERZBICKI: Because --

25 HONORABLE RAHMEYER: But why do we care --

1 CHAIRWOMAN HONORABLE HARDWICK: He's trying to
2 show balance.

3 MR. WIERZBICKI: Balance.

4 HONORABLE RAHMEYER: I see.

5 MR. WIERZBICKI: I mean, nobody talked about
6 balance. We're trying to show --

7 HONORABLE RAHMEYER: I see. I see. So this is a
8 new district. You didn't draw 31 so that it would be
9 Democratic?

10 MR. WIERZBICKI: No. These are Democratic now.

11 HONORABLE RAHMEYER: Oh, okay. And the boundary
12 is what it is right now and it is Democratic.

13 MR. WIERZBICKI: Real close to it.

14 HONORABLE RAHMEYER: Okay. And you kind of kept
15 it?

16 MR. WIERZBICKI: Yes.

17 HONORABLE RAHMEYER: I got it.

18 MR. WIERZBICKI: Most of these are just like --
19 34th is real close to the same boundary. 35th we had to
20 chop off and moved some a little bit up north. And we had
21 to expand that out. The 38th was, you know, pretty close
22 to the same, but we had to move some boundaries. 33rd is
23 real close.

24 And then the 37th is the new legislative district
25 that we've added because we had to because we have an

1 overabundance of people. But we had an uneven portion to
2 make exact numbers that you had divided by that amount.

3 And one final thing I want to say, as you go this
4 way, which ties into our Senate map, becomes -- this way
5 becomes extremely rural. It goes from suburban --

6 CHAIRWOMAN HONORABLE HARDWICK: When you say this
7 way, that's -- for the transcript you go east.

8 MR. WIERZBICKI: East and that ties back to the
9 Senate map. The east becomes rural, and like that when you
10 go north, you become rural. When you go south, you become
11 suburban heading into Kansas City, and that's basically
12 what you have.

13 It's -- it's a very diversified county. You've
14 got farming. We've got a strong industrial base like Ford
15 Motor Company, which supply, like I said, over 4,000
16 workers to this metropolitan -- to this county and the
17 metropolitan area. And then we have -- you know, the
18 airport is over in Platte County. So this is a very
19 diversified base, and that's why we have to keep it that
20 way.

21 Ladies and Gentlemen, I'm out of here.

22 HONORABLE RAHMEYER: Are you proposing this map
23 for this part of the state and this is the only thing
24 you're proposing, or you have then a whole map of the whole
25 state?

1 MR. WIERZBICKI: No. That's only the north half.
2 We're proposing this in the north half of Missouri, but
3 what we want to do, when you propose something new, you
4 want to show how it fits with everybody else.

5 HONORABLE RAHMEYER: Okay.

6 MR. WIERZBICKI: We just went through --

7 HONORABLE RAHMEYER: I'm just trying to get what
8 you're proposing. So the only thing you're going to
9 propose is this?

10 MR. WIERZBICKI: Yeah.

11 HONORABLE RAHMEYER: Okay. But then you're
12 showing how it fits?

13 MR. WIERZBICKI: Yeah. I mean, a lot of people
14 just come up here and say, it's this, this or this.

15 Well, this is our issue, this is how we make the
16 issue fit in the overall scheme of things.

17 HONORABLE RAHMEYER: And you're a representative
18 or -- I didn't get your role.

19 MR. WIERZBICKI: I'm chairman of the Republican
20 party from Clay County.

21 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

22 MR. WIERZBICKI: Ladies and Gentlemen, I'm out of
23 here. You guys have done a good job.

24 HONORABLE RAHMEYER: Not yet.

25 CHAIRWOMAN HONORABLE HARDWICK: Thank you.

1 VICE CHAIRMAN HONORABLE RICHTER: You have no
2 idea what we're going to do.

3 MR. WIERZBICKI: Let me say I've watched you all
4 day and I admire you, how cool you've kept it and how
5 structured you have kept this whole thing. You guys have
6 done an outstanding job.

