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ST. LOUIS, MISSOURI 63101

SENATE APPORTIONMENT COMMISSION
REDISTRICTING HEARING

FEBRUARY 21, 2012

(Commencing at 1:09 p.m.)

I N D E X

1		
2	PROCEEDING	PAGE
3	Introduction	5
4	Opening the floor for public comments	8
5	SPEAKERS:	
6	Adolphus Pruitt	8
7	Senator Joan Bray	17
8	Representative John Bowman	37
9	John Judd	51
10	Future Meetings Discussion	52
11	Adjournment	52
12	Certificate of Reporter	54
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

IDENTIFICATION	DESCRIPTION	PAGE
Ellinger 1	Hypothetical Proposal	53
Bray 1	Let Missourians Decide Packet	53

(Copies of the original exhibits attached.)

1 A P P E A R A N C E S

2

3 COMMISSION MEMBERS:

4 Douglas Harpool, Chair

5 Steve Ehlmann, Commissioner

6 Nick Myers, Commissioner

7 Jean Paul Bradshaw III, Commissioner

8 Mark Ellinger, Commissioner

9 Nicole Colbert-Botchway, Commissioner

10 Mitch Elliott, Commissioner

11 Trent Skaggs, Commissioner

12 Todd Patterson, Commissioner

13 Lowell Pearson, Commissioner

14

15 STAFF MEMBERS:

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

2 (February 21, 2012)

3 CHAIRMAN HARPOOL: Welcome to this hearing
4 of the Senate Reapportionment Committee. My name is
5 Doug Harpool and I am Chairman and we are just
6 starting our hearing. Some of us are in person and
7 others will be joining us by phone. Let me start on
8 our left and have the different Commissioners
9 introduce themselves.

10 COMMISSIONER MYERS: I am Nick Myers,
11 Commissioner from Joplin.

12 COMMISSIONER EHLMANN: Steve Ehlmann from
13 St. Charles County.

14 COMMISSIONER COLBERT-BOTCHWAY: Nicole
15 Colbert-Botchway from St. Louis.

16 COMMISSIONER PATTERSON: Commissioner
17 Patterson from Jackson County.

18 CHAIRMAN HARPOOL: And I am Doug Harpool and
19 joining us on the phone are Trent Skaggs and Mitch
20 Elliott from Kansas City.

21 MR. HESSER: Are we -- are they there, are
22 we hearing them?

23 CHAIRMAN HARPOOL: Trent?

24 COMMISSIONER SKAGGS: Yes, this is Trent
25 Skaggs from Clay County. Mitch is still not feeling

1 well and he just called me a few minutes before and is
2 not going to be able to make it.

3 CHAIRMAN HARPOOL: All right. So only Trent
4 Skaggs is joining us.

5 COMMISSIONER SKAGGS: That's correct.

6 CHAIRMAN HARPOOL: Anyone else joining us by
7 phone?

8 COMMISSIONER BRADSHAW: Jean Paul Bradshaw
9 from Kansas City.

10 COMMISSIONER PEARSON: And Lowell Pearson
11 from Columbia.

12 CHAIRMAN HARPOOL: All right. So we have
13 three Commissioners joining us by phone and then we
14 have Commissioner Ellinger who is just minutes away
15 and will be here in just a moment. He said we could
16 go ahead and start. He would join us in progress.

17 We are here to receive public comment on
18 potential redistricting of the State Senate Districts.
19 Please understand that this Commission has not
20 formerly debated or voted on any map. I have proposed
21 a map just to get the discussion started but it's not
22 the work product of this Commission in any way. We
23 are here to hear public comment about what changes, if
24 any, should be made in the current districts. This
25 process is required by law because there have been

1 substantial population shifts that have occurred over
2 the last ten years making some districts tens of
3 thousands greater in population than other districts.
4 In fact, I was thinking it was seventy something
5 thousand difference. The Constitution guarantees that
6 every person's vote should count roughly the same for
7 our districts and they do not right now and that is
8 why we have a big challenge to change districts.

