

SENATE APPORTIONMENT COMMISSION MEETING

HELD AT: The Missouri State Capitol
200 East Capitol Avenue
Senate Hearing Room #2
Jefferson City, Missouri
SATURDAY, FEBRUARY 18, 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 (Via Telephone)
Todd Patterson
Lowell Pearson
Trent Skaggs

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1 REPRESENTATIVES OF THE OFFICE OF ADMINISTRATION:

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3 Renee Slusher, General Counsel

4 Matt Hesser, Redistricting Staff, State Demographer

5 Frank Hutto, Redistricting Staff, GIS Analyst

6 Lori Strong-Goeke, Assistant Director for Planning,
7 Division of Budget and Planning

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10 ALSO PRESENT: Jim Layton, Solicitor General, Attorney
General's Office.

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P R O C E E D I N G S

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2 MS. SLUSHER: Well, Commissioners, good
3 morning. I'm with the Office of Administration. My
4 name's Renee Slusher. I'm the Deputy Commissioner
5 General Counsel for OA. And on behalf of OA, we want
6 to welcome all of you. I know it's a beautiful
7 Saturday and many of you had to travel some distance to
8 be here and you probably would be doing more and
9 different fun and exciting things other than being
10 here, but we appreciate your service and we welcome
11 you.

12 The Office of Administration has several
13 employees here today, including myself. And OA's role
14 in -- in this is, according to statute, we are to
15 provide staffing to the commissioners so that we can
16 help you draw the districts. We provide staffing for
17 both the House and Senate Reapportionment Commissions.
18 So we're here to serve you.

19 Our goal today is to get the Commission up
20 and running, to make sure you have your oaths, you'll
21 elect your officers, and per the Constitution, this
22 first meeting, you have to have your three public
23 hearings voted upon. And then we'll file that with the
24 Senate's secretary, who's here today as well. And
25 that's per the constitution.

1 So my goal is to -- to kick off this meeting
2 and then once the -- the chair, vice-chair and the
3 secretary are elected, then turn the agenda over to
4 them.

5 So just a few housekeeping rules. The Senate
6 was gracious enough to allow us to use this room today.
7 They do ask that we not eat in it. So we will be
8 serving lunch in -- in about an hour. We'll just go
9 down the hallway to Room 124 to the Budget and Planning
10 office. The director, Linda Luebbering, also agreed to
11 allow us to use her office. So lunch will be provided.

12 As you've probably noticed, the restrooms are
13 just outside the hallway. And then later on if --
14 there are vending machines in the building if you need
15 a snack later on during a break. The best way to get
16 there is to go down this hallway. There's an elevator.
17 Just take it down, take a right and then a left, and
18 you'll see the vending machines there.

19 With that said, I think the first order of
20 business is to have you have your oath of office
21 administered. You should have a written copy of it
22 before you. We would ask that you fill that out, sign
23 it. We have Pamela here; she is a notary. She'll need
24 to see your ID. And we can do that during the lunch
25 hour, but we would ask that you fill that out.

1 But we have invited the Honorable
2 Michael W. Bradley to administer the oath. He is a
3 Circuit Judge in the 13th District -- Judicial
4 District, which involves Boone County and Callaway
5 County. So we are pleased to have him and he agreed to
6 come down on this Saturday.

7 So, welcome.

8 MR. BRADLEY: Thank you.

9 MS. SLUSHER: And he will just ask you to
10 stand, raise your hand and repeat after him.

11 MR. BRADLEY: Okay.

12 Please raise your right and repeat after me.

13 (Administration of oath to Commissioners).

14 I, state your name, do solemnly swear that I
15 will support the Constitution of the United States and
16 the Constitution of the State of Missouri, and will
17 faithfully demean myself in the office of Senate
18 Redistricting Commission.

19 Congratulations and thank you for your
20 service to our state.

21 MS. SLUSHER: Thank you, Judge.

22 MR. BRADLEY: Thank you.

23 MS. SLUSHER: All of you should have a copy
24 of the agenda before you, and let me just briefly go
25 through it. I know you can read it, but just let me

1 orient you a little bit about what will happen today.

2 The next thing that I'll -- I'll ask is for
3 each of you just to introduce yourselves, so that all
4 of you can get to become more acquainted with one
5 another. Just briefly talk a little bit about who you
6 are and a little bit about your background, I think
7 would be helpful.

8 Then we'll move into the election of
9 officers. The Constitution does require that a chair,
10 vice-chair and secretary be elected among your members.

11 Then there will be the adoption of rules of
12 order, such as Robert's Rules of Orders. And as I
13 mentioned, three public hearings do have to be set
14 today by you. And so that will be a requirement.

15 And then we'll have a lunch break. I'll
16 briefly introduce after lunch the OA redistricting
17 staff so you can become acquainted with them, who you
18 need to send your expense accounts to, who will help
19 you with understanding the software, and if you have
20 questions such as that.

21 I'll talk a little bit about the personal
22 financial disclosure requirement. I know the Ethics
23 Commission was going to send that to you in the mail.
24 I don't know if you've received it or not, but just
25 briefly talk about that.

1 We do have Jim Layton with the Attorney
2 General's office -- the officer of -- the Solicitor
3 General -- sorry, Jim. And he will be here to talk
4 about the Sunshine Law and just generally some concepts
5 on redistricting. And so if you've got questions in
6 that area, he will be a resource for you.

7 And then the redistricting staff will use the
8 remainder of the day to discuss how the software works,
9 get you acquainted with that. I think we'll have --
10 we're having some trouble with the screens, being able
11 to see them properly. And so I think Matt Hesser, the
12 state demographer, will walk through some of that. And
13 then if we need to move over to the redistricting
14 office for kind of more hands on, that can be done as
15 well.

16 So with that, I would ask Nicole, if you
17 would like to start, just maybe introduce yourself, and
18 we'll go down the line.

19 COMMISSIONER COLBERT-BOTCHWAY: Okay.

20 Good morning, everyone. My name is Nicole
21 Colbert-Botchway. I'm a attorney out of St. Louis,
22 Missouri. I graduated from St. Louis University
23 undergrad and law school. I've been practicing for
24 over 15 years. Approximately six years at the
25 St. Louis City Circuit Attorney's Office and the last

1 eight years at the Missouri Attorney General's Office
2 out of St. Louis.

3 COMMISSIONER SKAGGS: My name is Trent
4 Skaggs. I'm from Platte County, Kansas City area. And
5 I was on the House Redistricting Commission with many
6 of you and look forward to serving on the Senate.

7 MR. PATTERSON: Todd Patterson from Kansas
8 City and also Joplin -- Joplin, both, these days. And
9 again, as Trent served on the House Commission last
10 year, and look forward to working with all of you this
11 year.

12 CHAIRMAN HARPOOL: Doug Harpool, I'm an
13 attorney from Springfield, Missouri. I served in the
14 Missouri House from '82 to '92. I was on the Senate
15 Redistricting Commission.

16 COMMISSIONER ELLINGER: My name's Marc
17 Ellinger. I'm an attorney here in Jefferson City and
18 also the Presiding Commissioner of Cole County. So,
19 welcome, all of you, to our county. Thank you for
20 coming. Spend your money. And this is my first time
21 serving on a Reapportionment Commission.

22 COMMISSIONER BRADSHAW: I'm Jean Paul
23 Bradshaw. I grew up originally in Springfield and
24 practiced law there for nine years before I moved to
25 Kansas City while serving as U.S. Attorney for the

1 Western District. Stayed there afterwards, and I'm
2 practicing law with Lathrop and Gage there now.

3 COMMISSIONER PEARSON: My name's Lowell
4 Pearson. I live in Columbia, Missouri. I'm a lawyer
5 with the Husch Blackwell law firm. First time serving
6 on an apportionment commission and also look forward to
7 working with them.

8 COMMISSIONER EHLMANN: My name is Steve
9 Ehlmann. I'm a recovering lawyer. I'm now the County
10 Executive of St. Charles County. Before that, I served
11 with Mr. Harpool in the House and later in the Senate
12 and as a City Judge.

13 COMMISSIONER MYERS: I'm Nick Myers. I'm a
14 CPA from Joplin, Missouri, practicing in my own firm.
15 And I also have an office in Anderson, Missouri, which
16 is as far southwest as you can go in the state of
17 Missouri. And I served on the House Apportionment
18 Commission.

19 MS. SLUSHER: Well, thank you.

20 CHAIRMAN HARPOOL: Mitch?

21 MS. SLUSHER: Oh, of course, Mitch.

22 COMMISSIONER ELLIOTT: Okay. I'm a law
23 partner in Griffin, Dietrich & Elliott in Cameron,
24 Missouri. I was a 20-year prosecutor in Clinton
25 County, and served on the House Redistricting

1 Commission last year.

2 MS. SLUSHER: Thank you, Commissioner.

3 Next on the agenda is the election of
4 officers, and according to the Constitution, as I
5 mentioned, there needs to be a chair, a vice-chair and
6 a secretary. With regard to the secretary position,
7 just so whoever is elected knows, we do have a court
8 reporter present who is taking down minutes or -- or a
9 transcript will be produced. Of course the staff can
10 assist with other meetings, other minutes, posting of
11 public notices. So don't feel like you need to feel
12 committed at this session or any other session to -- to
13 do all of that. We'll assist you.

14 So is there a motion for the election of
15 officers?

16 COMMISSIONER BRADSHAW: I would move that we
17 elect Doug Harpool as the chairman of the Commission,
18 Marc Ellinger as the vice-chairman and Nick Myers as
19 the secretary.

20 COMMISSIONER PATTERSON: I'll second that
21 motion.

22 MS. SLUSHER: All in favor, say I.

23 COMMISSIONERS: I.

24 MS. SLUSHER: All opposed, say nay. Any
25 abstentions? The motion carries.

1 Commissioner Harpool, I'll turn the agenda
2 over to you.

3 CHAIRMAN HARPOOL: Thank you. I look forward
4 to working with each of you. We'll tell you that we
5 did a, I think, a bang-up job of working on the Senate
6 Commission last time in terms of congeniality and
7 treating each other professionally and respectfully.
8 The problem is, we failed to get the job done. And --
9 and so we're here again.

10 I know there's a lot of people on this
11 Commission that I certainly think a lot of and work a
12 lot with. Steve Ehlmann mentioned being in the House
13 with me and we negotiated side by side together on the
14 ethics bill many, many years ago for many, many hours.
15 And I felt very comfortable being on his side on that
16 issue for the House.

17 And I know Jean Paul comes from a wonderful
18 city called Springfield, and have known him for many,
19 many years. And so I -- I'm confident that we can put
20 aside what has to be a cloud looming over this process
21 always and it's the political world, and just work
22 together. We can -- we can get this done.

