

SENATE APPORTIONMENT COMMISSION MEETING

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

ORIGINAL

TUESDAY, AUGUST 16, 2011
11:00 A.M.

SENATE COMMISSIONERS PRESENT

Douglas Harpool, Chairman
John Maupin, Vice Chairman
Joe Passanise, Secretary (Via Telephone)
Kathy Swan
Bob Saunders
Jeff Mazur
Yancy Williams (Via Telephone)
Terry Riley (Via Telephone)
John Barbonus (Via Telephone)

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

2 CHAIRMAN HARPOOL: This meeting of the Senate
3 Apportionment Commission is in session. For purposes of
4 roll in presence are Republican Commissioners Maupin and
5 Swan. Democratic Commissioners Mazur, Harpool and
6 Saunders. On the telephone, would you guys state your name
7 that you're appearing by telephone?

8 COMMISSIONER RILEY: Terry Riley, appearing by
9 telephone.

10 COMMISSIONER BARBONUS: John Barbonus, appearing
11 by telephone.

12 COMMISSIONER YANCY: Yancy Williams on telephone.

13 SECRETARY PASSANISE: Joe Passanise by telephone.

14 CHAIRMAN HARPOOL: We know that Commissioner Ross
15 wanted to participate but he was going to be out of the
16 country and we think technical problems probably prevented
17 it. The vice chairman and I have agreed that we need to
18 proceed and we will do so.

19 At our last meeting we had no official record, so
20 we should probably say that all we did was meet and have
21 discussions and negotiations. We took no formal votes on
22 any issue.

23 Our deadline is the 18th. Since our last meeting
24 the republicans have filed what they have described as
25 their Republican Caucus Compromise Map. And you'll recall

1 that at the time of the prior hearing I had just filed the
2 Harpool 2, which is a Democratic Compromise Map.

3 It is my belief that we have failed to reach a
4 consensus and that the days between the eighth and today
5 have not brought us to a consensus, and therefore the
6 process of redistricting will move to the next step which
7 is submission to an appellate court panel, and our
8 commission will have fulfilled its responsibility to meet
9 and attempt to confer. I know we all regret we were not
10 able to reach a map.

11 We went ahead and had this meeting because some
12 members had comments they wanted to make or submit, and so
13 the -- I will open the floor for any member who wishes to
14 make a statement relative to the process or to any of the
15 maps that have been submitted. The next step, of course,
16 will be submitting information directly to the Courts.

17 Vice Chairman Maupin.

18 VICE CHAIRMAN MAUPIN: Yes, Mr. Chairman, thank
19 you very much. I wanted to explain the Republican Caucus
20 Compromise Map was basically the Maupin map that was
21 initially filed and overlaid the bipartisan compromise map
22 that had been reached by the St. Louis area senators. The
23 democrats and republicans all agreed to that map.

24 So that merely overlays their agreement and it
25 impacts -- I don't think it makes any changes at all to

1 St. Charles County, but impacts St. Louis County, St. Louis
2 City and Jefferson County. Now those districts are divided
3 up.

4 This was a map that was reached by both
5 democratic and republican senators, the incumbents, who met
6 in St. Louis. And like I say, it's the only bipartisan
7 effort that actually arrived at a map that democrats and
8 republicans agreed upon, and we overlaid that onto my map,
9 which affected the rest of the state.

10 I will say that my map, Maupin 1, really worked
11 from the Democrat/Republican Compromise Map in St. Louis
12 County and St. Louis City and Jefferson County, but we did
13 make some adjustments in order to keep the deviations --
14 the population deviations more narrow.

15 The overlay of the bipartisan senatorial map for
16 St. Louis County and St. Louis City does render that
17 Republican Caucus Compromise Map with a deviation slightly
18 over 10 percent, and I understand that's a problem.

19 But I wanted to make an effort to show that there
20 have been discussions between republicans and democrats
21 that have arrived at maps for how to arrive at the -- what
22 we believe were the important number of districts for
23 St. Louis City and St. Louis County.

24 The -- I want to redirect my remarks really more
25 to the Harpool 2 map and compare that to the Maupin 1 map.

1 If you look at the, you know, what our constitutional
2 criteria that were laid out to us by the attorney general,
3 the requirements are that our districts be as contiguous
4 and compact as possible.

5 I think contiguity is not an issue. All the
6 districts, all the counties meet one another, so that's not
7 a problem, but there are several criteria for measuring
8 compactness that the Office of Administration applied to
9 both the Harpool -- either Harpool map, 1 or 2 and Maupin
10 1. And the Maupin 1 map beats the Harpool maps on every
11 measure of compactness. I think that's important and I
12 think that's one of the constitutional criteria that we
13 need to consider.

14 The -- as I mentioned last time when we weren't
15 on the record, one of my -- I have a couple of major
16 complaints about the Harpool 2 map. And primarily it is
17 that it adds an additional senator -- it takes a senate
18 seat away from St. Louis County and St. Louis City where
19 still a lot of people work and live and where a great part
20 of the economic power of Missouri resides.

21 It takes a senator completely from that region
22 and gives a senator to north Missouri. North Missouri has
23 for the last ten years had two senate districts that go
24 from all the way across this northern part of Missouri.

25 The Harpool Map 2 -- and 1, by the way -- adds a

1 third senator in northern Missouri where those areas have
2 been losing population continuously over the last decade.
3 And we think it's improper to move a senate district out of
4 an area which has lost population as well, St. Louis City
5 and St. Louis County, but still remains a very strong
6 economic inch for the state and awarding that senate
7 district to an area where it's -- the community of interest
8 is primarily agricultural from one side of the state to the
9 other northern part of the state. And it's been well
10 represented by two senators, and the Maupin map remains the
11 same way with two senators up there.

