HOUSE APPORTIONMENT COMMISSION
MEETING

HELD AT: The Jefferson State Office Building
Redistricting Office
205 Jefferson Street, Room 1310
Jefferson City, Missouri

FRIDAY, AUGUST 12, 2011
10:00 A.M.

REPORTED BY:
Allison A. Brown
Certified Court Reporter
Capital City Court Reporting
210 East High Street, Suite 110
Jefferson City, Missouri 65101
573-761-4350
HOUSE COMMISSIONERS

Joe Maxwell, Chairman
Ann Wagner, Vice Chairwoman
Nick Myers, Secretary
Marlene Davis
Trent Skaggs
Todd Patterson
W. Mitchell Elliott
Nate Kennedy
David Courtway
Thomas Wilson
Violet Corbett
James Thomas, III
Jo Ann Karll
Cheryl Hibbeler
Paula Willmarth
Cindy O’Laughlin
Chuck Paisley
Eddy Justice

Representatives from Office of Administration
Matt Hesser and Kristina Jenkins

CAPITAL CITY COURT REPORTING
COLUMBIA 573-445-4142 JEFF CITY 573-761-4350 The LAKE 573-365-5226
CHAIRMAN MAXWELL: We're getting ready to start, here, and Nick -- Mr. Secretary, would it be all right if I have them go around and state their names? There's some press here, and I thought that might be helpful for the press and the public. I know we all now know each other, but we could use that, maybe, as a roll call. Would that be agreeable to you, sir?

COMMISSIONER MYERS: That is.

CHAIRMAN MAXWELL: Okay. So Mitch, we'll start here, and the Democrats will get to go first for the first -- no.

VICE CHAIRWOMAN WAGNER: And probably the last.

CHAIRMAN MAXWELL: We'll go down this way and then -- and state the Congressional District that you're from also so that everybody in the room will also have that as a reference.

COMMISSIONER ELLIOTT: I'm Mitch Elliott. I'm from Jackson County and I'm today also representing parts of Cass County. Congressman Cleaver is my congressman.

COMMISSIONER PATTERSON: Todd Patterson, Democrat from the 7th District.
CHAIRMAN MAXWELL: Joe Maxwell, Democrat from the 9th Congressional.

COMMISSIONER WILLMARTH: Paula Willmarth, Democrat from the 4th.

COMMISSIONER KENNEDY: Nate Kennedy, Democrat from the 8th Congressional.

COMMISSIONER HIBBEKER: Cheryl Hibbeler, Democrat from the 2nd Congressional District.

COMMISSIONER DAVIS: Marlene Davis, Democrat from the 1st Congressional District.

COMMISSIONER SKAGGS: Trent Skaggs, Democrat from the 6th Congressional District.

COMMISSIONER WILSDON: Tom Wilsdon, Republican from the 1st Congressional District and Maryland Heights Township.

COMMISSIONER COURTWAY: David Courtway, Republican 3rd Congressional District.

COMMISSIONER MYERS: I'm Nick Myers, Republican, 7th Congressional District.

COMMISSIONER CORBETT: Violet Corbett, Republican, 4th Congressional District.

VICE CHAIRWOMAN WAGNER: Ann Wagner, Republican from the 2nd Congressional District.

COMMISSIONER JUSTICE: Eddy Justice, Republican from the 8th Congressional District.
COMMISSIONER O’LAUGHLIN: Cindy O’Laughlin. I’m a Republican for the 9th.

COMMISSIONER THOMAS: James Thomas, the 6th.

CHAIRMAN MAXWELL: Very good. Then Mr. Secretary, is a quorum present?

COMMISSIONER MYERS: A quorum is present, and apparently, Jo Ann Karll and Chuck Caisley are absent.

CHAIRMAN MAXWELL: Okay. Jo Ann is in the building, and as they come in, I’ll have them state their name, their Congressional District, and we’ll go on record.

UNIDENTIFIED FEMALE: And Chuck stuck in the elevator, so --

CHAIRMAN MAXWELL: Okay. We are not planning on calling any votes until all people would be present, in the event that we would, so we don’t have to worry about -- Jo Ann left, so we keep the seat.

No, that’s fine.

The -- this is the agenda. We are going to discuss the minutes, and we’ll vote the minutes. Then, I have a statement to make about how the Vice Chair and I have thought about proceeding, and then --
COMMISSIONER MYERS: Mr. Chairman, could we distribute copies of --

CHAIRMAN MAXWELL: Oh, I'm sorry. For the record, Chuck, could you state your name and Congressional District?

COMMISSIONER CAISLEY: Yep, Chuck Caisley, 5.

CHAIRMAN MAXWELL: And then I'll have -- then the Vice Chair had requested that a court reporter be present, which I agreed to.

Jo Ann, would you mind stating your name and your Congressional District for the record?

COMMISSIONER KARLL: Jo Ann Karll from the 3rd Congressional District.

CHAIRMAN MAXWELL: And so those -- that statement will be made. The court reporter is here so that every -- last time, you know, we did not have a court reporter, so everybody should be aware that that person will be here. So, without objection, we will use the same procedure as we have in the past when a court reporter was present. The minutes would reflect the agenda items, but the transcript itself would stand for the record and be attached to the record. That was the process we had agreed to in the past. Is there any objection to that process so we could give guidance to
the secretary?

Seeing no objection, then,

Mr. Secretary, as far as the court reporter is present,
then that would stand for your minutes and save you
some time.

COMMISSIONER MYERS: Okay.