7 CHAIRWOMAN HONORABLE HARDWICK: Thank you.
8 Steven Lynch.

9 MR. LYNCH: Well, good afternoon.

10 CHAIRWOMAN HONORABLE HARDWICK: Good afternoon.

11 MR. LYNCH: Good to see everybody.

12 CHAIRWOMAN HONORABLE HARDWICK: Are you a
13 representative?

14 MR. LYNCH: I am not. I'm a wannabe
15 representative.

16 CHAIRWOMAN HONORABLE HARDWICK: Oh, you want us
17 to draw a district for you?

18 MR. LYNCH: Yes. My name is Steve Lynch, and I
19 am from Waynesville just down the road about an hour and a
20 half a little bit southwest from us. I've lived there
21 almost all of my life. I owned a furniture and appliance
22 store for almost all of my life right up until January of
23 this year, which I sold it to my daughter who's now the
24 fourth generation owner, which we're really proud of. I've
25 been a community leader for decades and I am a Republican

1 candidate for state representative in the 148th.

2 HONORABLE RAHMEYER: Most of us can't vote in
3 Waynesville vicinity.

4 MR. LYNCH: When you do retail like I do, it's
5 just the way I talk all the time. I'm here to give you
6 some specifics about the 148th, which is basically Pulaski
7 County. I know the mayor of Waynesville spoke up here
8 earlier, but he didn't really give you very many specifics.

9 The problem is, we want to keep as much of
10 Pulaski County in the 148th as we can. The problem is we
11 have 52,000 people now in Pulaski County which makes us
12 more than 30 percent too many people.

13 What the issue is that I want to bring up before
14 your Honors is this, that we have gained that much because
15 they allowed us to count the people at Fort Leonard Wood
16 for the first time.

17 That is 10,000 people that have been added and
18 put into our district. Now that would great if they were
19 just regular people, regular Missourians that are going to
20 vote for people, and if I'd be privileged enough to win, to
21 represent them, but they counted everybody on whatever day
22 they had the census. They laid their head down on a pillow
23 that night. That means that they had basic trainees there,
24 and while they believe they're there for eternity, they're
25 only there for a few weeks.

1 We have the advanced trainees there. They're
2 only there for a few months. We have temporary people
3 there that are only there for a few months. The vast
4 majority of that 10,000 count are people that are a
5 revolving door. They would just continue to revolve every
6 few months. And that is the issue with the input into our
7 district then, the county geographically is going to shrink
8 drastically.

9 And most of the maps I've seen, Waynesville and
10 St. Robert is at the southern part of that. Dixon, Crocker
11 and Richland is across the top, the north cities. We lose
12 two to three of those including those Fort Leonard Wood
13 numbers. So it's going to be a drastic change for the
14 district.

15 The question I have for you is, that count has to
16 be counted towards -- and there's a reason we counted
17 those, of course. We looked for the numbers for economics.
18 We were looking up for demographics so we can get ourselves
19 an Olive Garden or a Red Lobster.

20 We didn't think -- that's not bad. We didn't
21 think about it affecting the House and the Senate districts
22 then to the point that it's going to shrink cities that
23 have almost always been in the 148th district that they are
24 going to go no telling where at this particular point. So
25 the question is, do we have to count those numbers?

1 VICE CHAIRMAN HONORABLE RICHTER: Yes.

2 HONORABLE RAHMEYER: Yeah. Yes.

3 HONORABLE DOWD: Yes.

4 CHAIRWOMAN HONORABLE HARDWICK: Yes.

5 MR. LYNCH: Okay. This is my second thing then.

6 If you have to count those numbers, we are very generous
7 people in the 148th District. We are willing to share half
8 those numbers with the 147th. So that may be a
9 possibility. Coming out of Fort Leonard Wood, actually
10 geographically most of Fort Leonard Wood is in the 147th
11 and they have no people.

12 CHAIRWOMAN HONORABLE HARDWICK: Mr. Lynch, I
13 don't think you need the microphone.

14 MR. LYNCH: I'm sorry.

15 HONORABLE RAHMEYER: Look at it this way, you're
16 actually then saying that you will have a representative
17 that only represents 20,000 people, so you're
18 overrepresented, and you are lucky.

19 MR. LYNCH: That is my point. That is what
20 people have told me, but in the spirit of equal
21 representation, that doesn't really play out the way that
22 it should. And so when I look at if we could share those
23 numbers, it would minimize somewhat where our -- how much
24 our county would shrink. And it would be, I think, fair to
25 do that.