12 As I explained last time, when I drew my map, I
13 started with the map which had been approved and drawn by
14 the Courts ten years ago, and I made incremental changes as
15 I moved around the state to adjust the sizes of those
16 districts as was required in order to meet the population
17 shifts.

18 For instance, the northwest Missouri district, I
19 added one county and that's the only change I made.
20 Most of the county districts -- most of districts I made
21 almost no change at all.

22 Down in southeast Missouri, the 25th and 27th
23 Districts, no change whatsoever. The district that
24 includes Buchanan County and Platte County has no change
25 whatsoever, and that's really the only way to draw that

1 map.

2 If the goal is to add an additional senate seat
3 to southwest Missouri to try to acknowledge population
4 growth in that part of the state, which we all have seen,
5 we know that's an actual fact, simply stated, with the
6 constitutional criteria we have in out-state areas where
7 you can't cross county lines, there is no way to draw an
8 additional senate seat in the southwest Missouri.

9 Harpool 1, Harpool 2 and Maupin map and the
10 Senate Republican Caucus Compromise Map all have the same
11 number of senators in what I believe and most people would
12 understand to be southwest Missouri. So I don't think we
13 accomplish a goal to recognize population gain in southwest
14 Missouri. We simply can't accomplish it under the
15 constitutional guidelines that we have to go by.

16 Again, referring to the Harpool 2 map, they have
17 moved the 24th District completely out of St. Louis County
18 and shifted that district to southwest Missouri.

19 The 24th District is a -- it's where I live. It
20 has been traditionally a democratic district for the last
21 decade. And in 2010 a republican senator won that
22 district, and that district was 60 percent democrat by all
23 standards, yet a freshman republican represents that
24 district.

25 It looks to me like moving the 24th District all

1 the way to southwest Missouri is one way to remove from
2 office a -- remove from his district a senator who had a
3 hard-fought campaign and as a decided underdog yet won that
4 seat.

5 The Harpool 2 map also moves the 18th District
6 from northeast Missouri to southeast Missouri, simply
7 switches the numbering of the 18th and the 27th Districts.
8 There is no reason to do that. The 18th District also is
9 represented by a current freshman republican senator who
10 had a hard-fought campaign, and there is no rational
11 explanation for switching district number -- I know it
12 doesn't switch the number -- from the 18th to the 27th.
13 Move the 18th to southeast Missouri, so southeast Missouri
14 will be represented by a senator who lives, I believe, in
15 Hannibal, and that makes no sense whatsoever.

16 If you wanted to move a senate district out of
17 St. Louis County, a number, why not move it to the 13th?
18 The 13th is a district where the current senator is
19 term-limited. You won't be short-changing anyone in the
20 election in 2010. You won't be short-changing the voters
21 who made the effort to go to the polls and elect a senator.
22 You will be, in effect, having no impact at all on voters
23 who spoke in 2010. And that's clearly what happens under
24 Harpool 1 and Harpool 2.

25 And, again, if you look at the Harpool 1 and 2

1 maps for the St. Louis County districts, you can't look at
2 that map and tell me that the 14th District has not been
3 gerrymandered. It runs basically the entire -- it runs
4 miles and miles through St. Louis County and narrows points
5 only three quarters of a mile wide, includes areas that
6 have no like communities of interest.

7 It cuts cities in half. It has no compactness.
8 Likewise, the 1st District, the way the Harpool maps draw
9 the 1st District, again, clearly gerrymandered, it goes
10 from Clayton to Oakville. It cuts through communities. It
11 cuts across city boundaries. I don't think it -- it's
12 certainly not compact. I don't believe it reflects any
13 community of interest.

14 As it was explained to us, there are a number of
15 criteria that we have to look at. No. 1, contiguity and
16 compactness, as I mentioned. Preserving communities of
17 interest. Preserving political subdivision lines.
18 Preserving cores of existing districts and protecting
19 incumbents. These are legal criteria which you've
20 identified by courts time after time after time.

21 I believe that the Maupin map and the Senate
22 Compromise Map -- I mean, the Republican Compromise Map
23 look at those four criteria and really toe the line on all
24 those criteria.

25 Now, we have created an additional

1 minority/majority district in St. Louis County, but, again,
2 you -- according to court precedent, race cannot
3 predominate over the traditional criteria that I've just
4 outlined, contiguity, compactness, communities of interest,
5 political subdivision lines, cores of existing districts
6 and protecting incumbents.

7 But nonetheless our -- the Maupin map addresses
8 all those issues which the Courts and the Constitution tell
9 us we must observe, yet we still create an additional
10 minority/majority district.

11 It is my firm belief that certainly given the
12 political history of the United States and the election of
13 Barack Obama, at the present, I'm beyond the idea that you
14 need to have some super huge minority/majority in these
15 districts in order for those districts to elect a minority
16 to the Missouri Senate. That simply has not been borne
17 out. And I believe those criteria are from the past, and
18 I'm glad we've left those issues behind. I think we have.

19 Nonetheless, we have preserved the existing
20 minority/majority district, both St. Louis and Kansas City,
21 and I think our map -- frankly either the one I submitted
22 under my name or the Republican Caucus Compromise Map, both
23 of those maps are far superior to anything that has been
24 presented by, with all due respect, by our chairman and his
25 party.