9 There was a citizens' commission appointed
10 in 2011. It failed to reach agreement. When that
11 occurs this decision goes to the courts. However, the
12 maps written by the courts were invalidated by the
13 Missouri Supreme Court and the process was started
14 over and we are at the beginning stages of the new
15 process. While the Constitution guarantees us several
16 months to accomplish our work, the practical realities
17 of a looming candidate filing date and primary
18 election date do not afford us that luxury. Frankly,
19 if we are not successful it is likely that the courts
20 will again intervene in some respect or in some
21 manner.

22 Everything that is said in this hearing will
23 be recorded by a court reporter. A transcript of it
24 will be made and it will be included in the official
25 record of this Commission and also available to the

1 public. The same can be true of all public comment
2 and testimony that was given the prior Commission. As
3 one of the first acts of this Commission we
4 incorporated all transcripts from the public of the
5 prior Commission because we recognize we were moving
6 these hearings on a rather expedited basis and we want
7 to make sure people who testified last time knew that
8 their comments were still being considered and still
9 part of our record. We will leave today -- this is
10 our last public hearing to receive public comment.
11 Tomorrow we will meet and begin the deliberative
12 process.

13 I have asked people who want to testify to
14 give me witness sign-up sheets. At this point I don't
15 have any.

16 MR. HESSER: I think everyone is trying to
17 wait to be the last witness up, Chairman.

18 CHAIRMAN HARPOOL: At this point I have no
19 witness sign-up sheets but if you would like to
20 testify please approach and bring it. I am going to
21 let you testify in the order in which I receive them.
22 All right. Anyone else? Adolphus, you're first.

23 MR. PRUITT: Adolphus Pruitt, President of
24 St. Louis NAACP, Chairman for the Political Action
25 NAACP Missouri State Conference. Mr. Chairman,

1 members of the Commission, I appreciate the
2 opportunity to share some words with you with respect
3 to course cracking and packing districts and
4 particularly as relates to the St. Louis metropolitan
5 area. You know we found it very interesting that
6 despite all the previous testimony before the
7 Commission earlier on, despite testimony before the
8 appellate judges and at the end of the day when we
9 looked at District 13 in North St. Louis County, which
10 naturally grew to a district that was in excess of
11 60 percent African American population, that it was
12 still reduced down with the appellate map to at least
13 53 percent African American, 56 percent minority. We
14 found that somewhat troubling because at minimum we
15 did testify in favor of the Harpool 3 map, I think it
16 was, in which it clearly demonstrated that we can
17 realign the Senatorial Districts in the St. Louis
18 region without seriously cracking or reducing the
19 amount of African American population in the 13th and
20 still be able to achieve the necessary goals in the
21 14th and in the 4th -- in the 5th rather.

22 We are here to say that at minimum we would
23 hope that the Commission would at least, when it comes
24 to the St. Louis metropolitan area, start with that
25 map or those numbers to obtain the same objective we

1 did -- tried to overhaul in our previous testimony.
2 It absolutely makes no sense to take a district that
3 has naturally grown to a district which was
4 overwhelming under African American representation to
5 over a ten-year period through natural migration to
6 grow into a significant majority district and to see
7 all of that wiped out with the stroke of opinion, for
8 whatever reasons it may be.

9 I know that in the previous meeting the
10 delegation from the St. Louis metropolitan area from
11 both parties, Democratic and Republican, proposed a
12 map that they all seemed to agree upon as the panacea
13 to resolve the issues in the St. Louis metropolitan
14 area, it absolutely was not the case and is still not
15 the case. There is no way in the world we want to see
16 the 13th District obliterated and as a matter of fact,
17 not only reduced down from 63 percent African
18 American, which is the population but down to 53. A
19 good ten-point swing in the other direction. We just
20 thought that was truly uncalled for and that if
21 anything happens we won't have a problem seeing the
22 representation reduced in the 4th. There is a strong
23 incumbent there. We believe that he's going to -- he
24 should be able to win. We talk about the 13th. It's
25 an open district. There is no incumbent to protect.