1 The other thing I think you ask, your Honors --
2 HONORABLE RAHMEYER: You don't want to be with
3 Fort Leonard Wood or you do want to be with Fort Leonard
4 Wood?

5 MR. LYNCH: I would like to --

6 CHAIRWOMAN HONORABLE HARDWICK: He wants half of
7 it.

8 MR. LYNCH: I only want half.

9 HONORABLE RAHMEYER: Well, the other person that
10 was here wanted Fort Leonard Wood with them and you're --

11 MR. LYNCH: What we're looking at is a little bit
12 different than what they do because neither one -- whoever
13 wins that as the representative is never really going to
14 represent that area. Those people are always going to be
15 turning in and out. Even those people that live out there
16 have a home of record in some other state. They don't even
17 vote here.

18 What I'm looking at, and you bring up an
19 important point though, Fort Leonard Wood, when you look at
20 redistricting, it is a barrier. And I don't know if you
21 have ever been down to Fort Leonard Wood, but the people
22 that are on the north side, Waynesville, St. Robert and the
23 148th, they never go down on the other side of Fort Leonard
24 Wood, because it's at least a 45-minute drive to go around
25 it, or if you can get through it. And sometimes they close

1 it off completely due to security problems or gate
2 problems. So you can't always get there.

3 On the south side, the 147th, people gravitate
4 towards Houston, Missouri over towards Licking who has the
5 same kind of problem with numbers. They've got the
6 penitentiary over there where you know better than I do all
7 those folks aren't there by choice, and they're not going
8 to be there when they leave, but they're still counted into
9 being represented in that particular district. But all of
10 our people in commonality, the north people stay north.
11 It's only -- it's less than a half an hour from
12 Waynesville, St. Robert to any of those northern cities.

13 VICE CHAIRMAN HONORABLE RICHTER: So you're
14 wanting us to draw a line --

15 MR. LYNCH: I want to take the north --

16 VICE CHAIRMAN HONORABLE RICHTER: Here's the
17 north, go south with one district and go north with the
18 other?

19 MR. LYNCH: Exactly. Using Fort Leonard Wood,
20 because it's such a barrier. And the other thing is the
21 use of commonality is to use presently, as much as
22 possible, the east and the west borders of the district and
23 county, and start up northward and take in as much as we
24 can get with numbers.

25 Because the people that live in Waynesville,

1 St. Robert, Dixon, Crocker, Richland, Lakeway and Devil's
2 Elbow all have in common the military in Fort Leonard Wood.
3 A lot of them work out there, civil service. They drive in
4 from there. A lot of the people that live in those smaller
5 counties around us are retirees.

6 Just heard yesterday 60 percent of the people
7 that retire at Fort Leonard Wood stay in our area, which is
8 phenomenal. And then you add the reserves that are there.
9 We have the same school systems in the Waynesville,
10 St. Robert, Fort Leonard Wood area. There's a lot on that
11 north part to keep us together.

12 So I would -- to bring another district around
13 and on top of it is a completely different setting. So
14 that's the commonality, the barrier and what we can do with
15 those numbers, but move it from Fort Leonard Wood north as
16 much as possible to keep as many of those towns where they
17 really want to be.

18 HONORABLE RAHMEYER: Let me make sure I'm right.
19 I'm terrible with geography. Waynesville is south of Fort
20 Leonard Wood.

21 MR. LYNCH: It is north.

22 HONORABLE RAHMEYER: It is north of it?

23 MR. LYNCH: Yes.

24 HONORABLE RAHMEYER: And you want to go north?

25 MR. LYNCH: We want to start at Fort Wood.

1 Wherever you draw that line with Fort Wood -- and I don't
2 want to go --

3 HONORABLE RAHMEYER: Half of it.

4 MR. LYNCH: And I don't know that that really is
5 going to make a difference. We just want to start kind of
6 at the gate and go northward and get as many people to stay
7 in the 148th as has been used to being in there.

8 Because there's -- the commonality if you've ever
9 been there where you go up to any of those towns that are
10 20, 25 miles apart, have a military parade and you'll see.
11 It's not that people around the country aren't patriotic,
12 but we have a particular bond with the military because of
13 Fort Leonard Wood right there.