1 Those are my comments, and I wanted to make sure
2 those were on the record so that we can proceed to this
3 next step. We really don't know what the Courts are going
4 to do. We know what the Court did ten years ago. They had
5 hearings and they allowed testimony, but I don't believe
6 there is any strong standard that we need to follow.

7 I'm just concerned that unless we have a record
8 at this level that perhaps my concerns and my party's
9 concerns will not be addressed by the Court. That's -- and
10 simply I'm making these comments -- we've worked together
11 well on this. I've been really proud of the way all of us
12 have tried to cooperate, but there are certain
13 inevitabilities that we have to address and face up.

14 And I think with that point, I certainly
15 appreciate work with the Commissioner. I'm very
16 disappointed that we haven't had a map that can garner
17 seven votes, but it's clear we don't have a map that can do
18 that.

19 CHAIRMAN HARPOOL: Thank you for your comments,
20 and we respect your opinions and ideas and have considered
21 them. We disagree with them, but we do hope you feel like
22 your whole commission has had the opportunity to have what
23 input you want.

24 Is there any other republican commissioner that
25 would like to make a comment for the record?

1 I hear none.

2 Is there any democratic commissioner that would
3 like to make a comment?

4 COMMISSIONER RILEY: Yes. Hello.

5 CHAIRMAN HARPOOL: Yes.

6 COMMISSIONER RILEY: This is Terry Riley. Just a
7 quick clarification as it relates to the St. Louis senate,
8 and I just wanted to have this on the record. Initially
9 before there was Maupin Map 2 -- not Maupin Map 2 but
10 Harpool Map 2 --

11 CHAIRMAN HARPOOL: Yes.

12 COMMISSIONER RILEY: -- and the Commission really
13 had a chance to dig into -- the Commission had a chance to
14 really dig into redrawing the districts and there was, in
15 haste, I believe, a number of senators who got together and
16 said that they wanted to agree on a particular map.

17 It is my understanding that all of the senators
18 that signed on then did not -- they are not still in total
19 agreement. And so I just wanted to have that for the
20 record. Initially on the surface some of the senators
21 thought it sounded good, but now it is my understanding
22 that they are not in total agreement with the Maupin map,
23 and so -- for the St. Louis area. So I just wanted to have
24 that for the record.

25 Also, I wanted to talk about the minority

1 districts. I looked at your map and I don't have the
2 information in front of me, but I have a pretty good
3 memory. It drew a minority district at 44 percent.

4 If you look at the population growth and the
5 population trend in the north -- in the county -- in the
6 north county, it would be a district that would be 54 or
7 even 55 percent.

8 And so if we wanted to state statutes or even the
9 Constitution as it relates to drawing lines, if we take a
10 look at the Civil Rights Voting Act, it would -- it would
11 prohibit us from splitting up a majority/minority district.
12 And if we take the map that Mr. Maupin has put forth, it
13 would slice and dice and stack and pack, which is
14 unconstitutional as it relates to the Civil Rights Voting
15 Act.

16 CHAIRMAN HARPOOL: Any other comments by any
17 other democratic commissioner?

18 COMMISSIONER MAZUR: I just want to address
19 quickly Vice Chairman Maupin's comments, particularly with
20 respect to what's required of us constitutionally and the
21 things that we're supposed to consider.

22 I want to take away from your comments the notion
23 that the Constitution or the law requires us to take into
24 account the protection of incumbents as one of the criteria
25 that we use in drawing the maps. While it can be

1 considered, neither the Constitution nor the case law tells
2 us that we have to consider the protection of incumbents.

3 On the contrary, I think the bulk of the
4 testimony that we heard on this point throughout the public
5 hearings was that people thought that incumbents ought not
6 be protected in this process and that it was more important
7 to consider other considerations beyond the simple
8 protection of incumbents. So I appreciate your comments
9 and I just wanted to respond to that.

10 VICE CHAIRMAN MAUPIN: Thank you.

11 CHAIRMAN HARPOOL: Anyone else?

12 As chairman then, I would like to make a few
13 comments. I'll be brief. My first is to thank each of the
14 commissioners for their civility. When we started I told
15 you that was going to be a goal, and we have been civil, if
16 not successful.

17 In some ways we can say that we have been
18 successful and that's what all the process says is that
19 we'll see if the parties can work it out and if they can,
20 we don't need to go any further.

21 We didn't end the process, but, in turn, we did
22 complete our process and did so in a civil manner, and I
23 respect Vice Chairman Maupin. He's been good to work with
24 and fair, and I appreciate that very much. As with each of
25 the republican commissioners, I thank my fellow democratic

1 commissioners for their courtesies and for their input.

2 I also, before I make further comment, want to
3 thank the staff. The Office of Administration
4 Redistricting Office have provided incredible statistical
5 analysis on lengthy charts at -- really on short notice,
6 and they have been everything we could have hoped for. The
7 people of the State of Missouri should be proud to have
8 employees of this caliber and capability and who have taken
9 their job so seriously, and I thank each of the members of
10 the staff for that help.

11 VICE CHAIRMAN MAUPIN: Mr. Chairman, that's a
12 proposal that gets ten votes.

13 CHAIRMAN HARPOOL: I think we all agree on that
14 one.

15 And I think -- I hope that the Courts, when they
16 take up the next step, will take full advantage of the
17 tremendous resources you-all have in analyzing maps.

18 We have had prepared for the various maps a
19 document called Plan Characteristics, and we've done it for
20 Harpool Map 1, Harpool Map 2, Maupin Map 1, and for some
21 other maps submitted by other people, and then also for the
22 current districts. And that has allowed our commissioners
23 to look at how the changes would affect everything from
24 race to population to political leanings. Just been very
25 helpful and I hope the Court will consider these documents.