CHAIRMAN MAXWELL: The court reporter
will not be present all day. We're going to go into
work sessions, and it's not conducive -- or we hope to.
I mean, it's up to the body here. But, the thought is,
is that statements be made that will be on the record.
Then we will break out.

For those who have been working
together, we have afforded the opportunity here. Matt
has done a good job of getting that opportunity. Maps
have been printed in hard copy where people had
interest in specific regions. They've attempted to
have those, so perhaps we're in a little better
position today than we were the last time we had a work
session because of the hard work of the staff. So we
want to thank them for it.

I thought we would -- the break out --
the first break out would be about a 30-minute process,
just to kind of -- then have a report back. I had some
people say I took too -- we -- I allowed it to go --
you know, kind of check back in more frequently than we did last time, just to see if it's -- because if it's not going anywhere, I think the thought is we need to draw that conclusion, and I'm happy with that. So I thought about maybe 30 minutes on the first one and then we can come back, and then over lunch or, you know, not -- you know, maybe give a longer period if it looked like there was really going to be able to have some work done.

So that's -- the agenda does suggest that there could be a possible executive session. The word "possible" there. I don't -- didn't want anybody to -- the Vice Chair and I visited. We didn't want anybody to feel compelled that we had to have a vote today. It is likely that we might have a vote, but -- so we wanted to provide for it, but we didn't want to have it on there that we were forcing that by stating that there would be. So -- but, no, it is on the agenda, for whatever reason, you know, we could have that happen today.

Now, the first order of business, then, will be the adoption of the minutes. They were prepared by our secretary, which I appreciate. I think the Vice Chair and I both had a chance to review them in advance, and they -- have they been -- are they now
COMMISSIONER MYERS: Does anybody not have the minutes? We’ll pass those around. I want to thank Gina Moeller (phonetic spelling) for helping with that effort, from the Office of Administration.

CHAIRMAN MAXWELL: The minutes have been presented by the Secretary. Are there any additions, corrections?

COMMISSIONER WILSDON: Mr. Chairman, I’ll move that the minutes be approved as I think they did a very good job.

CHAIRMAN MAXWELL: Motion to approve minutes as presented; is there a second?

COMMISSIONER ELLIOTT: Second.

CHAIRMAN MAXWELL: Move to second; is there any discussion? No corrections? Seeing none, all those in favor signify by saying “Aye”.

ALL: Aye.

CHAIRMAN MAXWELL: Opposed, no? The ayes have it. Thank you very much, Mr. Secretary.

Without objection, I think is the best way I could handle this, it is my opinion we can do what I’m getting ready to state, and the Vice Chair and I are in agreement to this, but in the -- in the thought that perhaps today doesn’t -- it doesn’t end it
all, and there is something in the future between now and the 18th -- that is the last day, we would not have a choice on the 18th, unless we have a tentative map, and then we would have another hearing and another 30 days. But, in case today doesn’t quite draw us to a final conclusion and because everyone’s schedules seem to be very tight this next week, we are looking at setting a telephone call for the opportunity of an executive session. That would either be to vote for a tentative map or actually to dissolve. And we would allow that by telephone.

Now, the Democrat side is agreeable to having that opportunity but are really pushing today to finalize it, you know, to know whether we’re going forward or we’re not, not to waste more meetings or times, and we’re hopeful we can get in a room and do that. But we just thought, if we kept thinking we had another day, another day, then human nature is, you have another day.

So, you know, rather than, like Washington, waiting till the last day and then sending down my portfolio of retirement accounts, we thought maybe, you know, let’s have enough days that we actually can look at a map and get something done. So we are hopeful, and in stating that we would do that,
the intent isn't to -- if we could get it done, that
would be a great day.

VICE CHAIRWOMAN WAGNER: Yes, and
Mr. Chairman, speaking on behalf of my Republican
colleagues, we feel the same way. Everyone has been
working so hard and so diligently, and I commend
everyone at this table for the work -- tireless work
and many, many hours that have gone into this, and we
too hope to come to a resolution one way or another,
but we would certainly be open to have it -- stating
for the record that we could either go into executive
session to vote or dissolve, by phone, at a later date,
if necessary.

CHAIRMAN MAXWELL: I don't see any
objection on that. I'll get with Matt and the
attorneys OA, I read 610 again, and I don't see any
restrictions that we aren't a -- we are a government
body. We must comply with the open meetings, and there
is provisions that allow for that. The Senate has
done, I think, a similar thing.

VICE CHAIRWOMAN WAGNER: Yes.

CHAIRMAN MAXWELL: For the public and
for the record, there will be a location, proper
notice. It will be allowed to be at a location for
which I plan on being at that location, and as many as
could attend a specific location is always a good
thing, and -- but we would allow the public, and I’m
sure it would probably be -- it’s usually in the normal
room, probably here, and the public would be allowed
and people would be coming in via conference call to
speak with us. So we will follow, as we voted in the
very beginning, the open meetings and open records laws
of Missouri in doing that.

VICE CHAIRWOMAN WAGNER: And,
Mr. Chairman, can I add? So we would -- if we decide
to take that tact, we would choose a date after this
meeting?

CHAIRMAN MAXWELL: Yeah.

VICE CHAIRWOMAN WAGNER: Or do you want
to set a date now?

CHAIRMAN MAXWELL: I don’t want to set a
date now.

VICE CHAIRWOMAN WAGNER: I agree.

CHAIRMAN MAXWELL: We’re not in
agreement yet that we really want to do that. We just
wanted -- because the court reporter is here, thought
it was important to state it now instead of at the end.
But we’re hopeful that we can -- you know, if we set
it, my experience with human nature is, “Oh, we’ve got
another day.” You know, I mean, that’s just natural --
we're trying to avoid that we've-got-another-day feeling.