23 I closed the last meeting by saying I felt
24 there was a bit of a personal failure by not getting
25 the map done, and I'll feel the same way this time.

1 Even though I'll probably fail again sometime in my
2 life and I have failed in the past sometimes, but I
3 hope we -- if we all approach with that same attitude
4 that our job is to get it done. And I think we -- we
5 can do that. I look forward to working to working with
6 Mr. Ellinger and Mr. Myers.

7 The first thing we need to do is figure out
8 what rules we're going to follow. Are there any
9 motions with regard to the rules?

10 Mr. Skaggs?

11 COMMISSIONER SKAGGS: Mr. Chairman, I make
12 the motion to adopt three rules, specifically similar
13 to what was under the rules last time of the Senate.
14 First, is that we would use Robert's Rules to conduct
15 the meeting. We would have a court reporter that would
16 keep transcripts of all meetings, unless two-thirds of
17 commissions agree otherwise. And then in order to call
18 a meeting, the chair can call a meeting or two-thirds
19 majority of the Commission.

20 CHAIRMAN HARPOOL: All right. I think that's
21 the same rules we used last time on the Senate. I'm
22 not positive. Is there any -- is there any second to
23 those?

24 COMMISSIONER BRADSHAW: Second.

25 CHAIRMAN HARPOOL: Any debate? All in favor

1 of adopting those rules, say I.

2 COMMISSIONERS: I.

3 CHAIRMAN HARPOOL: Any opposed?

4 None. We will follow those rules. Any
5 further motion with regarding rules? I see none.

6 Let's get to the next issue, and that's
7 setting public hearing dates. I've -- I've heard that
8 we may be in a hurry and that we need to move this
9 process on. I certainly know there's an awful lot of
10 public officials and people who want to be public
11 officials who are anxious and eager to know what those
12 district boundaries are going to be. And I think it's
13 just appropriate that we expedite this process while
14 still using care to see that we obtain a constitutional
15 and legal manner.

16 To that end, I'm hoping we can start public
17 hearings immediately, as in tomorrow. And I would
18 propose we have public hearings tomorrow, Monday and
19 Tuesday, and then we meet Wednesday and assess where we
20 are as a commission in terms of maps. To do so, we
21 need to make that decision quickly so that proper
22 Sunshine notice can be -- can go out.

23 I have a suggestion that actually was brought
24 to me by Commissioner Bradshaw, and -- and I think it
25 was an excellent idea. And that is that we incorporate

1 into the record of our commission all transcripts from
2 public hearings of the prior commission. Those
3 transcripts are online and available and all of us can
4 read them. And if we're going to expedite taking
5 public input for the second commission, it's
6 appropriate that we review the record from those prior
7 hearings.

8 So is there any objection to including the
9 transcripts of the prior public hearings of the Senate
10 Redistricting Commission into the record of our
11 commission?

12 COMMISSIONER ELLINGER: Maybe we should just
13 do it by motion, Mr. Chairman, and I would so move.

14 CHAIRMAN HARPOOL: He moves. Is there a
15 second?

16 COMMISSIONER BRADSHAW: Second.

17 CHAIRMAN HARPOOL: Been moved and seconded
18 that we do so. All in favor, say I.

19 COMMISSIONERS: I.

20 CHAIRMAN HARPOOL: Any opposed? None. We
21 will do so. And of course that means we should review
22 those, that testimony, and -- and consider it as we go
23 forward in deliberations.

24 In order to get our notice out for the
25 Sunshine Law for a hearing tomorrow, we probably need

1 to make that decision first. Since we're all in Jeff
2 City, I would think Jeff City would be the logical
3 place. I've run some of these ideas by some of you in
4 individual conversations. I do think we're not all
5 going to be able to be physically present at every
6 public hearing. We will get transcripts of future
7 public hearings just like we have in the past. We will
8 try to make arrangements so people can participate by
9 phone, if necessary. And even if you can't, you can
10 still review a transcript of all the testimony at the
11 hearing.

12 Then I would think that we need to have
13 hearings in St. Louis and Kansas City. Those were the
14 better attended, from the prior commission's hearings.
15 Those were the -- seemed to have the more -- greater
16 number of issues to receive public comment on. So I'd
17 hope we would then go Monday in Kansas City and Tuesday
18 in St. Louis. I've already -- my understanding is,
19 we're going to try to use State facilities and save
20 money. Is that schedule acceptable to everybody?

21 COMMISSIONERS: Yes.

22 CHAIRMAN HARPOOL: Let's talk about timing.
23 It would be inappropriate for us to have a Sunday
24 hearing at a time when it would interfere with people's
25 worship, I think. So I assume tomorrow afternoon we

1 would -- we would do it. And not being presumptuous,
2 but assuming we can make the Capitol, some place in the
3 Capitol available for that, we would try to do that
4 here. Is the Senate lounge available? They didn't let
5 me in the Senate lounge very much when I was served on
6 there. In fact, they didn't like me on this half of
7 the building really. Well, you stay over there and --

8 COMMISSIONER BRADSHAW: I think some of the
9 Senators are more inclined to be gracious now.

10 CHAIRMAN HARPOOL: The -- so let's do that
11 and tomorrow. And I'm fine with a starting time. I
12 know some people will want to go home after the
13 hearing, so I don't want to push it back too late, but
14 nor do I want to interfere with people's worship
15 choices. So 1:00, 1:30, 2:00? I'm open.

16 COMMISSIONER BRADSHAW: One o'clock would be
17 fine for me. I don't know how others feel.

18 CHAIRMAN HARPOOL: Okay. We'll do it at one
19 o'clock tomorrow then.

20 And that would mean, staff, we will need to
21 get that notice out as soon as possible.

22 MR. HESSER: We will.

23 CHAIRMAN HARPOOL: Then in Kansas City,
24 someone was looking for a facility. And we have better
25 opportunity for a facility in the afternoon; is that

1 correct?

2 MR. HESSER: Yes. So we -- we've -- we've
3 looked and the UMKC School of Law building has a
4 courtroom that would be available Monday afternoon.

5 CHAIRMAN HARPOOL: What about one o'clock in
6 Kansas City at the UMKC Law building?

7 COMMISSIONER BRADSHAW: The only thing I -- I
8 would ask, I don't know whether I could -- I can join
9 by phone, which is a little odd since I live in Kansas
10 City. I have to be in Trenton on a legal matter that I
11 can't move that -- that's at 1:30. I was looking to do
12 it maybe later in the afternoon. But as I say -- if --
13 if we need to do it earlier in the afternoon, we can,
14 and I'll join by phone.

15 CHAIRMAN HARPOOL: Well, let's -- let's go
16 beyond before we make a decision then. In St. Louis,
17 we want to have a hearing on Tuesday. My thought is,
18 if we're going to do St. Louis in the morning, we
19 certainly have got to have time to drive there for
20 those -- and I understand not everybody's going to be
21 physically at every -- every one of these hearings.
22 But --

23 COMMISSIONER BRADSHAW: And that fine. I
24 didn't know what time we were going --

25 CHAIRMAN HARPOOL: And if we're going to be

1 back Wednesday here for a meeting, although I think
2 Wednesday afternoon maybe is a better idea for our
3 meeting, because that gives us Wednesday morning to
4 actually get to the map drawing --

5 COMMISSIONER BRADSHAW: Right.

6 CHAIRMAN HARPOOL: -- detail that I'm sure
7 both caucuses will want to -- to engage in. So --

8 COMMISSIONER BRADSHAW: Yeah. I mean, I
9 didn't know what time you were thinking about for
10 St. -- for St. Louis.

11 CHAIRMAN HARPOOL: Yeah. Well, I -- I guess
12 I was thinking the morning -- St. Louis was our longest
13 hearing for the Senate last time. Now, whether it will
14 be --

15 COMMISSIONER BRADSHAW: How long is -- do you
16 recall how long it went? I -- I've got the transcript,
17 I just don't --

18 CHAIRMAN HARPOOL: You were there. Do you
19 remember?

20 MR. HESSER: It was -- it was between three
21 and four hours, I think.

22 CHAIRMAN HARPOOL: True.

23 COMMISSIONER EHLMANN: Mr. Chairman?

24 CHAIRMAN HARPOOL: Yes?

25 COMMISSIONER EHLMANN: Would it be possible

1 in the notices to just have a note that we are
2 incorporating previous testimony and they're --
3 obviously, they'll be able to come back and say the
4 same thing if they want to, but they shouldn't feel
5 like that they have to.

6 CHAIRMAN HARPOOL: That's -- that's an
7 excellent idea. Let's make sure people understand
8 that. We certainly wouldn't tell them don't come back
9 and say exactly the same thing; that's their right as a
10 citizen. But they don't feel they need to do that
11 since we will be reviewing their -- their testimony.
12 That's a good idea.

13 CHAIRMAN HARPOOL: Where in St. Louis are we
14 talking about?

15 MR. HESSER: We have -- we have made
16 arrangements for the Wainright Building to be open.

17 CHAIRMAN HARPOOL: Okay.

18 MR. HESSER: And it's -- it's available all
19 day, so . . .

20 CHAIRMAN HARPOOL: So -- and so we're free on
21 that.

22 COMMISSIONER BRADSHAW: I don't want my
23 schedule to -- I, you know, just to --

24 COMMISSIONER ELLINGER: Can we do it a little
25 later in the afternoon in Kansas City, maybe, like

1 four? Would that work better for you?

2 COMMISSIONER BRADSHAW: Is that too late or
3 is that --

4 COMMISSIONER ELLINGER: How long was the
5 hearing in Kansas City last time?

6 CHAIRMAN HARPOOL: Two and a -- two hours?

7 MR. HESSER: Yeah, it was probably between
8 two and three hours, I would -- would be my estimation.
9 It was a little bit shorter than St. Louis, but not a
10 whole lot shorter than St. Louis.

11 COMMISSIONER BRADSHAW: I don't have to be
12 there. If you could do it -- really any time from 2:30
13 on would -- if we can do it at 2:30?

14 CHAIRMAN HARPOOL: Would -- is everyone
15 comfortable with 2:30 Monday?

16 COMMISSIONER BRADSHAW: I'd appreciate that.

17 CHAIRMAN HARPOOL: Especially since it's your
18 hometown.

19 COMMISSIONER BRADSHAW: Yeah.

20 CHAIRMAN HARPOOL: We want them to know how
21 to find you.

22 COMMISSIONER BRADSHAW: Yeah.

23 CHAIRMAN HARPOOL: The -- then in St. Louis
24 then -- yeah.

25 COMMISSIONER ELLINGER: Go ahead. Go ahead.

1 CHAIRMAN HARPOOL: If we start in St. -- in
2 Kansas City at 2:30, and assuming we get done at 5:30
3 or 6:00, we might then be better off moving the
4 St. Louis hearing back from something early morning,
5 certainly not eight or nine in the morning, so that --
6 some people don't like to drive at night.