1 I know they will have access to them as they evaluate these
2 various maps.

3 When we started, I understood that our goal --
4 our whole existence was because every ten years the
5 population changes. Our number one goal was to look at the
6 changes in population and to make new districts that make
7 sense under the new population. And I didn't think our job
8 was to appease incumbents or to write districts that helped
9 incumbents.

10 And, in fact, the Constitution prohibits the ten
11 of us from running for office for our districts in the next
12 term to make sure that none of us were trying to write a
13 district for us, which was important for me and Vice
14 Chairman Maupin who have made that mistake in the past.

15 I have to say I was somewhat uncomfortable then
16 when the senators who are prohibited from being on this
17 commission decided to write a map for our commission and
18 expect us to adopt it. I thought that the Constitution
19 kind of prohibited that, but, as citizens, I respected
20 their right to have that input.

21 Like Commissioner Riley, I've kind of heard from
22 some of them since they submitted that map with some
23 buyer's remorse. But I will tell you it's not hard to get
24 politicians to agree to make their districts stronger
25 leaning toward their own party than they were before. And

1 that's really pretty much all the republic-- the senators'
2 map has been adopted on the republican compromise does
3 (sic).

4 It perpetuates the present, which is not, I
5 think, what we're supposed to do.

6 I think what we're supposed to do -- we're
7 getting feedback. What I think we're supposed to do is
8 simply look at the population numbers and then the issues
9 of compactness and contiguousness and protect the racial
10 majority/minority districts. And that's based on case law
11 more than it is the actual Constitution.

12 So I did have blown up the Republican Map,
13 Compromise Map, and I'm going to use your term, although I
14 don't have to agree that it's accurately named, Mr. Vice
15 Chairman, if that's all right.

16 In it I have on the wall here the darker areas
17 are the heaviest populated under the map submitted, and the
18 lighter colors are the lower population. And my concern is
19 that the -- let's start with the border counties of
20 St. Louis County, Lincoln, Warren and Franklin each had
21 substantial population increases, and they're the border of
22 St. Louis County.

23 And that's because their increases were Lincoln
24 County, 36 percent; Warren County, 33 percent increase.
25 And yet under this map proposed by the republican

1 compromise, they would start the next decade as some of the
2 biggest districts. They would already be some of the most
3 heavily populated districts even though over the last
4 decade they were some of the fastest growing districts.

5 And to me if we're going to respect one vote and
6 one man, we don't want to start the heaviest growing areas
7 as the heaviest populated areas.

8 The same can be true down in my area of the
9 woods, southwest Missouri, where it's a really rapidly
10 growing area. It's Christian County, 43 percent; Taney
11 County, 30 percent; Greene County, 14 percent, which start
12 with fairly heavy populations.

13 Now, the one interesting exception is the
14 Springfield, which is the 30th and that light colored area
15 around it. And I will tell you that the way that is
16 divided, it could have easily been divided with a
17 population of those two districts where it would be almost
18 identical.

19 But the extra numbers were packed in the
20 Springfield District -- and I have my opinion as to why
21 that was done, is that it tends to be a little closer
22 politically in the Springfield District than it is in the
23 outlying area, so they wanted to pack some extra republican
24 territory into the Springfield District in order to protect
25 that. And that's the type of decisions that have been made

1 throughout the so-called Republican Compromise Map.

2 I actually thought the public input was really
3 good, and the public input from the League of Women Voters
4 and others was, let's make competitive districts where both
5 parties have a chance of winning and where the candidates,
6 once elected, can't just cater to political party leaders
7 or interest but have to try to address the interest of both
8 parties continuing and have to look for the middle road on
9 political compromise. And I thought the public made great
10 sense that public officials would be more responsive if we
11 do that.

12 In a state in which politically if you use a
13 ten-year analysis of the races that the Office of
14 Administration analyzed, 51 percent of the votes went to
15 democrats. Now that includes, for example, Obama's
16 election where he got 49.4; Nixon's election where he got
17 58.4; Carnahan's election where she got 61.8; Koster's
18 election where he got 52.9, but also Roy Blunt's election
19 in the last one where he won a senate seat by, what, 58
20 percent or something like that.

21 And the public was disappointed that our state
22 senate is two-thirds in the hands of one political party in
23 a state in which politically it's a 50-50, maybe a
24 slightly -- a slightly democratic state by 1 percent over
25 ten years. Any given election will fluctuate a few

1 percentage either way.

2 How was it that these districts ended up electing
3 66 percent republican senators?

4 And I think the answer to that is partly that
5 democrats seem to be compacted together, and so that's
6 going to happen some. But it's also happened because there
7 were a couple of close elections that republicans won. And
8 one of them was actually referred to by the vice chairman,
9 the Lamping District, in which Senator Lamping won the 24th
10 District by 126 votes.

11 Now the 24th District, under the current map,
12 according to analysis of the Office of Administration, is
13 59.9 percent democrat. So he is to be congratulated by
14 winning that.

15 But the republican response is to propose a new
16 district for him that is only 52 percent, make a 7 percent
17 change in his district to his favor. And if you analyze
18 their map, that's really what's happened in several
19 locations where strategic changes have been made to help
20 their most vulnerable incumbents.

21 Rather than calling their map the Republican
22 Caucus Compromise, democratic commissioners call it the
23 Republican Super Majority Guarantee Map, because that's
24 really what it would do.