So if no objection, we also want to make sure everybody feels comfortable with it. The Senate is doing it, 610 provides for it, and we want it to go on the record.

Okay. No objection. So now, the Vice Chair has some statements and maybe some documents for which I told her I would accept from her today for the file. Madam Vice Chair.

VICE CHAIRWOMAN WAGNER: Yes. Thank you, Mr. Chairman. And again, I want to state on behalf of the entire Commission how hard everyone has worked and what a great process I think this has been, bipartisanly, and for our state, and we've got some revisions that I believe went up yesterday, and I'd like to at least quickly first outline those so that everyone knows.

Matt, we're not going to put that -- do we have an ability to put that up on the --

MR. HESSER: We can.

VICE CHAIRWOMAN WAGNER: -- projector, if possible?

MR. HESSER: I'll turn the projector on.

VICE CHAIRWOMAN WAGNER: And, it may be
something you want to take a look at in the break-out
session but just let me briefly go over those, okay, if
I could please.

This week, we submitted -- oh, well, I
don't know if that's a good idea. We submitted eight
minor revisions to the GOP commissioners' minimum
change map that I believe we all agree enhanced
communities of interest and compactness, and the
changes are as follows, and I would ask that the
Office of Administration, during our break-out session,
to allow you to delve into any one of these eight more
specifically.

The first, it modifies the southern
boundaries of House District 94, which is mid-St. Louis
County, for greater compactness. The second is a
modification of House District 85, South St. Louis
County --

MR. HESSER: Do you want us to zoom in
to the St. Louis area so that we can --

VICE CHAIRWOMAN WAGNER: That would be
good for now, St. Louis and St. Charles, because those
were the first three. Need to move down south a little
bit. There we go.

Okay. So the first, as I said, is the
modification of southern boundary of House District 94,
mid-St. Louis County, for greater compactness. Second, a modification of House District 85, South St. Louis County, to keep from dividing the small village of Grantwood in St. Louis County.

The third compacted the House District 13 in St. Charles County by using I-64/40 as the southern boundary.

Now, over to the eastern Jackson side, if you so choose.

MR. HESSER: I’m trying to get the labels so people can follow which district you’re talking about.

VICE CHAIRWOMAN WAGNER: They can also look at it, I think, at the break-out session if they’d like to see, you know, something more closely.

MR. HESSER: So we’re over in Kansas City now, correct?

VICE CHAIRWOMAN WAGNER: I’ll go over to Kansas City. The fourth of the eight modifications is modifying the southern boundary of House District 52 in Eastern Jackson County to improve access to constituents in Lakewood -- in the Lakewood area.

I know this is going to be probably too hard to get around, but the next goes into Osage Beach.

So the fifth change added Osage Beach to House
District 110 to enhance the Lake of the Ozarks community of interest.

The sixth was a reconfiguration of House District 116, the Lake area, to make it more compact and more accessible by highway and to connect communities of interest in Benton County.

The seventh minor revision was adding all of Parkville into House District 30 and used better highway boundaries for House District 32 in Platte County.

The eighth and final revision connected neighborhoods of interest in Eastern Greene County in House District 140, and it made House District 135 in South Springfield and House District 138 in Central Springfield more compact.

So we submitted these and finally got them up through the help of the Office of Administration yesterday. I wanted to just briefly outline those to you all, and we would certainly have these for you to look at in more detail in our break-out session.

I think I'd ask for the lights to be turned on as I continue my testimony. Thank you very, very much.

Fellow commissioners and Mr. Chairman,
several months ago, many of us met for the first time in Jefferson City, and we have been chosen by our respective political parties, and then ultimately by the governor, to serve as partisan representatives in a process that is supposed to be done with non-partisan criteria. Those criteria were to create districts that are as near to the ideal population as practicable, districts that are compact as possible, and to ensure all areas of the state and each district are, in fact, contiguous.

We were also to consider keeping whole counties together, not splitting municipalities, maintaining communities of interest, and attempt to protect minority populations from being underrepresented. We were not asked to consider political fairness or political competitiveness.

Given these new criteria -- given these criteria, we actually started in a very unique position because the existing map we have -- the existing map we have that we've been asked to change was previously drawn by judges through a non-partisan appellate commission. Therefore, the existing map was already created and deemed by a non-partisan appellate court commission to have met all of the constitutional criteria.
During four days of testimony in April and May of this year, not one single citizen testified in opposition to the boundaries of any specific district created by the 2001 plan. Given the lack of opposition to the boundaries of the 2001 plan, commissioners sought to draw a map that would only change the boundaries to reflect population shifts and follow constitutional guidelines.

The Democratic commissioners' new plan, as we have been assessing here quickly this morning, is an attempt to put, I think, partisan political objectives over a compact, low deviation map that represents -- that respects communities of interest and fairly represents all Missourians. Therefore, Republican commissioners respectfully reject the Democratic commissioners' new plan for the following reasons.

First, it does not follow the constitutional requirements set out for a House apportionment plan as closely as it should or as closely as the GOP commissioners' plan does. Democrat commissioners' plan has a deviation of 3.87 percent as opposed to a 3.27 deviation in the revised GOP commissioners' minimum change plan. Low deviation is a constitutional requirement, rather than optional.
1 criteria, that must be followed.