7 COMMISSIONER BRADSHAW: I'm just trying to
8 keep people in Kansas City and spend some money there.

9 CHAIRMAN HARPOOL: Well, let's talk -- Steve,
10 you're close to St. Louis and, Nicole, you're close to
11 St. Louis. So do you two have a preference?

12 COMMISSIONER COLBERT-BOTCHWAY: I'm open.

13 CHAIRMAN HARPOOL: As long as it's on that
14 day, it wouldn't matter to you?

15 COMMISSIONER COLBERT-BOTCHWAY: No.

16 CHAIRMAN HARPOOL: Steve, you have a
17 preference?

18 COMMISSIONER EHLMANN: For Tuesday?

19 CHAIRMAN HARPOOL: Yes.

20 COMMISSIONER EHLMANN: I think I can make it
21 any time.

22 COMMISSIONER ELLINGER: Mr. Chairman, I have
23 a deposition -- I'm practicing law also -- that will
24 potentially make it difficult for me to attend Monday.
25 But I can dial in or take transcripts, unless the

1 deposition gets over.

2 CHAIRMAN HARPOOL: I've been practicing
3 over 30 years and I still haven't got it right.

4 Well, I understand then. You will probably
5 be dialing in in St. Louis?

6 COMMISSIONER ELLINGER: If possible.

7 CHAIRMAN HARPOOL: What -- we -- tell me
8 about that. I -- I've kind of volunteered that people
9 would be able to dial in, but perhaps I should have
10 asked the staff before I volunteered that.

11 MR. HESSER: Yes, we're trying to make
12 arrangements for conference lines to be open that would
13 have unlimited amount of people that could call in
14 and --

15 CHAIRMAN HARPOOL: All right. You said --
16 does that make it a morning or an afternoon better for
17 your dial in?

18 COMMISSIONER ELLINGER: All are equal, it
19 makes no difference.

20 CHAIRMAN HARPOOL: Well, why don't we say one
21 o'clock in St. Louis? That -- that way, if we don't
22 get done until later, we can either -- people can drive
23 that night if they want to or they would still be able
24 to get up early in the morning and drive from Kansas
25 City.

1 Would that work for your staff?

2 MR. HESSER: Yes.

3 CHAIRMAN HARPOOL: Is that okay with
4 everybody over here?

5 COMMISSIONERS: Yes.

6 CHAIRMAN HARPOOL: All right. So we have
7 scheduled hearings, as I understand it, in the Senate
8 lounge tomorrow at one in Jeff City, and Kansas City
9 at --

10 Did I say 2:30?

11 MR. HESSER: 2:30.

12 CHAIRMAN HARPOOL: At 2:30 at the UMKC Law
13 School. And then on Tuesday, at 1:00 at the Wainright
14 Building in St. -- downtown St. Louis.

15 COMMISSIONER ELLINGER: Do you want to set a
16 meeting on Wednesday since we're talking about --

17 CHAIRMAN HARPOOL: Well, I -- I think --
18 there's so many anxious people, I think for us then to
19 take a week off and not meet is -- will raise anxiety
20 levels. So let's -- let's meet and see where we are.
21 I mean, the truth is, we might meet and say we're never
22 going to reach an agreement. Let's just certify we're
23 not going to reach agreement and get the process on. I
24 certainly hope that's not what we do. But let's go
25 ahead and meet Wednesday and see where we are and --

1 COMMISSIONER ELLINGER: How about two
2 o'clock? That gives everybody time to look at the
3 maps, have some time to digest the hearings.

4 CHAIRMAN HARPOOL: Does that bother anybody,
5 two o'clock Wednesday?

6 COMMISSIONER SKAGGS: I -- I just suggest we
7 do it earlier. Now, do like in the morning on
8 Wednesday so -- so if we needed to work all through the
9 day and we don't inconvenience the staff into late
10 evening. Because I -- I know if we do -- try to come
11 to some terms and try to work out a map, I think it --
12 it's a day process.

13 CHAIRMAN HARPOOL: Yeah, I -- I've been
14 through it and I know some of you in the House
15 understand this, but there are no little changes in
16 the -- on the Senate map, because every time you change
17 one boundary, you end up having to change a bunch of
18 other boundaries. And you think, we'll just make this
19 switch and find out an hour and a half later you're
20 still making those switches to meet the one little
21 switch you thought you're making. So it does take
22 time.

23 COMMISSIONER ELLINGER: Can we try for eleven
24 in the morning?

25 CHAIRMAN HARPOOL: I think that's reasonable.

1 COMMISSIONER BRADSHAW: Yeah. You -- Doug,
2 you had suggested that when we -- it gives a little
3 time that morning to -- to think about things.

4 CHAIRMAN HARPOOL: Yeah. Right. And I
5 don't -- if -- if -- I guess if either caucus gets
6 together at 9:00 or 9:30, that gives them an hour, hour
7 and a half.

8 Is eleven okay? We'll do it at eleven on
9 Wednesday then. And that will be at the redistricting
10 office?

11 MR. HESSER: Yes.

12 CHAIRMAN HARPOOL: Because that's where our
13 mapping software and -- and all the expertise is.

14 COMMISSIONER MYERS: Still on the --

15 MR. HESSER: Same location.

16 COMMISSIONER ELLINGER: Same -- same as
17 where? Jefferson Building?

18 MR. HESSER: We are -- it's in the Jefferson
19 Office Building and we're on the 13th floor in
20 Room 1310.

21 CHAIRMAN HARPOOL: Let -- let me talk a bit
22 about the process.

23 COMMISSIONER ELLINGER: Do we need a motion
24 to set those dates or you just because you're the
25 Chairman --

1 CHAIRMAN HARPOOL: Yeah, we probably should.
2 It's actually about consistence. Let's do that.

3 Is -- is there a motion to set dates
4 according to the schedule I've just outlined?

5 COMMISSIONER ELLINGER: So moved.

6 CHAIRMAN HARPOOL: Is there a second?

7 COMMISSIONER COLBERT-BOTCHWAY: Second.

8 CHAIRMAN HARPOOL: All in favor?

9 COMMISSIONERS: I.

10 CHAIRMAN HARPOOL: Any opposed? All right.
11 We'll set that schedule.

12 All right. The -- not really next on the
13 agenda, but I do think the process that is in front of
14 us -- and those that were on the House will know that
15 is, we first try to reach a tentative map, then there's
16 a 15-day comment period, and then we have a final map.
17 So that's the reason why I want to push some of these
18 things up front, because even if the filing date is
19 moved as some have proposed and the Senate has
20 approved, that 15-day comment period still pushes us
21 well into March before we would know final -- finally.

22 COMMISSIONER BRADSHAW: Is that -- that's 15,
23 counting every day or do they --

24 CHAIRMAN HARPOOL: I believe it counts every
25 day. We might let our Solicitor General tell us that

1 later, but I -- I believe it's every day including
2 weekends and --

3 All right. Next on the agenda is our lunch
4 break. If there's no objection, we'll break. Anything
5 else?

6 COMMISSIONER PATTERSON: I think we should
7 try to move through the agenda further if --

8 COMMISSIONER SKAGGS: I agree. I would
9 prefer to go through the --

10 COMMISSIONER PATTERSON: If that's okay with
11 the staff?

12 MR. HESSER: It's fine -- fine with us.

13 CHAIRMAN HARPOOL: All right. Are you going
14 to handle this part?

15 MR. HESSER: Yes.

16 CHAIRMAN HARPOOL: Or -- or Renee?
17 Because -- okay. Let's at least get started with it.

18 MR. HESSER: Actually, I'm sorry, I guess
19 Renee is going to take over on this part and --

20 CHAIRMAN HARPOOL: Okay.

21 MR. HESSER: -- introduce our -- the staff.

22 MS. SLUSHER: This won't take too long, but
23 the redistricting staff, I'm going to have them
24 introduce themselves here in a moment. But I did want
25 to let you know that OA's redistricting staff has been

1 serving these commissions since the 1980s, so that
2 they -- and I know Matt has been around quite a while.
3 And so, again, they are here to serve you. They serve
4 only you.

5 And so they wanted me to make sure that you
6 knew that if they got a request from anybody else to
7 help draw district lines, maps, they're going to send
8 them to the chair or vice-chair. They will only assist
9 the commissioners with drawing those lines. So if
10 outside entities or -- or individuals want to
11 participate, they're going to have to go through you.

12 As Matt has indicated, there is a
13 redistricting office. It's on the 13th floor of the
14 Jefferson Building. That's where they are housed as
15 well. That's where the software is. And Matt and
16 Frank will be able to assist you with that software.

17 And they did want to -- to mention, last time
18 there were four redistricting staff, now there's only
19 two. So please keep that in mind if individually you
20 want them to assist you in -- in drawing lines, drawing
21 the maps. They do need to prioritize. We'll seek the
22 advice of the chair and vice-chair as far as how they
23 need to proceed with that. They will try to
24 accommodate everyone as they can, but please realize we
25 do have limited staff in that regard.

1 But I would ask that Matt introduce himself
2 first.

3 MR. HESSER: Matt Hesser. I was born and
4 raised in St. Louis. Went to school at Northwest
5 Missouri State University. Got a -- my undergraduate
6 degree in geology and geography. It was a double
7 major. Went on to Oklahoma State University and got a
8 master's degree in geography. I worked in state
9 government in Oklahoma for 15 years.

10 I worked with the -- in higher education in
11 Oklahoma, and then I spent 10 or 11 years as the
12 assistant director of a educational entity of K12. It
13 was called the Office of Accountability, and we did
14 report cards on school districts in Oklahoma. As part
15 of that process, I dealt with census data, trying to
16 look at the communities that the schools were in. And
17 also did things related to projecting enrollment
18 population.

19 So that's sort of how I got into this
20 environment. And now we're here doing redistricting.
21 I've been the State Demographer here in Missouri
22 since 2007.

23 MS. SLUSHER: Okay, Frank, if you would like
24 to introduce yourself?

25 MR. HUTTO: My name's Frank Hutto. I grew up

1 in Central Illinois. I got a BLA from Oklahoma State
2 and a master's in science from Oklahoma State. I
3 worked at U of I for eight years as a GIS analyst. I
4 worked for the Army as a GIS analyst for two years.