1 We want to protect the minority population that
2 currently resides in that district. We appreciate any
3 good and serious look at what has happened in the 13th
4 over a period of time and hope that the Commission
5 will do the right thing and protect that district.

6 CHAIRMAN HARPOOL: We appreciate very much
7 your input and your continuing efforts to help us.
8 You were favorable of the Harpool 3 map presented to
9 the first Commission, correct?

10 MR. PRUITT: Yes.

11 CHAIRMAN HARPOOL: And I think so testified
12 both to the Commission but to the Appellate Judicial
13 Commission?

14 MR. PRUITT: Yes.

15 CHAIRMAN HARPOOL: Your goal is three
16 majority-minority districts in the St. Louis area?

17 MR. PRUITT: At minimum.

18 CHAIRMAN HARPOOL: At a minimum, I
19 understand that. And do you think that, given their
20 present numbers, the obvious third -- the three would
21 be 14, 13 and 5?

22 MR. PRUITT: Yes.

23 CHAIRMAN HARPOOL: We have debated at length
24 the meaning of a majority-minority district. Is there
25 a definition that you would want us to attempt to use?

1 MR. PRUITT: I would say that taking a very
2 serious look at the voting age population, the voting
3 turnout for African Americans historically in those
4 areas, I think it's showing that taking those
5 considerations, at minimum, 56 to 58 percent African
6 American population should be sufficient enough to do
7 it in those districts. Of course, when you look at
8 the Voting Rights Act and some of the other things
9 they will say 60, 65. I think that is unrealistic at
10 this point in time.

11 CHAIRMAN HARPOOL: It is and there are some
12 cases under it that have lower numbers. It's hard --
13 the reason I ask you that question is if you just read
14 the cases they're all across the board as to what it
15 takes. Some areas 51 percent is enough and in other
16 places they want more but you think for this area 56
17 is what you would like to see?

18 MR. PRUITT: And I think geographically if
19 you take a look at the 13th, 14th and look into North
20 St. Louis City, the population is there, the numbers
21 are there to create those three districts. It's just
22 a matter of what happens with the 4th and of course, I
23 know there has been a lot of discussion about the 7th
24 and some of the other ones, I'll be the first to admit
25 it's not on my radar, Mr. Chairman.

1 CHAIRMAN HARPOOL: And you understand
2 unfortunately we have to have a little broader radar
3 than you do but you're correct to push your issue and
4 to make us also focus on the important issue that you
5 bring to us, so thank you. Are there other questions?

6 COMMISSIONER EHLMANN: Do you have any data
7 or feeling about just the difference between the 5th,
8 14th and 13th? My experience in my county is the
9 further away you get from the City of St. Charles the
10 younger the population gets and in that case, it would
11 mean the less people in that particular group are
12 actually voting age. I mean, could you make a case
13 that really the highest percentage ought to be in the
14 one further south, which would be the 13th, since
15 there is more young families and children under 18 who
16 are not eligible voters?

17 MR. PRUITT: I would agree but I think when
18 we -- let me -- historically, I think when we have
19 looked at the numbers, when we looked at Harpool 3 and
20 we looked at the Voting Rights Act, we looked at all
21 the demographics, it was able to achieve that balance
22 and to some degree accomplish some of the things that
23 folks wanted to see happen in the City. It was able
24 to do that. The question is that now that we are back
25 at the table, why do we have to dramatically tinker