25 And they have strategically, for example, taken

1 population with small districts in St. Louis County and
2 written them in such a way to enhance the election of
3 republican senators in St. Louis County after the
4 population loss, and we simply don't think that's our
5 purpose.

6 We think our purpose is to write a map that more
7 fairly reflects the true population -- true political
8 leanings of the State that is representative of the true
9 leanings. And while we can't get where we would like to
10 get, which is 50-50, we don't think we should adopt a map
11 which guarantees democrats will never have more than 11
12 senators, and probably won't have that many.

13 Towards that end I have produced another exhibit
14 which puts the Republican Compromise so forth -- I call it
15 the Republican Super Majority Map -- next to my proposed
16 map, next to the current map, and it shows the trending
17 political percentage for democrats in each.

18 Under the map I proposed only 13 districts would
19 have majority democrat, 13 out of 34. So the democrats on
20 this commission offered a map that would have guaranteed
21 republicans likely a majority for the next ten years. But
22 that was not enough for our republican commissions who
23 proposed a map that only had 11 democratic seats, and the
24 last two only had margins of 51 percent and 50.7 percent,
25 which are, at best, very marginal districts.

1 The current map has 12 seats with at least 51.6.
2 So the current map has 12 seats more democratic than nine,
3 all but nine of the seats they've offered. So in essence
4 we are worse in three net seats than we are today.

5 Now, I was a democrat that won an overwhelming
6 republican area, and I respect that people who can win
7 votes from the other party ought to be elected. That's
8 okay.

9 But I don't think that we should gerrymander
10 based on partisan preference so that a senate district map
11 that exists today, which already has produced a super
12 majority, should be improved so that two additional seats
13 would be very difficult for democrats to win. And I don't
14 think that's consistent with the public input, and I don't
15 think that's consistent with the testimony we received, but
16 perhaps more importantly to not recognize the population
17 shifts that have occurred in order to obtain that result is
18 simply a map I can't -- I can't sign off on and can't
19 recommend my party to sign off on.

20 And, again, I think Chairman Maupin has been
21 fair. We simply disagree, and I respect his right to
22 disagree with me, but for these reasons we simply can't --
23 I can't recommend that map, and I know the members of my
24 caucus can't.

25 We do want to say, we think it's important to

1 have four majority/minority districts. We think our map
2 accomplishes that, and we will avoid a legal challenge on
3 that basis.

4 And then finally I would point out as Chairman
5 Maupin acknowledged, his -- the Republican Compromise Map
6 actually has a greater than 10 percent population deviation
7 from most populous district to smallest district, and I
8 don't think we should start the decade with that great of a
9 difference in the size of districts.

10 There's never been a court that has approved a
11 change over 10 percent. I'm not saying automatically that
12 deviation alone would cause a court to invalidate it, but
13 it might, and it's something that causes me further concern
14 about their map.

15 Any other comments or questions?

16 VICE CHAIRMAN MAUPIN: Not to belabor it, just to
17 respond to a couple points.

18 CHAIRMAN HARPOOL: All right.

19 VICE CHAIRMAN MAUPIN: I appreciate your thoughts
20 very much. As you pointed out, the 24th District on the
21 Maupin map still is 52 percent democratic. If a democrat
22 can't win in a district with 52 percent, that's not the
23 republican's fault for winning.

24 And I will point out that one of the primary
25 reasons why the 24th District ended up with 52 percent

1 democrats and not a larger percentage of democrats is that
2 we had to expand the size of the 14th District and also the
3 size of the 5th District in St. Louis City because those
4 districts have lost population.

5 The major population losses were in areas which
6 are represented by democratic senators yet we have been
7 able to expand the size of those districts, still maintain
8 significant democrat majorities in those areas and not
9 punish, if you will, the democrats by losing a seat just
10 because they had a lot of people move out of their
11 districts. We have maintained those same seats.

12 Our map also has four strong minority/majority
13 districts, one in Kansas City and three in St. Louis.

14 The map that I proposed initially, the 14 of the
15 districts -- 14 of the 26 varies between 45 to 55 percent,
16 which our testimony that we received said that defines a
17 competitive district. So 14 of the 26 -- of the 34, excuse
18 me, fall within that standard.

19 Now, the ones that are greater than 55 percent,
20 eight of those are democrats, districts -- greater than 55
21 percent. So if you want to look on a purely partisan
22 analysis, 22 maps -- 22 seats on my map are well within the
23 reach of the democrats to win given a proper candidate, the
24 proper issues, proper campaign and proper funding.

25 I would submit that the reason that you have

1 51 percent of the total population being guarded by --
2 folks being guarded by democrats over the last decade is,
3 again, as the chairman acknowledged, a great concentration
4 of democrat support in the urban areas.

5 But the senate is not apportioned on the basis of
6 where people vote according to parties. It's apportioned
7 on the basis of population, and that's what I have done.
8 And my -- and I will say, I started with the existing map
9 not because of any great love for any incumbents. I don't
10 know most of the incumbents. I know maybe two or three of
11 them. My goal was not to protect incumbents.

12 My goal was to give proper deference to the
13 voters who have elected people. And the idea that we could
14 sit here as a non-elected body and truly disenfranchise
15 people who made the effort to vote by the stroke of a pen,
16 I thought was wrong.

17 I was -- I was not driven to save incumbent
18 seats, but I was driven to save communities of interest and
19 voting interest which have shown up over the last decade to
20 vote and elect people.