14 Any questions? Thank you.

15 CHAIRWOMAN HONORABLE HARDWICK: Thank you. All
16 right. Our last speaker is Scott Sifton.

17 REPRESENTATIVE SIFTON: Thank you. I don't know
18 how I managed to be the last witness between you and the
19 door twice in one day, but I apologize. In the words of
20 Jeff Charles Shaw, I will try to miss it quick.

21 If you want to know the story about the little
22 umbrella hook in Clay County, I can tell you. It's the
23 handiwork of your predecessors ten years ago. There were
24 two Democratic candidates Trent Skaggs and the late
25 Van Bishop who prepared this (inaudible) primary for

1 Representative Bill Skaggs, and they carved Bishop into the
2 northern district, which he then won until he passed away a
3 few years later.

4 You have my testimony regarding the importance of
5 keeping the Bayless School District together already.

6 That's in the record for you. We have had some new maps.

7 Since I gave that testimony, I will just say that both
8 Democratic and Republican maps do a pretty good job of
9 that.

10 The Let Missourians Decide map from a communities
11 of interest standpoint for the Bayless School District I
12 don't believe keeps the Bayless School District together
13 to the extent it would be in its best interest, but my
14 reasons for why that's important are already in the record.

15 CHAIRWOMAN HONORABLE HARDWICK: Are you a
16 representative or --

17 REPRESENTATIVE SIFTON: I'm representative for
18 Affton and Bayless and Lemay.

19 CHAIRWOMAN HONORABLE HARDWICK: District number.

20 REPRESENTATIVE SIFTON: 96.

21 CHAIRWOMAN HONORABLE HARDWICK: District 96.

22 REPRESENTATIVE SIFTON: But what I really want to
23 say in connection with the three maps that have been
24 presented today is the importance of competitiveness. I
25 think where you have multiple maps that satisfy the

1 Constitutional standards, you will have some discretion.
2 And I believe in your discretion -- and consistently with
3 legal precedence, it is cited in the Democratic brief.

4 It is appropriate to consider competitiveness for
5 all the reasons that the Let Missourians Decide group
6 talked about that being important, because it is all about
7 voters. And I will tell you from personal experience, in
8 those districts that tend to be from the mid 40s to the mid
9 50s or even mid 40s to 60s, either way, anything can happen
10 on any given Tuesday. And we know that, in part, because
11 it has.

12 On the current map -- on the current map you have
13 18 seats where voters vote Democratic more than 50 percent
14 of the time, yet they have chosen a Republican to represent
15 them in the Missouri House of Representatives. More than
16 ten -- one in -- more than one in ten legislators today is
17 a Republican representative in a majority Democratic
18 district.

19 And that occurs in competitive districts where
20 voters have meaningful options in November. And I think
21 that is healthy for our democracy, even if it's a lot more
22 work than it otherwise might be and more sleepless nights
23 for incumbents, that's fine. That's as it should be. That
24 breeds the accountability. And I think that's important.

25 The map that you have before you -- and I

1 haven't -- I will confess, have not looked over all of them
2 with a fine tooth comb in every district.

3 I will tell you at least for St. Louis County,
4 which I know well, the Republican map, the red gets redder
5 and the blue gets bluer.

6 On both the Democratic and the Let Missourians
7 Decide maps the blue gets a lighter blue and the red gets a
8 lighter red. And I believe those two maps provide
9 considerably more competitive districts, at least in
10 St. Louis County, and I suspect that's true throughout the
11 state, and I do believe it's appropriate for you to look at
12 that, and I would encourage you to do so.

13 The last thing I want to do is just thank you for
14 your time and attention today, something I forgot to do
15 this morning. But with that, thank you very much.

16 CHAIRWOMAN HONORABLE HARDWICK: Thank you. All
17 right. No one else? Heard from everyone.

18 All right. Thank you. We're adjourned.

19 (END OF PROCEEDINGS.)
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C E R T I F I C A T E

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I, Shelly L. Stewart, Certified Court Reporter, within and for the State of Missouri, 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 Stenotype the proceedings had and produced with computer-aided transcription and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

IN WITNESS WHEREOF, I have hereunto set my hand on this 31st day of October 2011.



SHELLY L. STEWART, CCR
CAPITAL CITY COURT REPORTING