1 with what we were able to accomplish at that point in
2 time with those three districts and they all -- what
3 was proposed in Harpool 3 definitely, we thought, met
4 all of the challenges, all of the criteria to meet
5 under the Voting Rights Act as relates to the majority
6 -- minority and majority African American districts.
7 We thought all of that got achieved. Of course, it
8 impacts some other districts but naturally there was
9 -- naturally when you look at North St. Louis and
10 migration from North St. Louis into North County, we
11 see the same thing happening, that is why we did not
12 have a serious concern about seeing the 13th reduced
13 from 63 percent down to, I think we had 57, 58,
14 something like that, we didn't see serious concerns
15 because over the next ten years we just saw more of
16 that migration taking place and it being restored.
17 And, again, it was going further south as African
18 Americans move from North County, they wasn't going
19 into St. Charles, they were going towards University
20 City and other areas. So we just saw that natural
21 migration taking place over time and thought it was
22 supporting what was there. The question comes in that
23 -- and even there is some migration within the City
24 from North City to South City. South City is not as
25 majority white as people like to think. There is a

1 lot of migration happening over there along with the
2 Hispanic population but you understand what I am
3 getting at. There is lot of changes happening.

4 COMMISSIONER EHLMANN: My question was just
5 really basically you said 56, 58.

6 MR. PRUITT: Right.

7 COMMISSIONER EHLMANN: I guess what I'm
8 asking is would you apply the same formula to the 5th,
9 14th or the 13th or is it possible that one or more of
10 those districts might need a higher percentage, again,
11 because of younger population or whatever?

12 MR. PRUITT: Well, with the appellate map,
13 they had each one --

14 COMMISSIONER EHLMANN: Are you saying just
15 take that same formula and apply it equally to all
16 three or is there some distinction between?

17 MR. PRUITT: There may be some distinction
18 as relates to what has occurred in the City of St.
19 Louis if you want to keep all of the 5th within the
20 City. What we don't want to do is encroach -- we
21 don't want the City districts encroaching into North
22 County, therefore diluting the voting population in
23 North County. That is the greatest issue for us.
24 It relates to voting age, you look at the appellate
25 numbers, they were roughly around 75 --- anywhere from

1 75 to 80 percent and all three of those districts were
2 over 18, so they were roughly around the same.

3 COMMISSIONER EHLMANN: Thank you.

4 CHAIRMAN HARPOOL: Mr. Myers?

5 COMMISSIONER MYERS: Mr. Pruitt, talking
6 about voting age, are those 56, 58 percentages you're
7 talking about as it applies to voting age or entire
8 citizens?

9 MR. PRUITT: That was the voting age,
10 population 18 and over.

11 COMMISSIONER MYERS: So your 56, 58 is of
12 voting age?

13 MR. PRUITT: Yes.

14 COMMISSIONER EHLMANN: Do we have actually
15 voting age numbers or do we have just population
16 numbers?

17 MR. HESSER: We can generate any of those
18 numbers. We can do voting age, we can do voting age
19 by race, minority, ethnicity.

20 CHAIRMAN HARPOOL: I remain committed to
21 Harpool 3 but as you know I couldn't get enough votes
22 to pass it, so we're trying to get enough of the map
23 that we can get enough votes to pass.

24 MR. PRUITT: Does that mean we are going to
25 lose the 7th, Mr. Chairman?

1 CHAIRMAN HARPOOL: We're trying.

2 MR. PRUITT: I'm joking.

3 CHAIRMAN HARPOOL: Thank you. Joan Berry?

4 SENATOR BRAY: It's Bray. That has happened
5 before, believe me.

6 CHAIRMAN HARPOOL: I should say that
7 Mr. Ellinger joined us mid-witness testimony and I
8 didn't want to interrupt the witness but he is present
9 as we said he would be.

10 COMMISSIONER ELLINGER: My apologies for
11 being late.

12 SENATOR BRAY: Mr. Chairman and fellow
13 Commissioners of the Chairman, my name is Joan Bray
14 and I am here today representing my colleague Senator
15 Bob Johnson, retired Senator from Jackson County as in
16 the name of Let Missourians Decide.