21 You can draw the map any way you want and there's
22 no way in the world you would be able to draw a majority of
23 the senate districts with a majority of democrat voters
24 over the last decade. They just don't exist the way you
25 have to apportion the senate seats.

1 Nonetheless, I think the map I drew was very fair
2 and we have tried our best to draw -- our goal was to draw
3 competitive districts. The result was we did, because you
4 can't draw a map any other way. Most of the districts are
5 going to be competitive under the definition of between 45
6 and 55 percent.

7 And, again, our analysis, we didn't include the
8 2010 election results because we thought those were an
9 aberrational year. Republicans won. We won a couple of
10 senate seats, as you've mentioned, that were in strong
11 democrat areas that I think was really the reaction to the
12 economy over the last couple of years. And I think we won
13 seats that we ordinarily wouldn't win in an ordinary
14 situation, so we didn't consider the 2010 results when we
15 did our party analysis. That will result in a slightly
16 different analyses, but I think nonetheless our map is
17 competitive as well.

18 You know, any way that you draw a line on a map
19 can be interpreted as being highly partisan or favoring
20 someone or trying to cater to an incumbent. That certainly
21 wasn't my goal. And to the extent that happened, it was a
22 result of geography and certainly not an intent when I
23 started from square one to draw a map.

24 But, again, I respect everything that the
25 chairman has said. His facts are right on the money with

1 respect to the numbers and how the districts break down.
2 That's exactly what it is, but people live where they live.
3 People vote how they vote, and some things you just can't
4 change by drawing a line on a map.

5 CHAIRMAN HARPOOL: And I know you'll agree with
6 me that for all the people who called who knew exactly how
7 their senate district should be drawn, it's fun to ask
8 them, well, then draw the other 33 based on the way you
9 want yours drawn, or do you realize the Constitution
10 doesn't let us do that. It's amazing all the help you get.
11 It's a hard process and I agree.

12 VICE CHAIRMAN MAUPIN: Sure.

13 CHAIRMAN HARPOOL: I do want to say a couple of
14 things, and I had mentioned at a meeting earlier, I think
15 term limits are also important to remember, because we know
16 that our map is going to exist for ten years and there
17 are -- the people that are least likely to be senators in
18 the last five years of the decade are current senators.

19 That also gives me a struggle in considering
20 where they live and who elected them based on how we write
21 a map while you have an argument that for the first three
22 years it makes sense, I would argue that in the last five
23 years though it doesn't, and we have to make a ten-year
24 map.

25 You mentioned earlier your concern about

1 numbering, and I did not respond to that and I should. We
2 have expressed to you an interest or willingness to listen
3 to the different numbering on our map if that's something
4 that interests you.

5 I think our differences were too significant to
6 get to the point that numbering was the issue left. We
7 have reasons for our numbering. We think that when a
8 senator is elected, he doesn't represent a district number,
9 but he represents the people. And so numbering is maybe
10 overestimated sometimes.

11 But we certainly understand that is something we
12 could have gotten to later had we got a little closer. And
13 you have some legitimate concerns about numbering, and I
14 didn't want you to think that we were unmindful of those.
15 It's just we never quite got a map where it was worth us
16 now addressing the numbering, so I respect that concern.

17 VICE CHAIRMAN MAUPIN: Yeah, the numbering was
18 never the issue.

19 CHAIRMAN HARPOOL: That's right. And I do want
20 to point out that this seat that you barely won that you
21 think you normally wouldn't have won, that your map
22 conveniently improves the district by 7 percent.

23 So I mean, I do -- but, again, I was someone who
24 won a district predominate to the other party, and so I
25 respect people who are able to do that, but I don't know

1 that -- I guarantee no one would have ever written a
2 district to help you. That wouldn't have happened.

3 Even my own party wouldn't have written the
4 district to help me.

5 Joe?

6 SECRETARY PASSANISE: Yeah, Mr. Chairman, Hi.
7 Joe Passanise. I just wanted to say that I appreciate how
8 you have conducted the Commission and wanted to make two
9 observations, specifically because we're from the same
10 area.

11 In regards to the Republican Caucus Map, some of
12 it was taken along some of the suggestions you had made in
13 your map. It wasn't necessarily to -- I know you have some
14 ideas and thoughts as to why East Springfield was brought
15 into one senate seat and taken out of another.

16 I think it was more an idea, at least from our
17 caucus' perspective, that it was more of a community of
18 interest to bring it into that senate seat, kind of like
19 how you did bringing East Springfield out a little farther
20 as that has developed over the last ten years because of
21 the more of an align with the community of interest there
22 with those folks in East Springfield.

23 The second thing, and while obviously what we do
24 or what we have attempted to do has -- we've got some
25 politics, as obviously from your map to ours. I think it's

1 important to note that a lot of these senate races we have,
2 from our perspective as the republican party, we have put
3 up better candidates, more qualified.

4 And while a super majority -- I think that was
5 your term -- has evolved, I think certainly in a number of
6 those races as each election cycle has gone, they have been
7 extremely competitive and the republicans have grown in
8 senate size because of the message.

9 And I know that's outside of our commission, but
10 it's something that you tempered your comments on and I
11 just wanted to make sure that, you know, the record is
12 clear that, you know, it's been a situation in the one
13 senate seat that we've focused on and discussed.

14 There's been other senate seats that have, over
15 time, been won by republicans that the people have spoken.
16 And so what we tried to do in our second map was to address
17 some of those issues to make it more competitive looking at
18 them.