The Democrat commissioners' plan scores significantly worse in all six of the six compactness measures scored by the Office of Administration when compared to the GOP commissioners' minimum change map. Compactness is another constitutional requirement, meaning that it must not be sacrificed to achieve other ends or goals in this process, meaning we must support the most compact map possible.

Second, it splits communities of interest and often ignores natural boundaries that should be respected, such as county lines and city limits. There are countless examples of the Democrat map splitting subdivisions, small cities, and even small counties for no apparent reason. Respecting county lines was apparently not a priority for this map, as they chose to split 23 more Missouri counties than did the GOP commissioners' map.

Third, I believe it disregards the public support for existing candidates. Of the 134 members of the Missouri House eligible to seek another term, nearly 40 of them, roughly one-third, would be forced to run against another sitting member. While population shifts inevitably mandate that some seats will be eliminated and a few member versus member
contests are absolutely unavoidable, redistricting was never intended to impose a massive second wave of term limits on a scale this large. The Democrat commissioners' plan creates over a dozen districts where fellow Republican incumbents would face one another.

Now, turning to our approach and our apportionment map that the Republican commissioners submitted, the GOP minimum change plan carefully follows the constitutional requirements mandated for reapportionment, and let me outline a few of these.

First, making districts as nearly equal as practicable, in population. Population deviations in the GOP commissioners' minimum change plan range from minus 604 to plus 599. And this is a change from the ideal size for a total deviation of 3.27 percent. Population deviations in the Democratic commissioners' plan range from minus 709 to plus 713 for a total deviation of 3.87.

The GOP commissioners' minimum change plan more closely follows the constitutional requirements for making districts as equal as possible in population. An essential objective of the GOP commissioners was to maintain as many majority-minority districts as possible. The plan creates 15
majority-minority districts. The plan features 13 African American majority districts: House Districts 42, 43, 47, 58, 60, 61, 67, 69, 70, 71, 72, 74 and 76. It also includes two minority-plurality districts, white populations under 50 percent, and those would be House Districts 63 and 64.

Our next point is that ours make districts contiguous and as compact as possible. All 163 districts in the GOP commissioners' minimum change plan are contiguous. Whenever possible, existing district lines, county lines, city limits, voting districts, natural boundaries such as rivers and lakes, and easily recognizable man-made boundaries such as highways were used as District lines.

The GOP commissioners' minimum change plan was designed to be as compact as possible. Districts were drawn to pass a visual test in terms of shape, as well as to meet objective compactness standards. The Office of Administration chose to post six different compactness standards to measure these constitutionally mandated requirements. And we have a list of all six of those standards to submit for the record, but I believe the Office of Administration has those also.

In all six of the six compactness
reports listed by OA, the GOP commissioners’ minimum change plan scored as more compact than the Democratic commissioners’ plan, more closely following the constitutional requirement of compactness.

To achieve greater compactness as well as preserving community of interests and natural boundaries, the GOP commissioners’ minimum change plan attempted not to split counties into multiple districts whenever possible. The GOP commissioners’ minimum change plan kept 56 counties wholly contained within one House District, avoiding unnecessary county splits. The Democratic commissioners’ plan kept only 33 counties wholly contained within one House District.

Third, and last, Republicans are, let me just say, more than willing to compromise and support a plan that does the following: Respects and closely follows the constitutional mandate of contiguous, compact, and nearly equally populated districts.

Second, doesn’t unnecessarily split counties and cities; respects natural boundaries; and uses precinct, school districts, and highway boundaries whenever possible.

Third, it keeps communities of interest in intact, be they historic, socioeconomic, geographic, or otherwise, in the same district as often as
1 practical.
2 Fourth, maintains as many
3 majority-minority districts as population will allow.
4 And lastly respects the will of the
5 voters in recent elections but not capriciously
6 combining -- by not capriciously combining incumbents
7 of either party into the same district, except when
8 significant population loss requires it.
9 That would be our analysis,
10 Mr. Chairman.

CHAIRMAN MAXWELL: Do you have a written
document you want me to accept?
VICE CHAIRWOMAN WAGNER: I have a
written document that I would like to submit, along
with, Mr. Chairman, two of our commissioners,
Commissioner Justice, has something to submit for the
record from Missouri House Representative
Todd Richardson, and Commissioner Corbett also has
several things for the record from various as sundry
House members.

CHAIRMAN MAXWELL: Well, first, let me
accept yours.
VICE CHAIRWOMAN WAGNER: And hang on.
Let me make sure I’ve got --
CHAIRMAN MAXWELL: And if this is not
public testimony, it is not -- will not be marked as evidence to a map, but we will accept it so that it is part of the record today. I talked to some folks about, kind of, how to handle this, and obviously, any commissioner can submit anything to include a map. That's always been our position, and we will accept this as any other commissioner’s and make sure and ensure that, as a commissioner, that it becomes a part of the record.

VICE CHAIRWOMAN WAGNER: Okay. I just want to double check here, Mr. Chairman, that I've got the right --

CHAIRMAN MAXWELL: The reason I state that is when Commissioners Davis and Skaggs presented a map, I accepted that as individuals, as you may recall, because we were in a public hearing process, and I don't -- subtle difference today. We're not taking public testimony, so I just wanted to keep the record straight and try to follow the rules. So if the public is here today, we are not taking testimony as to them but will always accept anything the commissioners want to present.

VICE CHAIRWOMAN WAGNER: And here is the -- well, there's two pieces, Mr. Chairman. One is the explanation of our revisions, and the next one is
testimony.

CHAIRMAN MAXWELL: Do you want us to do this as a whole, or do you want me to do like Vice Chair's 1 and 2 or --

VICE CHAIRWOMAN WAGNER: Perfect.