17 Let Missourians Decide is a non-profit,
18 non-partisan organization that was formed specifically
19 to advocate for competitive legislative districts for
20 Missouri. You have our letter and information about
21 who we are. We have been involved in this process
22 from the beginning, so some of you have seen us
23 before. Unfortunately Senator Johnson couldn't be
24 here. He teaches over in Kansas City and had his
25 teaching schedule and as well as the sort of the late

1 notice of this and couldn't get organized to be here,
2 so he asked that I speak on his behalf as well.
3 Together we have 41 years of legislature and some
4 experience, as well, of the vagaries of redistricting.
5 We got involved in Let Missourians Decide because of a
6 philosophical belief that districts should be drawn to
7 reflect the state's political reality. A legislative
8 map should respond equally to shifts of the same
9 magnitude in electoral support for each party,
10 thereby, if a state votes 50/50 then legislative
11 districts should be drawn such that they could be
12 50/50, you know, they could be won 50/50. If a party
13 wins 52, 53, 54, whatever, the districts would reflect
14 that in the legislature. I really strongly believe
15 that the responsibility for this Commission is to
16 reflect Missouri's voters and Missouri's residents in
17 the interest of Missourians. I don't believe that
18 your responsibility is to reflect the wishes of
19 incumbents, that's not in the interest of the voters
20 especially in this term-limited environment where
21 there are, you know, there are interests of incumbents
22 that only are -- fleetingly on the scene anymore, they
23 will be gone soon. And I think that that's what we
24 need to have, a more stable system that really
25 reflects the voters in the interest of the residents

1 of Missouri, not the short-term interest of the
2 incumbents.

3 You know, I would understand if you thought,
4 well, she's a former legislator but she's gone now, so
5 she don't have to worry about all of that. Just my
6 own experience, I was first elected in the House in
7 the redistricting year. Actually, because of the
8 changes in the districts I took on an incumbent in my
9 own party and so I sort of, you know, took advantage
10 of redistricting. When I moved to run for the Senate
11 I ran into a district that was 50/50 and I had to
12 battle for -- to take -- to switch parties in that
13 district and it was a district that I had no hand in
14 drawing, believe me that wasn't something that I had,
15 you know, that I was able to be involved in. So it's
16 not -- I don't believe that we really have an
17 obligation to the interests of the incoming
18 legislators.

19 You have a packet here and we have drawn a
20 map that reflects our -- philosophically in Missouri.
21 We were able to draw eight competitive districts for
22 the Senate. It's a, you know, the nature of our
23 population. It's not real easy but we did come up
24 with eight competitive districts. We have four
25 districts that are in excess of a 54 percent black

1 population, so we have majority-minority districts.
2 There is four of them and we believe in, you know,
3 making sure that we are applying the Voting Rights Act
4 principles, as well as the principles of what this
5 partisan symmetry, that I have described before, as
6 trying to create as many competitive districts in a
7 50/50 state like Missouri is. You know, the past ten
8 years it has pretty much been a 51 percent Democratic,
9 49 percent Republican vote in the statewide polls, so
10 we are a 50/50 state and we would like our maps to
11 reflect that as closely as possible. So I'll be glad
12 to answer any questions if I can.

13 CHAIRMAN HARPOOL: First of all, we
14 appreciate you being here and being here for the long
15 haul. The map that you have given us, is that a new
16 map?

17 SENATOR BRAY: It's not the same map, it's
18 --

19 CHAIRMAN HARPOOL: It looks different than
20 any I have seen before.

21 SENATOR BRAY: It is different from what we
22 have presented before.

23 CHAIRMAN HARPOOL: And the statistical
24 analysis --

25 SENATOR BRAY: There is a chart of some of

1 the data, yeah.