19 And I appreciate everything that you've said, and
20 you're right, there's a philosophical difference of opinion
21 on some of this, but I wanted to address, because we are
22 from the same area in southwest Missouri, and I think we're
23 like-minded in the area that as the 7th -- what I'm calling
24 the 7th Congressional District has grown in population,
25 certainly the shift has occurred down in our area as well.

1 So thank you very much, Chairman.

2 CHAIRMAN HARPOOL: Thank you. That was Joe
3 Passanise.

4 All right. Any other comments from anyone?

5 COMMISSIONER SWAN: Mr. Chairman?

6 CHAIRMAN HARPOOL: Yes.

7 COMMISSIONER SWAN: Just in your comment you had
8 mentioned about public testimony, and I think we all fully
9 agree that we appreciate those who took the time and the
10 effort to express their interest in how they think the map
11 should be drawn.

12 You also mentioned League of Women Voters and
13 then as a part of that Let Missourians Decide, and I had
14 made a note that one of the members in public testimony
15 indicated -- and he was with Let Missourians Decide -- his
16 goal would be or his desire would be that we would,
17 quote/unquote, result in districts that foster fair
18 political competition for good political candidates.

19 But, of course, our charge is with the U.S.
20 Constitution, one person, one vote and with the Missouri
21 Constitution it's merely equal as practical in population,
22 so while it might be a desire for political
23 competitiveness, that certainly was not our charge.

24 CHAIRMAN HARPOOL: I certainly will agree that is
25 not our top charge. Our top charge is to meet the

1 Constitutional requirements. It is my opinion that once
2 we've met the top charge, which I feel the republican map
3 fails to do, and that is one man, one vote, equal
4 population. But once you've met that, then I think it's
5 fair to look at the competition.

6 But you are correct, that's exactly what they
7 said. And I agree with you that that is not the primary
8 consideration that the Constitution gives us.

9 Anything else anybody wants to say?

10 It's been a privilege serving with each of you
11 and meeting with each of you. I hope I treated each of you
12 with dignity and with the opportunity to express yourself
13 as fully as possible. I think with that our services are
14 at a conclusion.

15 Let me ask the staff one thing: It's my idea
16 that Vice Chairman Maupin and I will write a letter to the
17 Secretary of State advising them of our deadlock. Am I
18 correct on that procedure?

19 MS. KRISTINA JENKINS: It's not required, but
20 it's preferred.

21 VICE CHAIRMAN MAUPIN: Do you already have it
22 written?

23 MS. KRISTINA JENKINS: I have a draft of one.

24 CHAIRMAN HARPOOL: Is there any member of the
25 Commission that cares to see that letter as long as Vice

1 Chairman Maupin and I can agree on what it will say, which
2 will be very brief? I know you find that hard to believe
3 knowing that we're both lawyers.

4 COMMISSIONER SAUNDERS: But you both have done
5 very well in conducting the meeting and working together.
6 I appreciate all of what the republicans have done from
7 their side of the table. It's been a very congenial
8 process in spite of our differences of opinion, so I thank
9 you.

10 VICE CHAIRMAN MAUPIN: Thanks, Bob.

11 CHAIRMAN HARPOOL: All right. With that is there
12 a motion to adjourn?

13 COMMISSIONER MAZUR: So move.

14 COMMISSIONER SAUNDERS: Second.

15 CHAIRMAN HARPOOL: It's been moved and seconded.
16 We adjourn. All in favor say aye.

17 (NUMEROUS AYES.)

18 CHAIRMAN HARPOOL: All opposed no?

19 (NO RESPONSES.)

20 CHAIRMAN HARPOOL: Nobody opposed. We're
21 adjourned. Thank you all.

22 (END OF PROCEEDINGS.)

23

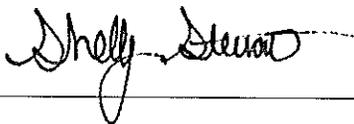
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C E R T I F I C A T E