5 MS. SLUSHER: And Pamela is here.

6 If you just want to stand up?

7 She is a notary. And also there's a -- Paula
8 is not here. But between the two of them, they can
9 assist you with your expense accounts and help with the
10 administrative functions that need to be done as well.

11 I think the next item on the agenda, if you
12 want me to move on that, is just the personal financial
13 disclosure. I don't know -- like I mentioned, I don't
14 know if you've received those, but under the law you're
15 required to file them.

16 CHAIRMAN HARPOOL: Who passed that law? Oh,
17 that was me.

18 COMMISSIONER ELLINGER: You do receive the
19 blame for that.

20 CHAIRMAN HARPOOL: I'm sure. Oh, yeah.

21 MS. SLUSHER: And you should have that
22 information. You can file them electronically. I
23 think they were going to send you the keyword or the
24 password to do that. You can file them in hard copy.
25 They do need to be filed by March 2nd, postmarked by

1 March 1st. So just keep that in mind. And if you have
2 any questions about that, we can direct you to the
3 Ethics Commission and they can help you with that.

4 CHAIRMAN HARPOOL: I received mine online.
5 They sent me an e-mail.

6 MS. SLUSHER: Okay.

7 CHAIRMAN HARPOOL: And I don't know, has
8 anybody else received theirs?

9 COMMISSIONER ELLINGER: Yes. That's -- we
10 all -- we should have all received them online.

11 CHAIRMAN HARPOOL: So I just filled mine out
12 online.

13 MS. SLUSHER: They have had -- it is an easy
14 way to do it. And so they've made it a lot easier in
15 that regard.

16 Okay. Thank you.

17 MR. HESSER: The other thing I was going to
18 do, I actually was going to do it on the previous
19 agenda item, but we have handbooks for all the
20 commissioners that are sort of a three-ring binder.
21 They have some maps of what the current legislative
22 districts look like. We've got census information in
23 there that shows population change in the county and a
24 demographic breakdown of the population by county.

25 There's also some information in there about

1 turning in your -- your reimbursements for travel costs
2 and things like that. So I will hand those out right
3 now.

4 CHAIRMAN HARPOOL: Those are very useful.
5 They have great information. The -- something Renee
6 said reminded me an issue that we did discuss on the
7 Senate Commission, I don't know if the House did, and
8 that is, what maps are going to be posted and what
9 aren't.

10 And we took the position that any member of
11 the commission that can get the proper data to the
12 staff and can ask for their own proposal to be posted
13 online at the web page, that they may do so. You have
14 to put your name on it. But that's how Harpool 1, 2
15 and 3 came about, none of which were adopted.

16 But the -- you have the opportunity to -- to
17 post the map if you'd like to because you're a member
18 of this Commission. We -- we're not allowing everybody
19 who wanted to send a map to just post it. One is, it
20 would overwhelm the staff.

21 But we did -- when people did want to submit
22 maps, we discussed it among ourselves and -- and back
23 then, John Maupin, who held Marc's position, and I
24 pretty much agreed that all the -- we considered the
25 serious maps would be posted. And I don't think we

1 ever deemed any map not serious, but the ones that were
2 submitted we thought were all worthwhile of putting on
3 for the public to see. It -- is everybody okay with
4 that?

5 COMMISSIONER MYERS: Mr. Chairman?

6 CHAIRMAN HARPOOL: Yes.

7 COMMISSIONER MYERS: That in my -- well, not
8 only in my opinion, but I'm the only one here to speak
9 to it, that was not real constructive at the House.
10 When you had commissioners -- there was a question of
11 whether a commissioner was acting as a citizen or a
12 commissioner in the -- in the maps that appeared upon
13 the website. I think we -- the House ended up, like
14 the Senate Commission, in that, we could not come to an
15 agreement. I'm curious just how constructive that
16 actually is.

17 CHAIRMAN HARPOOL: And the only reason that I
18 did it is, that there's these data files and for me to
19 send a map to every one of the other commissioners for
20 consideration, the official way for me to do it was
21 just post it on the OA site.

22 COMMISSIONER MYERS: Well, is a public
23 posting is what you're proposing?

24 CHAIRMAN HARPOOL: Well, that's what there
25 were. They -- I -- I didn't have any maps that I was

1 trying to hide from anybody. But there were -- there
2 were times that I -- that I -- I did discuss with
3 specific commissioners specific districts that we may
4 have exchanged in email that didn't have it on.

5 COMMISSIONER MYERS: Well, since we're
6 subject to the Sunshine Law and can suppose that any
7 map is public, but I just -- I know we had -- that was
8 a point of contention in the House, so . . .

9 CHAIRMAN HARPOOL: Well, let's --

10 COMMISSIONER MYERS: When -- when you propose
11 the map, you might consider individual commissioners.
12 So I have no objection.

13 CHAIRMAN HARPOOL: I do think it's important
14 that we make it clear when a map's posted who's going
15 to be responsible for that map. That -- that's --
16 that's a very fair point, because you don't want
17 somebody anonymously posting and you don't want
18 somebody posting something and representing it to be a
19 commission map or an agreed map, and then finding out
20 it's just one maverick individual doing it. I agree
21 with that.

22 COMMISSIONER BRADSHAW: I -- I think the fact
23 that we probably aren't going to spend as long a period
24 of time as the last time will cure some of that.

25 CHAIRMAN HARPOOL: Probably cure that. And

1 the truth of it, there may not be that many maps
2 exchanged.

3 Let me -- that's something -- presently on
4 the OA site, are all of the old maps which were
5 proposed available to view?

6 MR. HESSER: They are.

7 CHAIRMAN HARPOOL: They are?

8 MR. HESSER: So all of the -- currently on
9 the -- on the website, we have created sort of a new
10 section on the website and it is the 2012 Senate
11 Reapportionment Commission. Under that area, we've
12 created a -- the interactive map link is there again,
13 And -- and what we're going to do is we're going to
14 have -- if you remember last time, it was broken into
15 work product of the commission and not work product of
16 the commission.

17 CHAIRMAN HARPOOL: Right.

18 MR. HESSER: That was -- that was a
19 determination that was made by the commission last time
20 that they wanted clear designation between plans that
21 were created by commission members and those that were
22 created just by the general public and maybe turned in
23 during public testimony or things like that. So we're
24 going to keep that format -- or we believe we're going
25 to keep that format if you agree to that, if that's

1 what you want.

2 But currently we have those two set up as
3 the 2011 Senate Apportionment Commission. So you can
4 see that those were plans either turned in by the
5 general public or by the commission in the 2011
6 process.

7 We assume that we'll replicate that and that
8 there'll be additional groupings that would be 2012 and
9 there would be work product of commission and not work
10 product of commission, so that people can clearly see
11 what they're looking at and figure out, was it turned
12 in this time, was it turned in last time.

13 CHAIRMAN HARPOOL: Is there any reason from a
14 space or a technology standpoint that leaving those old
15 maps up is a hindrance to you all in terms of the speed
16 of the operation of the system? I mean --

17 MR. HESSER: I've been working with the --
18 with the I, you know, the IT department for the State.
19 Right now, there's no concerns. What happened last
20 time was, when the -- the maps were actually released
21 and we were releasing both House and the Senate at the
22 same time, we had so many people trying to get into the
23 maps simultaneously that it did bring the system down.

24 CHAIRMAN HARPOOL: Most of them were from
25 pretty close to here probably.

1 MR. HESSER: It could have been. So -- so
2 when we get to the point where we're actually getting
3 ready to release a plan, we may need to -- I think the
4 first thing we would do is sort of get rid of the --
5 the 2011 information. And then if -- if the system is
6 still struggling to keep up with the load, we would
7 maybe have to start pulling off the, you know, like the
8 public comment maps, layers. We'd -- we'd have to
9 start to, you know, sort of whittle down what's being
10 served out.

11 Last time we got down to the point we had so
12 much traffic, that the only thing we could serve was
13 just the new House and the new Senate lines. As -- as
14 long as we just had that information going out, we
15 could -- we could serve all of the demand. But -- and
16 then over the days as -- as demand slacked, then we
17 would put additional information back onto the website
18 again.

19 So that would be the only caveat there is
20 that we, at release time, we -- we really need to have
21 the pertinent information out and make sure that
22 everyone can get to it, and then as demand slacks off,
23 we can -- we can add additional information out there.

24 CHAIRMAN HARPOOL: Well, I think it's a
25 public record and obviously if somebody wants to see

1 it, they have a right to see it. But if you -- some of
2 the earlier maps I proposed, I mean, those were
3 pre-public hearing last time and we made lots of
4 changes in them after we heard the public testimony.

5 So if you want to delete Harpool 1 or 2.
6 Obviously, if anybody here wants to see it, they should
7 be able to. But if it helps you technologically, I --
8 as far as I'm concerned, feel free to do so.

9 COMMISSIONER BRADSHAW: I've looked at the
10 testimony and I really haven't looked carefully at the
11 various maps that are there. Are they in PDF files?
12 When you do the map itself does it get posted as PDF
13 file? If so -- I mean, when you -- if I looked at
14 St. Louis or Kansas City where -- it's easy to tell
15 when we're dealing with county lines, but when you get
16 in the metropolitan areas, can you -- or Springfield or
17 any of those larger counties -- is it useful to be able
18 to zoom in on those or does it just get to the part
19 where you can't really tell where the lines are?

20 MR. HESSER: Well --

21 CHAIRMAN HARPOOL: I'll reply. It's
22 phenomenal.

23 COMMISSIONER BRADSHAW: Is it?

24 CHAIRMAN HARPOOL: Yeah, I mean --

25 MR. HESSER: Like -- like anything else with

1 redistricting, the answer to your question's
2 complicated. We have -- we have some of the maps in
3 PDF format. We have the plans that were filed by the
4 judges in PDF. We have those by county. So anywhere
5 where a line cut through a county, we'll have a county
6 detail map. We also have detailed maps that are by
7 district, you know, so by the new legislative district.
8 We have -- we have those PDFs for both the -- the
9 rescinded plan, the first one that they filed, and then
10 the second plan that they filed.

11 For all of the -- for all of the other plans
12 that were submitted by individual commissioners or by
13 the general public, those are on an interactive map.
14 And I think that's what Doug was getting ready to
15 explain is that the interactive map, you can zoom to
16 essentially house-level detail. We have aerial
17 photography that you can pull up behind if there's a
18 certain, you know, physical location that you're trying
19 to figure out which side of the line is it on.