2 CHAIRMAN HARPOOL: -- is that an analysis of
3 your map?

4 SENATOR BRAY: Yes.

5 CHAIRMAN HARPOOL: Your numbering obviously
6 is different than any we've used.

7 SENATOR BRAY: That is something else we
8 have enjoyed. We would like to get the numbers set
9 back. It's about time to, you know, make them
10 sensible again, rather than having them upside down
11 and sideways and being moved whimsically around the
12 State, so we just thought why not?

13 CHAIRMAN HARPOOL: If your map is adopted,
14 do you know the ultimate -- how many districts would
15 be over 55 percent Democrat, how many would be over 55
16 Republican, do you know those numbers?

17 SENATOR BRAY: Fifty-five percent?

18 CHAIRMAN HARPOOL: Yes.

19 SENATOR BRAY: No, I think we have -- I
20 think we had a couple of versions but I believe we are
21 at 14 districts that would be at least 50 percent
22 Democrat.

23 CHAIRMAN HARPOOL: So you would think there
24 would be 14 districts that would be competitive for
25 the Democratic party?

1 SENATOR BRAY: Yes but included in those,
2 for both parties, would be those eight that rank in
3 that competitive range of 45 to 55.

4 CHAIRMAN HARPOOL: So eight of the fourteen
5 would be competitive?

6 SENATOR BRAY: Yeah, with the broad
7 definition of competitive.

8 CHAIRMAN HARPOOL: And your map complied
9 with the population deviation?

10 SENATOR BRAY: Our population deviation is
11 -- actually, I had that on my computer and it
12 disappeared. It was about two point --- let's see,
13 2.7 I think of the largest and about four point or
14 five point something.

15 CHAIRMAN HARPOOL: So under ten?

16 SENATOR BRAY: Oh, yeah, it's a combined of
17 under ten, exactly.

18 CHAIRMAN HARPOOL: Thank you. Other
19 questions of this witness?

20 COMMISSIONER EHLMANN: Previously a witness
21 testified that the minority-majority districts needed
22 to be 50/60, do you take issue with that?

23 SENATOR BRAY: I understand what he's
24 saying, I just -- you know, our -- our smallest is 54
25 point --

1 COMMISSIONER EHLMANN: So why 54 and not 56
2 or 58?

3 SENATOR BRAY: Well, because -- well, we
4 weren't working with them on this particular map to
5 know that that's the number that they would want but,
6 you know, if you could rearrange districts the point
7 is --

8 COMMISSIONER EHLMANN: What would be your
9 recommendation if we redo the map, what numbers should
10 we use?

11 SENATOR BRAY: Well, I think somewhere
12 around 55 is, you know, is a reasonable number.

13 COMMISSIONER EHLMANN: Not 56, 58?

14 SENATOR BRAY: I am not going to say it's
15 wrong. It's just that I think the 54 percent district
16 we have is defensible, if you get a little higher that
17 is okay with me.

18 COMMISSIONER EHLMANN: Okay. But getting a
19 little higher we would have to go --

20 SENATOR BRAY: Well, you know, map drawing,
21 you know, we have drawn a lot of maps in the past
22 year. You can -- tweaking and there is a ripple
23 effect but I can certainly justify trying to get it to
24 that point and just seeing. It may be that it ends up
25 54.8 or something like that but I think that is an

1 honest effort.

2 COMMISSIONER EHLMANN: Okay. Thanks.

3 COMMISSIONER ELLINGER: Yes, I have several
4 questions. Thank you for coming. To follow up on an
5 inquiry Commissioner Ehlmann just made talking about
6 54, 55 percent, what about 52 percent, would you view
7 that to be an affective majority-minority district?

8 SENATOR BRAY: I don't -- I think that's
9 getting a little bit low, I do.

10 COMMISSIONER ELLINGER: Okay. And if you
11 could -- I know your map creates four
12 majority-minority districts, correct?

