SENATE APPORTIONMENT COMMISSION MEETING

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

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

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

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1 REPRESENTATIVES OF THE OFFICE OF ADMINISTRATION:
2
3 Matt Hesser, Redistricting Staff, State Demographer
4 Frank Hutto, Redistricting Staff, GIS Analyst

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

First, we need to approve the minutes of our February meeting. I think you’ve been provided copies both by e-mail and then hard copy this morning. Are there any corrections or additions to the minutes?

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

CHAIRMAN HARPOOL: Is there a second?

COMMISSIONER PATTERSON: Second.

CHAIRMAN HARPOOL: All in favor, say I.

COMMISSIONERS: I.

CHAIRMAN HARPOOL: Opposed, no? I’s have it. Unlike the last three meetings we have had, this is not a meeting to receive public comment, but a meeting to begin our actual work of drawing maps. So make sure all members have been on a hurried schedule, and I guess maybe the first thing that’s appropriate for all of us to do is, give kudos to our staff for the yeoman’s work they’ve done in the last three days.

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

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

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

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

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

Nick, do you have a --

COMMISSIONER MYERS: There was one more that came in from the Greene County Commission early --
about an hour ago that I forwarded to Matt, so . . .

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

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

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

Hearing no objection, we’ll do so then.

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

COMMISSIONER ELLINGER: That’s correct, yes.

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

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

We have loaded the Harpool 2 map, which was
filed last night, and it’s on the OA site. I believe the Ellinger map is loaded on the OA site.

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

MR. HESSER: Yes. It is labeled Bray, with yesterday’s date.

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

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

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

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

COMMISSIONER ELLINGER: How long would you
like to recess for?

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

So, what, a couple hours maybe?

COMMISSIONER ELLINGER: One o’clock?

CHAIRMAN HARPOOL: One o’clock?

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

CHAIRMAN HARPOOL: 1:30's fine.

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

Am I right?

MR. HESSER: Yes.

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

COMMISSIONER ELLINGER: Recess, not adjourn.

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

COMMISSIONER ELLINGER: Great.
MR. HESSER: Mr. Chairman?

CHAIRMAN HARPOOL: Yes.

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

CHAIRMAN HARPOOL: So that’s -- you mean that’s the Republican caucus room?

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

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

COMMISSIONER BRADSHAW: It makes me wonder what’s in that other room.

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

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

COMMISSIONER COLBERT-BOTCHWAY: Second.
CHAIRMAN HARPOOL: All in favor, say I.

COMMISSIONERS: I.

CHAIRMAN HARPOOL: Thank you, folks.

Thank you.

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

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

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

Each party has had the opportunity to caucus among themselves.

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

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

COMMISSIONER ELLINGER: We’ve -- we, likewise, have reviewed both the maps that you have posted, Harpool 1 and Harpool 2, looked at the record that’s before us, including the testimony in the
letters that have been submitted, looked at our map, discussed it extensively, and have worked at revising our map in an attempt to -- to address some of the concerns that both you and -- your caucus has raised and has come up in the testimony.

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

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

CHAIRMAN HARPOOL: I’m good with that.

Does -- is there a motion that we recess into caucuses once again until 3:30?

COMMISSIONER MYERS: So moved.

CHAIRMAN HARPOOL: Second?

COMMISSIONER COLBERT-BOTCHWAY: Second.

CHAIRMAN HARPOOL: All in favor, say I.

COMMISSIONERS: I.

CHAIRMAN HARPOOL: Opposed, no?

Let me say, I appreciate that we’re making constructive progress, hopefully, and we’re going to keep trying.

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

CHAIRMAN HARPOOL: Yes, sir?

COMMISSIONER SKAGGS: Just a quick question.

I’m assuming if we come to terms quicker than that, you guys can -- we could come back before 3:30? If --

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

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

COMMISSIONER SKAGGS: Yeah. I -- yeah.

COMMISSIONER ELLINGER: It’s two o’clock already. Or it’s --

CHAIRMAN HARPOOL: It’s already two.

COMMISSIONER SKAGGS: Okay.

COMMISSIONER ELLINGER: So we’ll -- we’ll provide a report at three?