That's fine. Okay.

CHAIRMAN MAXWELL: Okay.

VICE CHAIRWOMAN WAGNER: Next up --

CHAIRMAN MAXWELL: Mr. Justice -- no,

I'd just as soon that, if you don't mind, I'll just go to Commissioner Justice --

VICE CHAIRWOMAN WAGNER: That's fine.

CHAIRMAN MAXWELL: And if he has something he would like to present, I'd be happy to --

COMMISSIONER JUSTICE: Thank you, Mr. Chairman. I'd like to present a letter from the Missouri House of Representative Todd Richardson from the 154th District commenting regarding this issue.

CHAIRMAN MAXWELL: Thank you.

COMMISSIONER JUSTICE: I can read it if you'd like.

COMMISSIONER DAVIS: Summarize would --

CHAIRMAN MAXWELL: Yeah. Could you summarize? Because Commissioner Corbett has several, if that's okay. I mean, I appreciate it, and I want to
get it in here for the process.

COMMISSIONER JUSTICE: The basic summary of the letter is talking about the 154th specifically regarding both the Democrat-proposed map and the GOP-minimum-change-proposed map showing the compactness standard on both, as well as asking that the district not be abjectly manipulated in an attempt to alter the political landscape.

CHAIRMAN MAXWELL: I’ll mark that 1.

Commissioner Corbett?

COMMISSIONER CORBETT: Okay.

Wanda Brown, State Representative from the 116th, actually presented me with several letters; one from the City of Warsaw, the mayor; one from First Community Bank, the vice-president; one from Farmers Bank of Warsaw; one from the Benton County Enhanced Enterprise Zone; one from Benton County Development Corporation; and one from the Cole Camp, Missouri Police Department.

And in summary, it’s that they wanted Benton County left together where we had divided it. Both the Republicans and the Democrats had divided it.

CHAIRMAN MAXWELL: I’ll mark that Corbett 1.

COMMISSIONER CORBETT: Okay.

CHAIRMAN MAXWELL: I’ve already got a
copy of it. Thank you. And we'll make sure these are
photocopied and sent to every commissioner --

COMMISSIONER CORBETT: Okay.

CHAIRMAN MAXWELL: -- either
electronically or however you choose to receive it.

COMMISSIONER CORBETT: I also have a
letter from Sue Entlicher, the State Representative
from the 133rd, and she supports the GOP minimum
change, and you divided -- this was before the new GOP
map, but we had left -- the first map had left all of
the -- I can't think of the county she's in right
now -- together, and anyway, she states her reason
for --

CHAIRMAN MAXWELL: Mark that Corbett 2.

COMMISSIONER CORBETT: Yes.

Sandy Crawford, the 119th District, and again, she
addressed the Democrat changes which split up Dallas,
Hickory, and St. Clair and the -- from three counties
to two full counties and portions of three other
counties that she objected to. We actually put her in
five counties instead of three.

CHAIRMAN MAXWELL: Okay. Mark that

Corbett 3.

COMMISSIONER CORBETT: Kay Hoflander
from Lafayette County submitted a letter, very unhappy
with the Lafayette County lines that -- that the
Democrats had drawn and in support of the GOP minimum change plan.

CHAIRMAN MAXWELL: Marking Corbett 4.

COMMISSIONER CORBETT: Scott Largent, State Representative from the 120th District, addresses the Lake issue and the compactness of the Democrat map -- Republican map over the Democrat map.

Stanley Cox, State representative from the 118th District. In the original Democrat map -- and I -- this only addresses --

CHAIRMAN MAXWELL: I'll mark Largent's Corbett 5. I apologize to you.

COMMISSIONER CORBETT: I'm sorry.

CHAIRMAN MAXWELL: No. I -- please proceed.

COMMISSIONER CORBETT: Okay. When Mr. Cox wrote this letter, he had not seen a new Democrat map, but you actually put him in three -- put three state representatives in one district, Wanda Brown, Denny Hoskins, and him, and he had submitted a letter.

CHAIRMAN MAXWELL: Mark Corbett 6.

COMMISSIONER CORBETT: Denny Hoskins addressed the same issue, but you -- actually, the
Democrat plan and, I believe, the new map still -- of the Democrat plan, which I only saw this morning briefly, divided the city of Warrensburg into two -- into two districts, and he asked that Warrensburg not be divided. And I believe there's been several newspaper articles concerning that, people -- people writing letters.

CHAIRMAN MAXWELL: And that's marked Corbett 7, and those will be put in the file as such.

Okay. The -- here's kind of our position, and I had actually suggested to the Vice Chair not having this process. I felt that it's not conducive to negotiations, but based on the way in which we were unable to have a hearing and work that out, I thought this was about the only way to approach your all's concerns last time.

The Democrats -- this is kind of our position going in today: We believe we've approached this process, we think, as the constitution intended it by assuring a very transparent system, thus the Skaggs/Davis 1 map. It's been an open process with which the public has had a full and fair opportunity to review our thinking and to also provide public comment throughout the process.

Also, we believe the constitution
envisions that the public should have this right and that we did not feel as some of the Republican counterparts felt in the beginning, that we had somehow violated the constitutional intent. And we believe the constitution provides for that and followed the precepts of the constitution and that transparency has allowed us to have far greater input from the public and also from our party.