13 SENATOR BRAY: It does.

14 COMMISSIONER ELLINGER: I was trying to look
15 at the percentages, it looks like it ranges from 62 as
16 a high to 54.18 as a low --

17 SENATOR BRAY: Correct.

18 COMMISSIONER ELLINGER: -- something like
19 that?

20 SENATOR BRAY: Correct.

21 COMMISSIONER ELLINGER: So, I don't want to
22 testify for you, but as a general statement you would
23 think that the high -- if you could create four
24 majority-minority districts, it's in the best interest
25 of the plan to have higher percentages in those four

1 districts; is that a fair statement?

2 SENATOR BRAY: Well, I think, you know, as
3 close as you can get them up there in the 55 to 60
4 percent.

5 COMMISSIONER ELLINGER: I also have a couple
6 of questions about some comments you made about 50/50
7 states.

8 SENATOR BRAY: Mm-hmm.

9 COMMISSIONER ELLINGER: And I know that lots
10 of people consider Missouri to be a 50/50 state
11 depending on what the election is. We vote Republican
12 sometimes, we vote Democrat sometimes. Is it your
13 all's opinion that we should try to endeavor to create
14 50/50 districts across the State?

15 SENATOR BRAY: Well, that would be lovely
16 but it's not possible.

17 COMMISSIONER ELLINGER: Well, you know,
18 let's throw the Constitution out for a minute, which
19 is something we want to do but the judges threw the
20 Constitution out and got slapped down for it, so I
21 might as well, we can speculate a little bit. I mean,
22 you can create 50/50 districts in the State of
23 Missouri if you do -- I'll use St. Louis as an example
24 since we're here, if you use the pie-shaped formula,
25 you know, you can take pie wedges into St. Louis City,

1 draw them out into St. Louis County and if you
2 properly angle the pies and gerrymander sufficiently
3 you can really create --

4 SENATOR BRAY: I don't think that's
5 necessary.

6 COMMISSIONER ELLINGER: But you can create a
7 lot more 50/50 districts if you want.

8 SENATOR BRAY: You could.

9 COMMISSIONER ELLINGER: Is that your all's
10 -- in an ideal world if the Constitution didn't say
11 so, would that be your goal, is to create all 50/50s?

12 SENATOR BRAY: Probably not, no, because I
13 think -- having been in the legislature I think it's
14 legitimate to have people representing districts that
15 are say, politically homogeneous, but in those areas
16 where we can make it more competitive, I think it
17 creates for a much healthier legislature.

18 COMMISSIONER ELLINGER: And when you look at
19 where we can create more competitive districts, you
20 know, in certain parts of St. Louis and Kansas City,
21 Democrat incumbents or Democrat candidates can get 80
22 percent of the vote.

23 SENATOR BRAY: Mm-hmm.

24 COMMISSIONER ELLINGER: Even in the most
25 Republican areas in the State when there are contested

1 races, which is a different caveat I realize, but when
2 there are contested races very few of them were able
3 to pull much above 65 or 70 percent of the vote.

4 SENATOR BRAY: But I do think you have to
5 look at all the areas where they're not even
6 contested.

7 COMMISSIONER ELLINGER: Agreed, I understand
8 that. And that skews -- and as a result whenever you
9 look at, you know, Republican or Democrat number
10 percentages, it skews them tremendously because if one
11 person is running without an opponent they get a 100
12 percent of the vote. If another person is running
13 with an opponent they may win with 57 or 58 percent of
14 the vote which is a pretty convincing victory but it
15 looks like a very tight race compared to a 100 percent
16 race and it skews all your percentages.

17 SENATOR BRAY: Well, that's true but I know
18 in calculating the State's performance that, you know,
19 that look at statewide races in competitive, you know,
20 in competitive districts, I think, you know, getting
21 that 51/49 or 50/50 calculation, that's done, you
22 know, statistically within competitive races.