CHAIRMAN HARPOOL: Certainly.

COMMISSIONER ELLINGER: That works fine.

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

(Proceedings resumed on the record at 4:15)
p.m.)

CHAIRMAN HARPOOL: All right. Everybody in here?

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

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

What say the Republican Commissioners, Mr. Ellinger?

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

CHAIRMAN HARPOOL: Well, it’s -- and with every negotiation and -- and compromise, the hard --
last issues are sometimes the most difficult to finish.

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

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

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

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

COMMISSIONER ELLIOTT: Second.

CHAIRMAN HARPOOL: All right. Then we are
recessed with caucus -- potential caucuses between now
and 6:30, with each caucus to set its own deliberation
time and its own dinner break as they wish.

Thank you all.

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

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

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

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

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

Let’s vote before we say anything further.

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

REPUBLICAN COMMISSIONERS: Yes.

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

DEMOCRATIC COMMISSIONERS: Yes.

CHAIRMAN HARPOOL: Is everyone ready to vote?

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

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

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

CHAIRMAN HARPOOL: All right. That’s fine.

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

Commissioner Trent Skaggs?

COMMISSIONER SKAGGS: Yes.

COMMISSIONER MYERS: Lowell Pearson?

COMMISSIONER PEARSON: Yes.

COMMISSIONER MYERS: Todd Patterson?

COMMISSIONER PATTERSON: No.

COMMISSIONER MYERS: W. Mitchell Elliott?

COMMISSIONER ELLIOTT: Yes.

COMMISSIONER MYERS: Nicole Colbert-Botchway?

COMMISSIONER COLBERT-BOTCHWAY: Yes.

COMMISSIONER MYERS: Jean Paul Bradshaw?

COMMISSIONER BRADSHAW: Yes.

COMMISSIONER MYERS: Secretary Nick Myers votes yes.
Marc Ellinger?

COMMISSIONER ELLINGER: Yes.

COMMISSIONER MYERS: Steve Ehlmann?

COMMISSIONER EHLMANN: No.

COMMISSIONER MYERS: Chairman Doug Harpool?

CHAIRMAN HARPOOL: Yes.

COMMISSIONER MYERS: The vote is eight yes,

two no.

CHAIRMAN HARPOOL: By a vote of eight-two,

this Commission has adopted a tentative map. This map

will now be submitted to the Secretary of State’s

Office.

Public comment may be received here at the

Office of Administration in writing, the -- for a

period of 15 days from the date that the staff of the

redistricting office are able to put this map in final

form with proper data files and census block references

and all the things they have to do. They will file it

with the Secretary of State. That will start

the 15-day period.

At the end of that 15-day period, this

Commission will reconvene for a meeting for the sole

purpose of voting on a final map. At that time, a vote

of seven members will be sufficient to make it a final

map.
Mr. Myers, did you have comments?

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

CHAIRMAN HARPOOL: It will be called the --

the Tentative Map.

COMMISSIONER MYERS: Okay.

CHAIRMAN HARPOOL: Harpool 64 after today.

No. It will be the Tentative Map.

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

CHAIRMAN HARPOOL: Tentative Plan. Thank you.

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

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

And I told you I would take it a personal failure if we didn’t get this done. You should each treat this as, I think, a personal success. I think we
are the first citizen’s commission in 20 years to be equally divided among the parties and yet reach a consensus on -- on a map.

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

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

Any comments on the part of the Republicans?

Anybody else want to make a comment?

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

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

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

CHAIRMAN HARPOOL: Lot’s of -- lot’s of compromises in lots of places, and there’ll be people in both parties disappointed. But there’s no way to
get a map and please everybody.
    So thank you all.
Motion to adjourn?
COMMISSIONER SKAGGS: So moved.
COMMISSIONER BRADSHAW: Second.
CHAIRMAN HARPOOL: All in favor, say I.
COMMISSIONERS: I.
CHAIRMAN HARPOOL: Thank you all.
(WHEREUPON, the meeting adjourned.)
CERTIFICATE

STATE OF MISSOURI )
 ) ss
COUNTY OF HOWARD )

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

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

______________________________
Tammy F. Ballew
CAPITAL CITY COURT REPORTING