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4 I, Shelly L. Stewart, Certified Court Reporter, within and
5 for the State of Missouri, do hereby certify that I was
6 personally present at the proceedings had in the
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9 Stenotype the proceedings had and produced with
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11 full, true and correct transcript of such Stenotype notes
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14 IN WITNESS WHEREOF, I have hereunto set my hand on this
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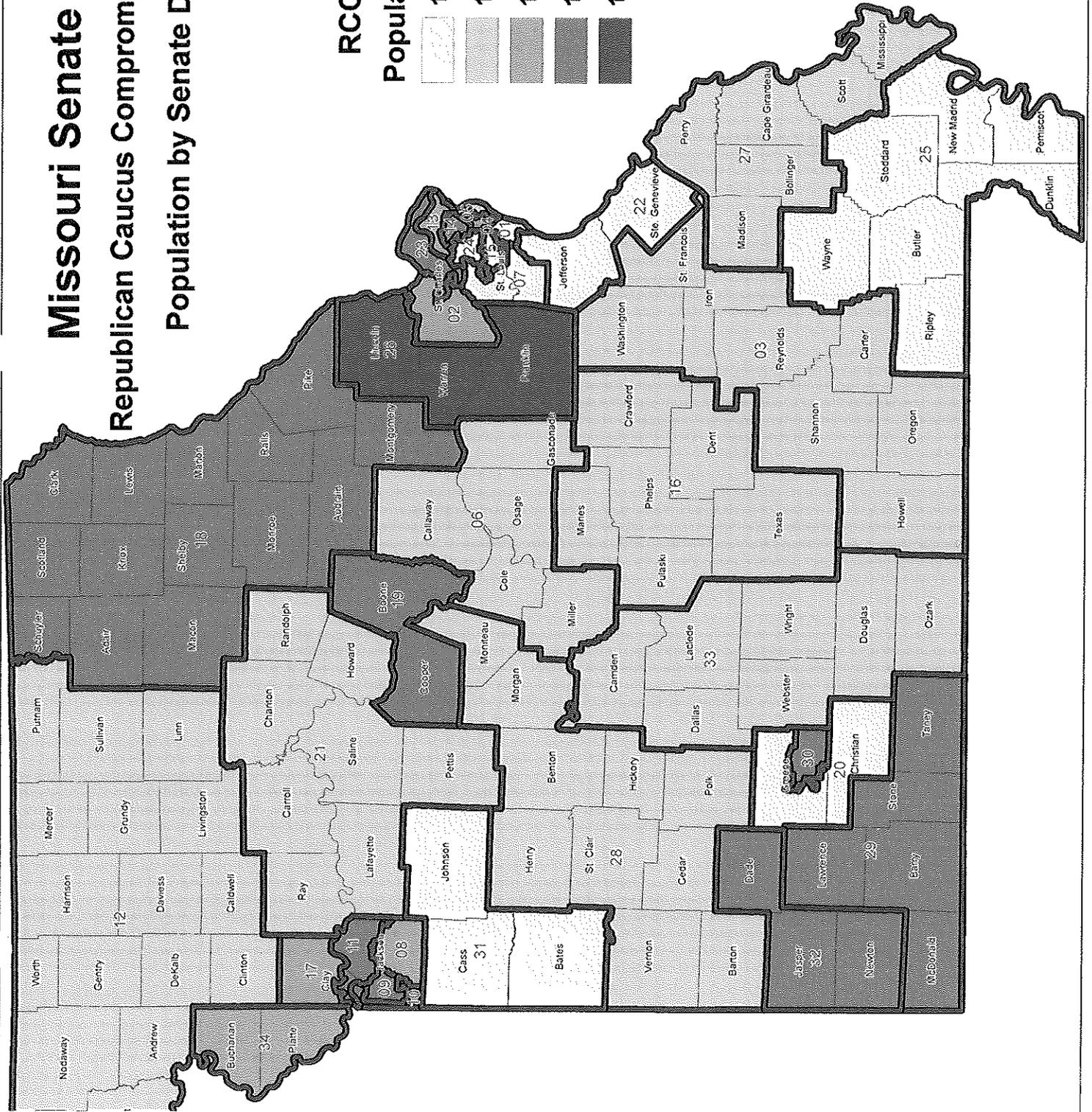
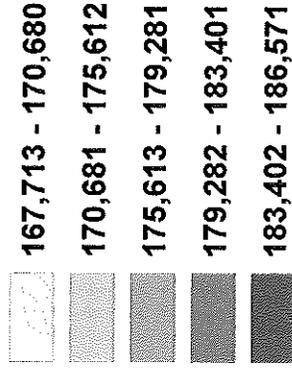
Missouri Senate Plan

Republican Caucus Compromise Map 8-9-11

Population by Senate District

RCCM 8-9-11

Population District



Missouri State Senate Apportionment Commission
Percent of Votes Cast for Democratic Candidates for All Races Held from 2002 through 2010 for Multiple Senate Plans

Each Plan Sorted by Highest to Lowest Percent Democratic Votes
August 15, 2011

District Number	Harpool 2 (8-8-11)
5	91.8%
9	89.5%
13	76.7%
14	75.0%
4	72.8%
10	63.6%
11	60.5%
22	60.4%
1	57.5%
3	56.0%
7	55.6%
29	54.6%
19	52.6%
34	49.5%
17	49.3%
25	49.0%
27	46.3%
23	46.0%
31	44.5%
30	44.3%
21	43.6%
15	42.0%
8	41.6%

District Number	Republican Caucus Comp. (8-9-11)
5	90.6%
14	85.6%
9	81.0%
4	77.6%
13	75.4%
10	74.6%
22	60.5%
11	56.2%
24	52.3%
1	51.1%
19	50.7%
34	49.5%
25	48.7%
21	47.9%
3	46.2%
31	46.1%
17	45.9%
15	45.2%
18	45.0%
26	44.0%
23	43.6%
30	43.1%
28	42.7%

District Number	Current Districts
9	90.3%
5	89.0%
14	85.4%
4	85.4%
13	80.7%
10	73.8%
11	60.8%
24	59.9%
22	57.9%
3	56.3%
21	54.8%
1	51.6%
34	49.5%
25	48.7%
15	48.7%
17	48.2%
31	45.7%
18	45.4%
19	45.1%
23	44.9%
30	43.6%
7	42.3%
28	42.2%

District Number	Harpool 1 (5-31-11)
5	92.8%
9	89.5%
14	78.6%
13	71.4%
4	71.1%
10	63.6%
11	60.5%
3	60.4%
1	57.5%
7	57.3%
22	56.2%
29	54.6%
19	52.6%
34	49.5%
17	49.3%
25	49.0%
27	46.3%
23	46.0%
31	44.5%
30	44.3%
21	43.6%
15	42.0%
8	41.6%

District Number	Maupin (6-30-11)
5	90.6%
14	84.7%
9	81.0%
4	78.7%
13	77.4%
10	74.6%
22	60.5%
11	56.2%
24	52.6%
1	50.9%
19	50.7%
34	49.5%
25	48.7%
21	47.9%
3	46.2%
31	46.1%
17	45.9%
15	45.2%
18	45.0%
26	44.0%
23	43.6%
30	43.1%
28	42.7%