The Democrats have taken more of a conciliatory approach today. We’re not going to attack or suggest what we disagree with in the Republican map. We think that we aren’t there yet. Our map was put up in an effort to demonstrate a position for negotiations and not a final determination. If this process breaks down, it is our intent to post a map, which, then, the courts will be able to look at as our final map. But we feel very much that there’s been a lot of hard work, and everybody has been earnest -- or generally earnest in trying to proceed and that we perceive these as works in progress.

Our members have reached out to many of your members, and we’re thankful for those that have responded very positively, not that everybody hasn’t. Sometimes you just can’t get there. But for those that have found a way, we’re very, very appreciative in
following what we feel is a solid process to have a conclusion where we choose and not the courts choose. We do want to be clear that redistricting is a messy process. It's been a lot tougher than I ever dreamed it would be. Going back, we may never have said yes. Some love the punishment.

We know that from the constitution, our districts must be compact, and we accept the statements made here today by the Vice Chair. We think we have worked, and our map will continue to show more compactness, but we are -- we absolutely agree we should follow the constitution precepts. That should be very foremost in our minds.

We know from the constitution also that 10 years ago, a panel of judges -- because they couldn't agree -- set the districts for the state, in terms of population equity, for instance, and we've analyzed their map. And it is not absolutely perfect, because I think the courts found you can't make a perfect map. That map set an overall range of population at six percent, between its largest and smallest. We can assume that that is -- it's their map, that that is the constitutional-allowed amount. But I think it demonstrates the courts' struggle with this.
The compromise approach the Democrats put forth yesterday only has a four percent deviation. We call it a compromise because, Commissioner Corbett, it does include that. We’re saying it’s tentative. We’re not saying it’s our final map. We want to reserve the rights to position ourselves, no different than you have today, for the courts. But we are very accepting as a caucus that was reached between two commissioners, and we want to respect that work, and it is reflected in the map that you will see posted.

While other maps have a smaller deviation than our four percent, what we know is that there is no magic number, no hard rule of which one map is better than another. The deviation among districts within the legally acceptable range of less than ten percent, and we believe we’ve all met that specific constitutional requirement as determined by the courts. It’s entirely appropriate, due to legitimate considerations, made in the map-making process.

In addition, our districts are compact. Compactness is an allusive concept and depends, in many respects, upon the perspective of the reader of the map. The courts have actually stated that. Through both a visual examination and using the various mathematical measures of compactness for which this
1 Commission has not agreed which measures should be used. The compromise approach compares well to maps that have been approved in various redistricting efforts in Missouri, and we have used those prior redistricting efforts as a guideline for our map.

2 Again, there is no bright line, a mathematical score that makes one map compact over another constitutionally deficient. We still strive to be as compact as possible and accept the statements made by the Vice Chair. I hope everyone will note that today, I decline to attack the Republican map or criticize it. We thought it was posted as a means of negotiations and today, continue to hope to negotiate.

3 Though there are ample examples, I just -- it is very difficult, when we say "community of interest," to ensure everyone's community of interest is preserved. So is it those who have the loudest voice or who have the greatest access to any one of us? When you talk about communities of interest, is it senior citizens, or is it the community? The courts have been elusive in defining communities of interest, but we have -- we strive every day to ensure that those who have the loud -- or who have had a voice, that that voice is heard and is considered. And we will accept the documents presented today by the Republican
commissioners in deliberation as we strive to have a
map.

I'm not asserting at all that the
Democrat map doesn't split counties as what the
Vice Chair says, and it -- that it splits cities and
school districts, but so does every map that has ever
been presented. It's also -- frankly, the courts split
cities and counties in their map. It might be
expected -- our map reflects a different approach to
developing districts, and I think that's the heart of
where we find ourselves.

Protecting incumbents was not an
overriding priority, as I stated in the last meeting,
for the Democrats. We have been up front and clear
about that. Even when the other -- when you all have
not necessarily liked that statement, that was not our
priority. We don't have as many incumbents as you
have. We understand that. We've been where you are in
the majority and understand the difficulty that puts on
your plates and have respect for that, but it was not
our driving priority. We did consider those, but it
was not a priority. Protecting the 106 incumbents
clearly is a tough task, and we respect you all and
will try to listen today to how we can help.

While Republicans call their map --
well, you all call your map a minimum change map, it —— it’s hardly that. If you look at how the map treats traditionally Democrat seats, if we go back, as I suggested in the last meeting, the illusion of minimum change quickly becomes clear. Further evidence is that your approach is, you know, political in nature, as you are protecting your incumbents. We’re okay with that.

Normally a challenger -- I would like to state, though, that I think it’s important that we also be honest and up front with this -- with all of us, and here’s a quote from the Vice Chair. “Normally, a challenger defeating an incumbent US Senator would be enough good news for one election. This year, however, the election for State Senate and State House put a large exclamation point on a historic Republican election. One of the underlying secrets to Republican success in this year’s legislative races was our efforts on redistricting in 2001. The new State Senate and State House boundaries are clearly the most pro-GOP of any in history due to demographic shifts and a highly Republican approach to redistricting.”

And we applaud you. We did not fare very well in the last redistrict. But today, we come to you and say, you know, if we can work together it doesn’t have to be about Democrats and Republicans. We
can find common ground and try to move this. We’re very respectful of the number of incumbents you have to protect. The fact is, the Democrats find themselves in a position where we felt that the courts overreached the last time; that these districts are not fair and not balanced. We were very receptive to the testimony given when it talked about competitiveness, and I know that we were not. The fact is, this is a partisan process, whether we like it or not. But I think we can find some common ground to move forward.