20 We also can -- we included incumbents address
21 locations, so you could tell, you know, where lines
22 fell relative to incumbents, things like that. So all
23 that information is available in that interactive map.
24 And, you know, you can zoom to whatever location, at
25 whatever level of detail you -- you see fit.

1 CHAIRMAN HARPOOL: And that --

2 COMMISSIONER BRADSHAW: I've probably
3 anticipated something we would talk about.

4 CHAIRMAN HARPOOL: Because, I mean, they can
5 do school district boundaries.

6 Can't you still do that?

7 MR. HESSER: Correct.

8 CHAIRMAN HARPOOL: They can do municipal
9 boundaries. It's really impressive.

10 I think -- do you think you're going to
11 demonstrate that this afternoon some for us?

12 MR. HESSER: Yeah. We -- we can do a
13 demonstration of the -- of the website if anybody
14 hasn't been on there yet, and we'll -- we'll show you
15 how that works.

16 CHAIRMAN HARPOOL: All right. Why don't we
17 break now for -- for lunch? We've got some more
18 business done.

19 And why don't we meet back maybe at 12:30? I
20 mean, I think -- is that okay?

21 COMMISSIONERS: Yes.

22 CHAIRMAN HARPOOL: All right. Very good.
23 We'll stand in recess until 12:30.

24 Don't forget to get your forms signed.

25 (A BREAK WAS TAKEN.)

1 CHAIRMAN HARPOOL: A couple things we need to
2 take up.

3 Off -- right off the bat, we -- we want to
4 visit on a couple of issues. One is, assure everybody
5 that there will be no substantive votes on a map or
6 procedure for the rest of this meeting. The rest of
7 this meeting is going to be informational and
8 educational only, teaching about the mapping software,
9 its limits and strengths. So those who have previously
10 served on redistricting commissions and have heard the
11 presentation and used the software may stay or not
12 stay, that's up to you. So -- but you can do so with
13 assurance that we're not going to vote on any of this.

14 Does everybody agree with that?

15 COMMISSIONERS: Yes.

16 CHAIRMAN HARPOOL: The other issue we have
17 then, is there any reason we see to have the court
18 reporter transcribe the rest of this meeting? I hate
19 to --

20 MR. HESSER: Doug, we were going to let her
21 stay for the -- for Jim's presentation, but then
22 after --

23 CHAIRMAN HARPOOL: Then leave after that?

24 MR. HESS: -- after that, when we get into
25 the software portion, and then we've got a -- a run

1 through on the data and some things that are associated
2 with the data, I just --

3 CHAIRMAN HARPOOL: Is everybody comfortable
4 with that? That --

5 COMMISSIONER MYERS: I will -- Mr. Chairman,
6 I'll say that I'll stay for the Solicitor General's,
7 but then being on the House, I'll leave subsequent to
8 that.

9 CHAIRMAN HARPOOL: Okay.

10 COMMISSIONER ELLINGER: Do we want to poll to
11 see who's going to stay?

12 CHAIRMAN HARPOOL: Yeah. Are we going to
13 have a quorum? Nicole's going to stay.

14 COMMISSIONER SKAGGS: I will probably leave.

15 CHAIRMAN HARPOOL: Trent will leave. Todd,
16 you're going to leave, because you -- you're on it.

17 COMMISSIONER ELLINGER: Are you staying or
18 leaving, Mr. Chairman?

19 COMMISSIONER BRADSHAW: Well, I plan on
20 staying.

21 COMMISSIONER PEARSON: I'll stay.

22 COMMISSIONER EHLMANN: I'll stay.

23 COMMISSIONER ELLINGER: I'll stay if you need
24 me.

25 CHAIRMAN HARPOOL: Well, I mean --

1 COMMISSIONER PEARSON: I don't think
2 technically we even need a quorum if we're not going
3 to --

4 CHAIRMAN HARPOOL: You need a quorum --

5 COMMISSIONER ELLINGER: Well, let's just say
6 if we're going to lose our quorum, we can just -- after
7 the Solicitor General's comments, we can adjourn.

8 MR. HESSER: The general counsel for OA said
9 that it wasn't necessary for a quorum to be present for
10 the board to adjourn.

11 CHAIRMAN HARPOOL: Let me -- do we -- does
12 that mean we go ahead and adjourn and just the rest of
13 the people stay here and hear the presentation? Or do
14 we keep the meeting open without a quorum?

15 MR. HESSER: I -- I think what she was saying
16 is, you can go ahead and keep the meeting open and
17 then -- and then we finally finish up, whoever is here
18 can just adjourn.

19 CHAIRMAN HARPOOL: Okay.

20 COMMISSIONER SKAGGS: Maybe we should ask the
21 Solicitor General that question.

22 CHAIRMAN HARPOOL: All right. Let's -- we'll
23 get to him in a second. What -- what additional
24 issue -- at the public hearings -- I want to make sure
25 we're all on the same page here. We -- their sole

1 purpose is to receive public testimony and not to
2 discuss or not to vote on any map proposal or to
3 bind -- try to bind the commission on the process that
4 will be used and -- is that -- everybody agree with
5 that?

6 COMMISSIONER ELLINGER: Yeah, can we just
7 offer that as an amendment to the rules? That way,
8 it's --

9 COMMISSIONER SKAGGS: Yeah. So -- so moved.

10 COMMISSIONER ELLINGER: I'll second.

11 CHAIRMAN HARPOOL: The public hearings will
12 be solely for the purpose of receiving public
13 testimony, understanding that the Board might make
14 decisions related to how they want to receive public
15 testimony in terms of length of time and things like
16 that.

17 COMMISSIONER ELLINGER: So I understood the
18 motion.

19 CHAIRMAN HARPOOL: All right.

20 All in favor, say I.

21 COMMISSIONERS: I.

22 CHAIRMAN HARPOOL: Opposed, no? All right.
23 So we all have that assurance and protection, if you
24 can't make a public hearing, you're not going to miss
25 substantive business.

1 There is an -- an issue. Last time we --
2 when I was discussing our mapping ruling, we actually
3 said that outside groups could only submit a map if
4 that group had presented actual testimony in a public
5 hearing. And our fear was, we would just get inundated
6 with maps and everybody -- are people still good with
7 that mapping idea? I mean, obviously, they can submit
8 it to one of us, but --

9 COMMISSIONER BRADSHAW: Fine with me.

10 CHAIRMAN HARPOOL: Any group that thinks they
11 want to submit a map for possible publication on the OA
12 website should at least appear at a hearing?

13 COMMISSIONER ELLINGER: And present the map
14 at that time.

15 CHAIRMAN HARPOOL: All in favor of that,
16 say I.

17 COMMISSIONERS: I.

18 CHAIRMAN HARPOOL: Opposed? All right. So
19 it will be a matter of to be dealt with.

20 Now, we are to the Sunshine Law. And,
21 Mr. Layton?

22 MR. LAYTON: Thanks. About 11 years ago,
23 Attorney General Nixon asked me to bone up on
24 redistricting, so I could represent the commissions and
25 handle any litigation. And none of it happened that

1 time. And we're making up for it this time.

2 I -- I'm going pass cards along. If all of
3 you pass them along. You know, my -- my job is to
4 defend whatever it is that you do, assuming that it's
5 defensible, which I'm sure it will be. And I'm happy
6 to talk with you individually or as a group in an
7 attorney-client privilege conversation. But today,
8 I'll just make a few general comments.

9 First is the Sunshine Law. The Sunshine Law
10 covers public governmental bodies, which you are.
11 You're created by the Constitution; you are a
12 governmental body.

13 The Sunshine Law has kind of two sides to it.
14 One is public records, that is, records of the public
15 governmental body are available to the public. I don't
16 recall us ever having a request for records from the
17 bipartisan commissions. I'm not sure there never have
18 been, but I don't recall it. The judge's commission
19 has had request for records, but they're a different
20 animal in that sense.

21 The other side are the -- the meeting
22 requirements. The Sunshine Law requires that public
23 governmental bodies give notices of their meetings, and
24 that they go through a voting process when they go into
25 closed session, that they keep minutes with regard to

1 the closed session. And that if they hold a vote in
2 closed session, they record it when they come out of
3 the closed session.

4 All you really need to worry about is that
5 you're sure that when you have an official meeting of
6 the -- of the commission, that the staff makes a notice
7 of that so that there is notice. You -- you may or may
8 not have to actually vote on whether to go into closed
9 session.

10 In connection with the House, the judge's
11 commission work on the House, the Cole County Circuit
12 Court ruled recently that the judge's commissions are
13 not within the Sunshine Law. But also that even if
14 they were, that the provision that lets you and them
15 meet in closed session, as you deem appropriate,
16 overrides the Sunshine Law's requirements with regard
17 to closed meetings and allows you to meet at will.

18 I don't know what will happen to that on
19 appeal. And so you're probably better off noticing
20 meetings and -- and holding votes.

21 But to the extent you have Sunshine Law
22 questions, please, you know, give me a call and we can
23 talk about that. I can take any general questions
24 today if you would like.

25 CHAIRMAN HARPOOL: I do have a general

1 question.

2 MR. LAYTON: Yes.

3 CHAIRMAN HARPOOL: At our public hearings, do
4 we need to make sure we have a quorum physically
5 present?

6 MR. LAYTON: You know, the Sunshine Law
7 doesn't really address that. I -- I suppose it's
8 conceivable someone could argue it's not really a -- a
9 public hearing of the commission if you didn't have a
10 quorum at least listening. That doesn't seem very
11 likely to me, that somebody would successfully argue
12 that, but -- but they could argue it.

13 CHAIRMAN HARPOOL: Especially since a
14 transcript is going to be available to everybody.

15 MR. LAYTON: Yes. Yes. And I understand now
16 that I've got more of this litigation, sometimes I give
17 advice as to, this is what the law has been -- you
18 could be sued. This is -- I don't want you to be sued.
19 I -- we've got enough of those.

20 Then let me make a quick comment about legal
21 standards. In the course of this year, as we've been
22 going through these cases, I've had to expand my list
23 of -- of legal concerns just a little bit.

24 But the Constitution -- well, first off, let
25 me just say, the Constitution assigns to you a duty and

1 you've taken an oath to fulfill that duty. And the
2 duty is to actually produce a map. Under the
3 Constitution, you have five and a half months from
4 today to do that.

5 Well, let's just say that, if you don't do it
6 a lot faster than that, there are going to be new
7 districts, but they aren't going to be from you. So --
8 so I -- I really hope that for the first time I'm
9 briefing a commission that actually produces a map.

10 The Constitution has within it a number of
11 different requirements for the Senate, and for those of
12 you who sat on the House, it's slightly different.

13 The one thing that is the same, and this is
14 true for congressional districts and the House is that
15 the districts have to be contiguous. There is an
16 argument being made currently about -- in the House
17 district's case, that contiguity does not allow you to
18 have a district that is divided by the Missouri River
19 where there's not a bridge. That's -- I don't think
20 that's ever been an issue on the Senate side because
21 you're dealing with much larger areas. So I don't
22 think that you will face that problem.

23 The second requirement is that the districts
24 be as nearly equal in population as possible. Excuse
25 me -- as nearly equal in population as may be, not as

1 possible. The House districts have to be nearly as
2 equal as possible. You simply have to be as nearly
3 equal as may be.

4 That's never been specifically defined in
5 Missouri law. The federal courts have addressed it a
6 number a times. The way in which we calculate that,
7 for those who haven't dealt with this before, is that
8 you look at what the ideal number is --

9 Which is what, Matt?

10 MR. HESSER: 176.

11 MR. HUTTO: 145.

12 MR. HESSER: 145.

13 MR. LAYTON: Okay. 176, 145. You look at
14 that number. You find the district that has the most
15 people in it, and you figure out what percentage above
16 the ideal that is. You look at the district that has
17 the fewest people in it. You figure out what
18 percentage that has at the total. And then you take
19 the differences and you add them together.

20 So if the largest district was 5 percent
21 above, that number and the smallest was 5 percent
22 below, then our overall deviation would be 10 percent.

23 Federal courts have deferred to State
24 decisions like the one you will make so long as they
25 keep that overall deviation under 10 percent. That's

1 kind of a safe harbor. It's not -- it's not completely
2 safe, but it's -- it's basically a safe harbor in terms
3 of population as long as you stay under 10 percent.

4 The judges were in the 8 percent range. Ten
5 years ago the numbers were in the 6 percent range. The
6 lowest they've ever been is in 1970, when they were in
7 about the 1.5, 2 percent range. At least for the House
8 they were; I don't know if they were for the Senate or
9 not. Probably not quite as close on the Senate,
10 because of what we're going to talk about next.

11 So you have contiguity, you have population,
12 and then you have two criteria for geography. One of
13 them is a general criteria that applies to the
14 Congressional districts and the House districts as
15 well, and that is that the districts be as compact as
16 may be.

17 I've spent some time standing before the
18 Missouri Supreme Court discussing with them what that
19 term means. I probably have not much better idea what
20 it means now than before we started having that
21 conversation.

22 But I simply warn you that if you have a
23 district that -- that attaches, say, two counties that
24 only have a -- a very narrow border between the two,
25 just a few miles out of the whole county, in like a

1 barbell shape, someone could argue that it is not as
2 compact as may be.

3 The other one is -- applies only to Senate
4 districts. And that is our requirements about not
5 crossing county lines. And -- and I asked Frank to put
6 up the judge's map that was rejected, just so you can
7 see what it was that led the Missouri Supreme Court to
8 reject the map.

9 The provision is that if you have a
10 multidistrict county, that is a county that -- that has
11 too many people to be its own State Senate district are
12 to be combined with other counties, and there are only
13 a few of those. There's just Jackson, Clay, Platte,
14 St. Louis, St. Charles, Jefferson, Green.

15 Have I got them all?

16 MR. HESSER: I think that's right.

17 MR. LAYTON: I think that's right.

18 COMMISSIONER ELLINGER: Platte's not.

19 MR. LAYTON: Platte's not? Okay. Platte's
20 not. Yeah, and then when you have those, you are able
21 to cross a county -- well, the City of St. Louis.
22 That's the one I'm missing.

23 MR. HESSER: Right.

24 MR. LAYTON: You're able to cross a county
25 line in order to fill one district in each county. And

1 what the Court found was the problem with this map, it
2 shows Jackson county. Jackson county is -- is mostly
3 the black lines. The red lines are the districts
4 (indicating).

5 And what you have happening is, the 10th
6 district is being filled with people who live in Cass
7 county on the south end and also people who live in --

8 I think it goes over to the north end,
9 doesn't it?

10 CHAIRMAN HARPOOL: Clay.

11 COMMISSIONER ELLINGER: Clay.

12 COMMISSIONER LAYTON: Into Clay County on the
13 north. And then you also have this district here down
14 in Cass County, while you're filling --

15 What district is it? I can't see the number.
16 What district is this?

17 COMMISSIONER SKAGGS: The 17th.

18 MR. LAYTON: The 17th? You're also --
19 the 17th is partly in Jackson County and you're also
20 filling it from two other counties. So you're filling
21 more than one district in Jackson County from more than
22 one other county. And that's what the Court said you
23 couldn't -- couldn't actually do. You -- you can only
24 fill one district in each multidistrict county by
25 pulling people from another county.

1 Now, that doesn't mean that you can't do it
2 twice.

3 Can you get me over to St. Louis -- could
4 we -- can we do the St. Louis side?

5 MR. HUTTO: Yes.

6 MR. LAYTON: Because the St. Louis slide
7 shows something that we had challenged, but -- but
8 shows you a different approach.

9 The City of St. Louis has too many people for
10 just one district. And so you have to pull people into
11 a district to fill St. Louis. I mean, you have no
12 choice. It has to come from St. Louis County, because
13 there's -- there's no other adjacent county.

14 So you'll see here that the 5th district is
15 entirely in the city, and the 4th district is filled
16 with people from St. Louis County. Well, that leaves
17 you with enough people in St. Louis County that you
18 can't evenly divide St. Louis County. And so you have
19 to then bring people from someplace else to fill a
20 district in St. Louis County. And on this map, they
21 brought them out of Jefferson County, there in
22 the 27th.

23 So St. Louis County actually has two on this
24 map, districts that cross the county boundaries. But
25 the -- the 4th is filling the district of the City of

1 St. Louis. And the 27th is filling the district in
2 St. Louis County. And so even though you're crossing
3 the boundary twice, you're only pulling people in to
4 fill one district in each of the counties.

5 That -- that may be a fairly subtle
6 distinction, and actually we had a challenge to this
7 saying that this couldn't be done either. Although I
8 was kind of baffled by that, because if you don't do
9 this, I don't know how -- I mean, there really isn't an
10 alternative to doing this. So that -- I don't know
11 what they thought we were going to do, but there's not
12 an alternative.

13 But that's the kind of realm you're in. And
14 that's why the judge's plan was a problem; is it filled
15 two or three districts in -- in Jackson County instead
16 of just one district in Jackson County. Okay?

17 That's -- that's the trickiest part of -- of
18 the Senate's side is this -- this county thing.

19 The -- the only other principle --

20 COMMISSIONER SKAGGS: Can I -- can I ask a
21 question real quick?

22 MR. LAYTON: Yes.

23 COMMISSIONER SKAGGS: Did -- did OA draw the
24 maps for the Court?

25 MR. HESSER: We -- we assisted them in

1 drawing the maps, yes.

2 COMMISSIONER SKAGGS: You assisted them in
3 drawing?

4 MR. LAYTON: Yeah, they're -- they will draw
5 any map you ask them to draw. They --

6 COMMISSIONER SKAGGS: Yeah, I just didn't
7 know if that happened with the --

8 MR. LAYTON: But they won't make any
9 decisions about what they're drawing --

10 COMMISSIONER SKAGGS: Right.

11 MR. LAYTON: -- is the -- is the difference.
12 Yeah?

13 COMMISSIONER MYERS: Let me ask you again
14 about Jackson County.

15 MR. LAYTON: Yeah.

16 COMMISSIONER MYERS: So I understand this.
17 If -- if you have a district in Jackson County, you can
18 only go out to one other county to fill that district?

19 MR. LAYTON: Yes. Yes. And -- and I -- I
20 won't have you go across. But the other problem with
21 their map was that one of the districts actually went
22 into both Cass and --

23 COMMISSIONER PATTERSON: Clay.

24 MR. LAYTON: -- and -- what was it?

25 COMMISSIONER PATTERSON: Clay County.

1 MR. LAYTON: No, but one of the other ones
2 went to Cass and --

3 COMMISSIONER PATTERSON: Oh, Lafayette
4 County.

5 MR. LAYTON: -- Lafayette County; is that it
6 went to two. And you can only go to one.

7 COMMISSIONER MYERS: So if they would have
8 gone all in Cass or all in Lafayette to fill that out,
9 it should have been okay?

10 MR. LAYTON: Well, if they'd only done it
11 with one.

12 COMMISSIONER MYERS: One.

13 MR. LAYTON: But they did it with two. So
14 it's both that they did it with two and they went into
15 two counties.

16 COMMISSIONER MYERS: Okay.

17 MR. LAYTON: And one of them actually -- one
18 of the districts went into two, and then there was
19 another county they felt that itself went into two.
20 But, no, you can only fill one district from one other
21 county. At least I think that's --

22 COMMISSIONER MYERS: So you -- you want -- if
23 you can get a whole district out of a county, you do
24 that?

25 MR. LAYTON: You have to do that if you can.

1 COMMISSIONER MYERS: You have to do that.
2 And then if you need to complete that, you can go to
3 one other county?

4 MR. LAYTON: And that's only where you have a
5 multidistrict county. That is, you -- you have to be
6 starting from a county that has -- that has too many
7 people to itself be -- be combined with other counties
8 or to stand on its own.

9 COMMISSIONER MYERS: Okay.

10 MR. LAYTON: So if -- the process always has
11 to start in one of those six counties or the City of
12 St. Louis that are the multidistrict things. They
13 can't start anywhere else. All right? Matt's been
14 through enough of this now that hopefully he can walk
15 you through when you -- if you cause a problem.

16 Let me comment on one last thing that I
17 hadn't thought about until -- seriously, until the end
18 of the judge's process. And that's this: In addition
19 to doing the boundaries, you have to give them numbers.
20 And odd numbers are up this year, right?

21 COMMISSIONER MYERS: Yes.

22 MR. LAYTON: Odd numbers are running this
23 year?

24 COMMISSIONER ELLINGER: Yes.

25 MR. LAYTON: Ten years ago, Harry Kennedy,

1 following the redistricting, represented a district in
2 rural Missouri about 100 miles from his home. I don't
3 know that -- I -- I assume Harry Kennedy didn't like
4 that, but I'm sure the people in his district didn't
5 like that.

6 You have to give them numbers and -- and that
7 suggests -- I don't want to give you political advice,
8 but I'm going to come close to that here -- that to
9 minimize the lack -- the alleged lack of
10 representation. Because there's some people who have
11 actually argued that they can't be left without
12 representation.

13 It -- it is worth at least thinking about
14 putting the -- if you're going to move a district
15 dramatically, making it an odd-numbered district, that
16 is, moving so that they can elect their own senator
17 this year rather than living with someone who was
18 elected by someone else.