Our map that we put up on the webpage titled 7/6/11 corrected is our official caucus map. The map that was recently put up that incorporated changes in the 4th Congressional is our effort to try to find a way to reach an agreement, and we will continue. We think there’s others of you that are close to having agreement, and if you -- if the commissioner of a district agrees, then we plan on accepting that as a way the process is supposed to work out, and so we’re hopeful that we can continue to work. We do reserve the right to post a map that we would consider our final Democrat map as we head to the courts if that becomes necessary. But we’re hoping that that doesn’t become necessary in the process.

The -- we have -- also have individual
commissioners who have posted maps that they say have been worked out with, you know, both the Democrat and Republican commissioners. We, on the Democrat side, just want to make sure, for the record, that -- that those are tentative, and that they are not final, not only as to the Democrat caucus but also as to the individual commissioners. And I'm sure that's true on both sides of the table because if we are getting ourselves set up now with the statements for the courts, then everybody wants to make sure we have the right statements on the record, considering there's a court reporter here.

So -- but we are hopeful that they become final, and it would be our intent today that, if we take a break, that those of you all that are close could find a way to be final. We -- on the Democrat side, we're accepting that if our commissioner from the 7th or 8th or 1st or 3rd or 4th or 5th comes to us and says, "This is what we agreed to. Now, we've got to kind of make it fit because we bump into each other," that's -- could be the devil in the detail at the end. But we -- we, as a body, will accept that which you do, without digging back into it.

This is not the Democrat party map, but we will have one if we go to the courts, but this is
our commission map. That would be our statement for
the record.

Is there any other statements that want
to be made for the record?

VICE CHAIRWOMAN WAGNER: Mr. Chairman,
just a question please, if you don’t mind. You
mentioned that -- that you might be posting a different
map. What -- what would be perhaps the time frame of
that and for --

CHAIRMAN MAXWELL: Possibly today.

VICE CHAIRWOMAN WAGNER: -- and our
opportunity to -- you know, to comment about that or --
is what I’m concerned about because certainly, what we
did, you know, was --

CHAIRMAN MAXWELL: We’ve not had a
chance to fully review your last map. I mean, it just
went up. You made statements for the record today --

VICE CHAIRWOMAN WAGNER: Correct.

CHAIRMAN MAXWELL: -- in regards to that
map, for which I’m not prepared to counter. Not only
am I not prepared, but we would choose not to. We
don’t think this is the forum to have that discussion.
We think that is the forum for the courts. We would
suggest it, hopefully, is going to be a map that would
incorporate the work of the Democrat commissioners in
conjunction with the Republican commissioners, and we
would not want their work to go -- it may not be the
map, but we think that we should -- we are planning on
honoring the work.

VICE CHAIRWOMAN WAGNER: As are we, and
we want to continue our negotiations. And as I said,
everyone has worked in good faith, and what has been
actually what’s been marvelous in terms of transparency
for this process is the fact that we have such
incredible information technology now that these can go
up, people can see them, you know, instantaneously, and
a lot of these calculations having to do with
compactness, deviations, and things of this nature are
almost instantaneously available.

So I would just like to state that, and
then also, you know, make it very clear that it is
our -- our hope and our plan and if the map that we
have submitted and, you know, we may have -- if you all
will be making a change, maybe we’ll come up with a
compromised map here. I mean, there may be another
thing posted, but it is our -- our plan and our effort
to come up with the most constitutional map as
possible, following the constitutional criteria that is
laid out in terms of the Missouri Constitution, in
terms of compactness, contiguousness, deviations,
minority districts and things of this nature. So I want to make sure that -- that also, if the subsequent maps are put up, that we have an opportunity to do the proper analysis and --

CHAIRMAN MAXWELL: Well, for -- I would think that’s right. If we’re going to have a vote, you know, people want to make sure they know what they’re voting on. If it’s simply to have the ability to have a record to begin to set for the court then I’m not supporting that. The courts -- we’ll have plenty of time for that in the past, to challenge our maps so, I -- you know, we will do -- you know, if there’s agreement among individual commissioners, we’re probably going to accept those, and we will work diligently to get that posted as quickly as possible --

VICE CHAIRWOMAN WAGNER: Absolutely.

CHAIRMAN MAXWELL: -- in our hopes to have a map. We are not -- it’s -- we’d be disingenuous, you know, if we’re saying, “Hey, please keep working,” and it doesn’t somehow get reflected for a record somewhere.

I should also state that the quote I read was from the -- which I’ll provide for the record -- 2002 -- I won’t give the original, 2002 election analysis presented to the Missouri Republican
1 Party --

2 VICE CHAIRWOMAN WAGNER: In my capacity
3 as Chairman of the Missouri Republican Party.
4
5 CHAIRMAN MAXWELL: -- in her capacity of
6 chairman -- that's what I was going to say -- signed by
7 Ann Wagner, Chairman, of the Missouri Republican Party,
8 dated November 25, 2002, signed by John Hancock also,
9 as executive director, and that's where that came from.
10 We applaud you for your success.
11 VICE CHAIRWOMAN WAGNER: Which has
12 nothing to do, again, with the constitutional
13 provisions or this body that is constituted, and at the
14 time, I did not serve as a constitutional commissioner
15 on this party but as a chairman of a party who has the
16 responsibility of not only winning elections but also
17 raising money to do so.
18
19 CHAIRMAN MAXWELL: We accept that. We
20 applaud you for the GOP success in the redistricting.
21 VICE CHAIRWOMAN WAGNER: Thank you,
22 Mr. Chairman.
23
24 CHAIRMAN MAXWELL: All right.
25
26 COMMISSIONER DAVIS: Thank you,
27 Mr. Chairman. I'm in a very strange position at this
28 moment because I came in, I drove down Highway 70, I
29 played me some Gerald Lavert, some Diana Ross, and
Aretha Franklin. I felt good after working yesterday very hard with someone who I believe has the best interests of this State of Missouri at heart, my Republican counterpart.