19 I don't think that our population move is
20 quite so dramatic this time that that has to happen.
21 But there are certainly districts that will have to
22 move substantially. And it's worth thinking about the
23 representation of the people in the district as you're
24 thinking about what number to put on that particular
25 district. Okay?

1 Other than that, I will answer any question
2 you want to ask me now, and otherwise, you're free to
3 call me. I -- I'm not going to come to the three
4 public hearings; in part, because I have to brief the
5 House case over the next few days. It will be argued
6 in the Missouri Supreme Court on the 27th. The
7 Congressional case, I suspect -- we argued on Thursday
8 and I suspect it will be decided in the next -- next
9 few days.

10 COMMISSIONER ELLINGER: Mr. Commissioner,
11 could we ask Mr. Layton to appear on the -- at
12 Wednesday's agenda, which is a working session?

13 MR. LAYTON: That -- that would be fine.

14 COMMISSIONER ELLINGER: That way, if we do
15 have questions, he would be available.

16 MR. LAYTON: Yeah, I -- if you're going to
17 meet at the redistricting office, what I would do is,
18 just -- just call me. I'll be in the office. What
19 time are you starting?

20 CHAIRMAN HARPOOL: 11 a.m.

21 COMMISSIONER ELLINGER: 11.

22 MR. LAYTON: I have -- I have something that
23 will involve me until about 12:30, and then I'll --
24 then I'll be back. And so just -- just call my office
25 and I'll walk over.

1 CHAIRMAN HARPOOL: Is that fair? He'll be
2 available by phone, but he's not for the very first
3 part of the meeting.

4 MR. LAYTON: Yeah. I -- after the first
5 part, I can -- I can get there. Okay? All right.
6 Thanks.

7 CHAIRMAN HARPOOL: Thank you, Jim.

8 COMMISSIONER MYER: Mr. Chairman?

9 COMMISSIONER BRADSHAW: Should he have to
10 defend us, however?

11 CHAIRMAN HARPOOL: Yes, Mr. Myer?

12 MR. LAYTON: Should we -- should I have to
13 defend you?

14 COMMISSIONER BRADSHAW: Because we're not --
15 we're -- we're not responsible for anything that
16 happens at the public hearings while you're not there.
17 You're going to have to be on your own.

18 MR. LAYTON: I -- I -- I don't think I would
19 be any help at what happens at the public hearings.

20 CHAIRMAN HARPOOL: Mr. Myers, did you have
21 another question?

22 COMMISSIONER MYERS: I just wanted to make
23 sure that the OA staff would e-mail all the
24 Commissioners our hearing dates, times and places when
25 you have that available?

1 MR. HESSER: We'll -- we'll e-mail out all
2 the agendas for those.

3 CHAIRMAN HARPOOL: By the way, in talking
4 with the -- with Matt, I suggested that all members
5 will get an e-mail -- any time OA staff is about to put
6 a new map up online, we will get an e-mail at least two
7 hours in advance warning us that a new map's about to
8 be posted.

9 COMMISSIONER PATTERSON: Great.

10 CHAIRMAN HARPOOL: There won't be a map up
11 for a day before we notice it and start getting calls
12 about it. Make sure we know --

13 COMMISSIONER MYERS: That won't last a day.

14 CHAIRMAN HARPOOL: All right. And I will say
15 that -- that our citizen's commissions, at least for
16 the Senate, and I think the House, both tried to
17 operate in full compliance of the Sunshine Law last
18 time. So I've got a few comments about that by people
19 who don't understand the difference between the
20 citizen's commission and the judicial commission, but
21 we -- we have operated according to the Sunshine Law as
22 we understand it. Okay.

23 Next on the agenda is commission budget,
24 compensation and expenses.

25 MR. HESSER: I think Lori was going to speak

1 about that.

2 MS. SLUSHER: I think Lori's working to get
3 the public notices posted. So if you want to skip that
4 and I'll go find her.

5 CHAIRMAN HARPOOL: No objections? That's
6 fine. All right. Let's get to -- if no objection to
7 that, then let's go to our demonstration of our
8 redistricting software.

9 MR. HESSER: One thing we need to apologize
10 for a little bit is that the projectors in this room,
11 for some reason, don't want to project the images or --
12 or in the actual software program when we switch over
13 to that. You can just barely make out what's on the
14 screen. We have those -- we have them as bright and
15 the contrast up as much as we can get.

16 So what we might do is, there'll be limited
17 utility on what you can see here for right now. We'll
18 probably run through this real quickly. And then at
19 the tail end of the meeting, we may go over to the
20 redistricting office and set up there where we can show
21 you a little bit better how this program actually works
22 where you -- you'll be able to see it.

23 So we'll just do a quick run through right
24 now, and then for those who are interested, we can go
25 back over and do a little more in-depth demonstration

1 of the software back at our office where we -- we will
2 be able to see.

3 Frank's going to run us through this real
4 quick.

5 MR. HUTTO: I'll try to make it pretty quick.
6 Basically, making districts with GIS. GIS stands for
7 geographical information systems. And what makes a GIS
8 system different from a database is because, basically,
9 a database has a geographical reference. So here's a
10 field that would be a in GIS database with -- these are
11 lat-longs addressed to each -- each field.

12 And the software that we're going to be using
13 is Maptitude for redistricting. And I'll give a
14 demonstration on a couple maps here at the end. And
15 the -- the features that -- that Maptitude has is, you
16 can select the features to create a district; counties,
17 school districts, whatever you want to select. The
18 information is -- is updated for each selection.
19 Again, you'll -- you'll get a better idea of that when
20 I show the demonstration. And then it will graphically
21 display the selection with layers.

22 The building components of a district are
23 counties, VTDS -- voting tabulation districts -- and
24 census blocks, and you can also select towns and school
25 districts. You can select other -- other polygons and

1 they'll be associated back to the blocks. But the
2 basic building block is -- is -- is a block, a census
3 block.

4 CHAIRMAN HARPOOL: I might add, that --
5 that's why a lot of these maps have weird boundaries.
6 They look like they jig jag, and you're just following
7 the census blocks. You have to do to know the
8 population.

9 MR. HUTTO: Yeah. Easements along roads
10 could go for miles. So you pick a block and it goes on
11 to the easement.

12 So in Maptitude, you'll have summary fields
13 where you can -- I mean, you can build these summary
14 fields to show whatever you want. But you can have
15 population, which is -- you probably have to have
16 population because you need to know what the population
17 is.

18 You can have minority; either black or
19 Hispanic, or whatever is important to you. And you can
20 have election returns. We have that -- that
21 information too and it would upgrade it on the fly. So
22 every block you pick, it would tell you the percent
23 difference you picked.

24 And the graphic layers, you can also have a
25 background map. Be a gradient-type thing, what the

1 percent of blacks there are, example. You can show
2 other plans as a layer. You can show the political
3 boundaries, which would be towns or what -- so forth.
4 You could show the rivers and roads as physical
5 boundaries. And also it'll create a compactness
6 report.

7 I believe there's eight, isn't there?

8 MR. HESSER: Seven or eight, yes.

9 MR. HUTTO: They're all variant. I mean, if
10 you want an explanation on the -- on them, we can dig
11 up the information or I can explain them to you. I can
12 draw little pictures or do the math for you if -- if
13 you want to go in that much detail.

14 In addition, we can create reports and
15 tables, any kind of information you need. Whether you
16 want the election data for the Governor in 2008. I
17 mean, we -- we can do that. Or we can add what school
18 district each district's in. We can do all kinds of
19 splits and tables. We can also create, you know,
20 graphic maps.

21 CHAIRMAN HARPOOL: Because you might expect
22 if you look at '08 Democrat/Republican performance
23 versus '10, it's different, I mean --

24 MR. HESSER: We have Lori here, so let's go
25 to this.

1 MR. HUTTO: Do you want to do the demo or do
2 you want Lori to go first?

3 MR. HESSER: Let's go ahead and -- we'll
4 probably not -- I don't -- let's -- we'll get started
5 and see what -- what shows up on the screen here and
6 whether we can really lead through this. And if -- we
7 were going to try to just build a couple of districts
8 for you real quick, and point out like where the
9 pending change window was in the data table, some
10 things like that.

11 I'm not sure if you're going to be able to
12 see this, but let's give it a try and we'll see what we
13 can see. We'll probably run through it real quick and
14 then if someone wants to hang around, go back over to
15 the redistricting office, we can set up there where
16 you'll be able to see better and -- and we can -- we
17 can do more with showing you how the software works.

18 MR. HUTTO: I was basically going to create
19 two districts. One would be the northwest, which you
20 can select by county obviously. And then do one in
21 Jackson County where you select a community. So this
22 is what the redistricting Maptitude looks like. This
23 is the data table, here at the top. I don't know if
24 you can see my mouse. I can't see behind me, so I
25 don't know what you can see. You're still there

1 (indicating)?

2 MR. HESSER: Yeah. This is a -- a data
3 table, so it'd be, you know, sort of a spreadsheet.
4 Every time you build a new district, it's going to put
5 a new record in the spreadsheet. And it'll -- it'll
6 tabulate those numbers on the fly, as you -- as you
7 make changes to the district.

8 MR. HUTTO: So you have population. I
9 highlighted THE population there. And you can have the
10 deviation of that district. And then you'd have the
11 percent deviation. And these are the summary fields.
12 This is whatever you want to add. So I've got a
13 percent -- a ten-year average or percent democrats and
14 percent republicans, and then I have a minority summary
15 field.

16 CHAIRMAN HARPOOL: However, the minority
17 number includes all minorities, but there's also a
18 number just for blacks or just for Hispanics?

19 MR. HUTTO: Yeah. That's right. That's
20 right. I mean, we can do Hawaiians if you want to do
21 Hawaiians. Again, this is just an example.

22 So to create a district, we -- new district,
23 unassigned, go to select by county. I'm just going to
24 start picking --

25 MR. HESSER: This is the part where we're --

1 we're a little bit limited here. One thing you can't
2 see is that there's a pending changes window, right
3 over here. And what it's doing is that the record at
4 the top shows you like when you lock in and say, we're
5 ready to -- we're ready to make that a district, that
6 information would show up in that top data table.

7 When you are going, well, what if we take
8 that county off and we add this county; it will keep
9 track of that in this other window over here that's
10 called the pending changes window (indicating).

11 COMMISSIONER BRADSHAW: It just kind of gives
12 you a running total of what the number is.

13 MR. HESSER: Correct. And so as you add or
14 drop, it will try to keep track of -- of what's going
15 on with that.

16 We've had a few situations where, if you go
17 for a long time, especially when you get into areas
18 where you're working by voting district or you're
19 working -- especially when you get down and you say,
20 the voting district boundaries we think are too jagged
21 or irregular and we want to drop down and try to clean
22 up edges with census blocks. When you work with the
23 census blocks, if you -- if you go for a long time, it
24 can -- sometimes it can get confused and it might give
25 you a false reading.

1 But, usually, once you -- once you lock in,
2 it'll -- it'll tell you what -- what the actual data
3 is, put it in that record at the top. And then also if
4 sometimes we need to do some routines where we -- it's
5 called verify plan, and -- and some -- and it'll
6 actually go back and slightly readjust some of these
7 numbers at the top based on keeping track of where
8 those census blocks are and which -- which districts
9 they're in. Things like that. But --

10 MR. HUTTO: It could make a lot of difference
11 sometimes.

12 MR. HESSER: Some cases --

13 MR. HUTTO: Some cases may make a lot of
14 difference. So really a plan is not a plan until you
15 verify it.

16 MR. HESSER: Right. Oh, sorry to interrupt.

17 MR. HUTTO: So I selected a district here. I
18 don't know if you can see the numbers. The deviation
19 is 1 percent. That's just a made-up district,
20 obviously, to do a quick and easy one. Then I commit
21 this and I'm going to call it A. Then you can see at
22 the table at the top -- you can't hardly see it
23 (indicating).

24 MR. HESSER: You can't see. And my laser
25 pointer just went dead. But it did -- it -- it put the

1 record in and it's trying to give you a tabulation of
2 what all that is. Unfortunately, because of this
3 projection issue, we can't see the numbers very well.

4 MR. HUTTO: But it created this district
5 graphically too on the map. It created the district in
6 the table, and then, you know, pending is still here
7 too.

8 CHAIRMAN HARPOOL: What -- what we did is,
9 I'm not sure about Vice-Chairman Maupin, but I just
10 would go in and basically sit next to them and say, put
11 these counties in this one and put these counties in
12 this one. And it's a lot easier, by the way, when
13 you're not in the cities. It's a lot harder when you
14 get into the cities. But it's -- because then you're
15 dealing with the little voting block.

16 MR. HESSER: Right.

17 CHAIRMAN HARPOOL: Uh-huh. And they just put
18 it together for you.

19 MR. HUTTO: And you can see here, we're in
20 the southern part of Jackson County and go to select by
21 communities here. And I'm going to select Lee's
22 Summit, Greenwood. I've selected those communities,
23 and then I'll select what's in between them to try to
24 finish out this district. I'm selecting voting
25 districts now. And as you can see, they're not

1 regularly shaped. Voting districts are made up of
2 blocks, and then the voting -- counties are made up of
3 voting districts. So I'm getting close here
4 (indicating).

5 MR. HESSER: Not that they're going to be
6 able to see the numbers anyway, so you can probably
7 just lock it in and --

8 MR. HUTTO: Okay. You kind of get an idea.
9 I mean, if you want to see this -- if you're interested
10 in streets, there's streets. We can bring in the
11 streets. If you're interested in minority data, this
12 is greater than 60 percent black. This may come
13 important in certain areas.

14 MR. HESSER: And, actually, it's showing up
15 the same color as the selection from the district, so
16 that particular one is not working real well. Lock
17 that district in and then show them the minority
18 information.

19 CHAIRMAN HARPOOL: Yeah. There's a colored
20 shading on both partisan and minority.

21 MR. HUTTO: So that shows you the areas that
22 are greater than 60 percent black. Kind of decided --
23 if you're trying to select by percent black, you
24 know, 60 percent is what it takes to change that
25 district. And we've also got a gradient, you know.

1 In addition, we have election results. This
2 happens to be the total for '08, the average of just
3 data from '08. And this is based on VTDs (indicating).

4 MR. HESSER: And that -- that color scheme's
5 not showing up well at all.

6 MR. HUTTO: Well, red is Republican and
7 blue's Democrat.

8 MR. HESSER: But it's a -- it's a gradient
9 color. In reality, it's -- the projector's just not
10 showing it very well. I think, you know, that -- that
11 gives you a good idea of -- of how the software works.
12 Like I said, if anybody's interested, they can come
13 over to our office immediately after this meeting and
14 we -- we can work with it a little bit more and show
15 you.

16 COMMISSIONER PEARSON: I've got a quick
17 question about the compactness report that was
18 mentioned earlier.

19 MR. HESSER: Yeah.

20 COMMISSIONER PEARSON: Can you just talk a
21 little more about that, about how it defines
22 compactness?

23 MR. HESSER: Actually, we have a handout that
24 probably should have been included in the -- in the
25 binders that we gave you. I can hand that out.

1 And it -- it runs through -- essentially,
2 what the compactness reports are trying to do -- and
3 I'm not sure of the full history on this and exactly
4 when it started, but probably in the mid -- mid-60s is
5 when it really started coming to be, was that, it
6 was -- it was decided that -- that gerrymander
7 districts likely weren't -- they didn't look compact.

8 And so for to -- as an ability to quantify
9 whether some -- something had been gerrymandered,
10 they -- they decided to look at the issue of, let's use
11 some quantifiable measures for compactness. Most of
12 these had been created for things like, how closely
13 packed sand grains are in sedimentary rock. They use
14 them in biology to figure out the dispersion of
15 different species. And -- and to try to quantify the
16 dispersion of -- of species, things like that.

17 Most of the compactness measures -- a circle
18 is the most compact shape there is. If you get into
19 regular-sided features, well, then a square is going to
20 be the most compact regular-sided feature that
21 you're -- you're going to be able to get.

22 So most of the compactness measures -- what
23 they do is, they try to compare the district to a
24 circle in one way or another. They either compare the
25 area of the district that was created to the area of

1 the largest circle that it fits inside of -- or I'm
2 sorry -- the smallest circle that it fits inside of.
3 Some of them will take and look for a -- they -- they
4 try to do a ratio of the largest circle that will fit
5 inside of the district without overlapping the
6 boundaries anywhere.

7 The other thing they'll do is, they start to
8 look at the perimeter of the district relative to one
9 of those circles, or they can look at the area relative
10 to the area of the circle.

11 They also do some things where they -- they
12 start to look at population that's within, you know,
13 those -- a circle that would enclose it or the largest
14 circle that would fit inside of it.

15 Another thing you'll run into is, they talk
16 about convex polygons. Did I say that right?

17 The convex polygon theory is if you were to
18 take -- let's say my hand were a district. So we
19 had -- we had five tendrils that came out from a
20 centralized district. The convex polygon would be like
21 if you stretched a rubber band around my fingers and
22 connected all the points.

23 So instead of going to a circle and saying,
24 well, let's try to fit this into the largest circle,
25 you go, well, the most compact this thing -- this shape

1 could be is if you connected all these points together
2 and made just a, you know, essentially like a hexagonal
3 polygon out of it.

4 And then it'll look at the ratio of the
5 population within that convex polygon relative to the
6 population within the district that you've created with
7 these five tendrils on it, and see what the ratio is.
8 And -- and all of those -- all of those are created to
9 just try to quantify, to put a number to how compact
10 this district is, which is all meant to lead back to
11 whether or not there was a gerrymander.

12 COMMISSIONER PEARSON: Thanks. That's very
13 helpful. I appreciate that.

14 MR. HESSER: So let me -- let me get the
15 handout.

16 Did you have any other stuff you wanted to go
17 over on the software?

18 MR. HUTTO: Just the interactive web map if
19 you want to go over that.

20 MR. HESSER: We'll do that maybe near the end
21 after the data. We're going to let Lori go ahead and
22 talk to them about reimbursement and things like that,
23 and I'll get these handouts to them.

24 MS. STRONG-GOEKE: Good afternoon. For the
25 record, my name's Lori Strong-Goeke. I'm assistant

1 director of OA Budget and Planning. I just want to
2 speak briefly about your expense reimbursement.

3 There's an appropriation to the Office of
4 Administration Division of Budget and Planning for the
5 work of the House and Senate Reapportionment
6 Commissions.

7 We did not budget for a second commission;
8 although, we have been frugal in our expenditure of
9 funds, and so there is plenty remaining in the
10 appropriation authority to support the work of the
11 commission. That includes expense reimbursement. Some
12 commissioners, a year ago, chose not to be reimbursed.
13 But there is an appropriation, and the Constitution
14 states that you are allowed reimbursement for your
15 actual expenses.

16 Paula Sosnowski, in our office, can help with
17 any questions, help with your expense accounts. The
18 Constitution also allows for a \$15 a day per diem for
19 when the -- the commission is conducting official
20 business, and that can just be -- that can be claimed
21 on your expense account form if you desire the
22 Constitutional per diem reimbursement.

23 CHAIRMAN HARPOOL: That's about Bradshaw's
24 hourly rate, isn't it; \$15 a day?

25 COMMISSIONER BRADSHAW: I don't want the --

1 is this on the record?

2 CHAIRMAN HARPOOL: Yes, it is. Yes, it is.

3 COMMISSIONER BRADSHAW: I won't admit to that
4 on the record.

5 CHAIRMAN HARPOOL: Go ahead.

6 MS. STRONG-GOEKE: I'd be happy to answer any
7 questions. That's all I have.

8 I would note that all of the meeting times
9 have been properly posted and filed with the secretary
10 of the Senate. She -- the secretary of the Senate,
11 Terry Spieler, did ask that we have the signatures of
12 the chair, vice-chair and the secretary. Mr. Myers has
13 signed, but she has already accepted the posting in
14 accordance with the Constitution. So we will get her
15 the signed copy and that process will be complete.

16 Thank you.

17 CHAIRMAN HARPOOL: Any questions?

18 Thank you, Lori.

19 MS. STRONG-GOEKE: Thank you.

20 CHAIRMAN HARPOOL: Any objection if we allow
21 the court reporter to -- to leave? I don't think we
22 need her to do this part.

23 Thank you very for your time.

24 COMMISSIONER ELLINGER: No objections.

25 Thank you, ma'am.

1 THE COURT REPORTER: Okay. Thank you.

2 COMMISSIONER ELLINGER: Enjoy what's left of
3 this afternoon.

4 (WHEREUPON, the meeting adjourned.)

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C E R T I F I C A T E

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3 STATE OF MISSOURI)
4) ss
5 COUNTY OF HOWARD)
6

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

17
18 IN WITNESS WHEREOF, I have hereunto set my
19 hand on this 24th day of February, 2012.
20

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22
23
24
25

Tammy F. Ballew
CAPITAL CITY COURT REPORTING