And so when I hear some of the things that I’ve heard thus far, which are, using a terminology that some people use that says, Johnny Come Lately because we’ve been at this over four months, and we should have done this a while ago and not today, it bothers me a little bit. And then to refer to the Constitution and use a buzz word like that, which is really a political process ploy that we should kind of step back from here because the rules are very clear. They’re very clear on what we are here to do, and I think after the last three or four months, we all know what it is that we’re here to do, and we have heard enough public dialogue, whether it was in a public meeting, whether it was written, whether they sent us a map, or whatever, and that’s what we’ve all used to talk about and negotiate from.

It’s not what I want. It’s not what you want. That’s not what we’re working from. And so I don’t want the public that’s here today to get the wrong idea. There’s been a lot of hard work done, up through early this morning. Some people were up
working early this morning before 7:00 a.m. So I don’t want to take anything away from that, and I do want to move forward, and I do want to see compromise, and I don’t want to see Missouri be another laughing stock with another issue just because of politics.

We’ve got plenty of time in the next year or so to deal with politics. There will be many races, and we can do -- say whatever we want to say and do whatever we want to do, but I want to remove it from this table because I know how hard everybody has been working. I know how hard we’ve been working. And I’d like to see us take some time today and try to move forward and finish what we’re here to do and come out with a compromise and give the state a breather.

CHAIRMAN MAXWELL: Well, what the Vice Chair and I have agreed is that we would take a break and let each individual Democrat/Republican congressional district, not as a group or caucus -- this is about -- you all would get together, and if we haven’t -- with our statements as chair and Vice Chair, torqued everybody off. I accept that. Then if there’s room to work, we’ll get back together in 30 minutes. If we don’t feel there’s enough people that there’s room to work, then we’ll have a different discussion.

VICE CHAIRWOMAN WAGNER: And
Mr. Chairman, we'd like to caucus briefly before that, and then break out with our individual counterparts.

CHAIRMAN MAXWELL: Okay. That's a little different than you and I talked about, but if you want to have a --

VICE CHAIRWOMAN WAGNER: It's whatever you want to do. We can do that and then caucus, whatever you'd like to do. Whatever -- it doesn't matter which way, but we'll want to do that.

CHAIRMAN MAXWELL: Could we -- could we -- here's what I would like, because I agreed to go ahead and have these position statements --

VICE CHAIRWOMAN WAGNER: Sure.

CHAIRMAN MAXWELL: -- I really thought -- you know, when I agreed to that, I really thought it would be good if we could get everybody at least to talk to each other individually within the Congressional Districts, and then we can have -- if you want to have a caucus. I just think it's important --

VICE CHAIRWOMAN WAGNER: That's fine.

Fine with us.

CHAIRMAN MAXWELL: -- that we just chat and see where everybody is, and if there can be work done, then, while you all are caucusing, maybe we could go ahead and draw a map up --
COMMISSIONER THOMAS: Mr. Chairman, I have reached out to my counterpart multiple times since our last meeting, and we’ve not -- I haven’t got any real constructive communication. I mean, I’d be thrilled to meet with him and see if we can do something --

COMMISSIONER MYERS: Okay. Yeah --

COMMISSIONER THOMAS: I’ve not gotten any feedback.

CHAIRMAN MAXWELL: I understand that, and that’s why I thought if we took a 30-minute break and then each of us can check with our counterpart. If there’s not room, then we can report that back, and for your caucus, you’ll also know that and perhaps the caucus meeting will be -- if that would be okay?

VICE CHAIRWOMAN WAGNER: That’s fine.

That’s fine, Mr. Chairman.

CHAIRMAN MAXWELL: Okay.

COMMISSIONER MYERS: Mr. Chairman,

last -- in the minutes last time, we said groups of three to try to advance this in the interim and that got somewhat delayed by the Joplin hearing issue, but I can tell you, from the Republican side, and I’ve worked with Commissioner Skaggs, that those groups of three have been in contact and working right along. So we --
COMMISSIONER WILSDON: Our sub-committee
that we had --

CHAIRMAN MAXWELL: Yeah. I apologize.

That should have been said for the record.

COMMISSIONER MYERS: And I think
there's been some -- there's been some significant
progress there. Although, I'm not aware of any total
agreement, close maybe.

CHAIRMAN MAXWELL: No, for the record, I
should have stated that. We do still have that
operation. I was thinking that if we just touched
base, at least from our perspective, we'd at least know
if there's room, and if it's not all of us, it's not
all of us, but if it's two -- if three or four still
wanting to talk, I think, you know, even if Cindy and I
aren't going to agree or you're not going to agree, we
should not cut that opportunity off. So maybe just 15
minutes then, and that would give us time for the
caucus. So just 15 minutes and see if there's any
room. If there's not, we'll know that before we
caucus. Democrats aren't planning on caucusing, by the
way. We would go ahead if there's room.

(OFF THE RECORD.)
I, Allison A. Brown, Certified Court Reporter #1205, 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 stenomask verbatim reporting the proceedings had and afterwards transcribed and that the foregoing is a full, true, and correct transcript the proceedings had at such time and place.

IN WITNESS WHEREOF, I have hereunto set my hand on this 25th day of August 2011.

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