23 COMMISSIONER ELLINGER: Well, and obviously
24 that's a characterization of what's a competitive
25 race. I mean, you could look --

1 SENATOR BRAY: Well, I think you could talk
2 to a demographer about what, you know, the standards
3 for doing that.

4 COMMISSIONER ELLINGER: What would you
5 define as a statewide competitive race?

6 SENATOR BRAY: Well, I think a statewide
7 competitive race is where there is two vital
8 candidates who have the oomph behind them, primarily
9 money, to get their message out and we have a lot of
10 those.

11 COMMISSIONER ELLINGER: So a presidential
12 race becomes a more definitive race, better race, than
13 say --

14 SENATOR BRAY: Well, it depends --

15 COMMISSIONER ELLINGER: -- say a treasurer's
16 race, where one side or the other may not have name ID
17 or funding?

18 SENATOR BRAY: I think that -- I'm not sure
19 presidential races were calculated in this. I don't
20 know that. I have only thought of just statewide
21 races but, again, it depends on whether the race
22 really is competitive, whether there are two races
23 really being campaigned, being waged.

24 COMMISSIONER ELLINGER: You know obviously
25 --

1 SENATOR BRAY: They don't all have to be --
2 some of them may come out, you know, 65/35, something
3 like that.

4 COMMISSIONER ELLINGER: You know, use as an
5 example 1992, which you were around for, I was around
6 for and many of us here recall, you had what looked to
7 be a very competitive race. Both sides raised lots of
8 money, both sides campaigned very heavily but you
9 ended up having a candidate who went to the federal
10 penitentiary, changed the entire component of an
11 election. It makes an election not necessarily
12 competitive just because both can get their message
13 out if you have a wounded or flawed candidate.

14 SENATOR BRAY: That was a primary, right?

15 COMMISSIONER ELLINGER: No, this was a
16 general. It would have been Mel Carnahan, Bill
17 Webster.

18 SENATOR BRAY: Right, right, okay, I'm just
19 losing -- I'm sorry, I'm not sure --

20 COMMISSIONER ELLINGER: But the effect being
21 it doesn't matter -- in other words, competitiveness
22 does not make a difference as to whether both sides
23 have money or both sides have message, flawed
24 candidate can jeopardize money and message, correct?

25 SENATOR BRAY: Well, that's true but both

1 sides end up with those, so I think --

2 COMMISSIONER ELLINGER: And a flawed
3 environment?

4 SENATOR BRAY: You know, you need to talk to
5 our statistician about these calculations which are
6 generally respected on -- there are methodologies for
7 doing this and I am not a statistician but I think --
8 I don't think we should discount that area of
9 political science that produces these analyses of how
10 a state performs, you know, I think it's legitimate.

11 COMMISSIONER ELLINGER: And which political
12 scientists are we discussing?

13 SENATOR BRAY: I am just saying the fact
14 that voter performance is a part of political science,
15 the science of studying politics and the way voters
16 perform is -- it's a legitimate field within that area
17 and I think that, you know, again, I would rather you
18 inquire of somebody who knows a lot more about it,
19 about exactly how the races are chosen and all that.

20 COMMISSIONER ELLINGER: Ma'am, you're the
21 one that submitted this, that's why I am inquiring.

22 SENATOR BRAY: And I understand that and
23 because I do believe in political, you know, the study
24 of political science and how they produce, you know,
25 analyses of voter behavior, I respect what they do and

1 I, you know, think it has a legitimate part of the
2 discussion. So, you know, but I don't do it myself.
3 It's just like I could respect a surgeon but I can't
4 go do surgery myself.

5 COMMISSIONER ELLINGER: And with your intent
6 of trying to come up with as many 50/50 races as
7 possible, do you think that creating more
8 majority-minority districts goes down the road to
9 creating more 50/50 races or do you think those tend
10 to be adverse positions?

11 SENATOR BRAY: Not adverse, I think it's
12 part of the whole picture. All the things that you
13 have to take into account. You have to make room for
14 some majority-minority districts. I would like to see
15 us make room for more competitive districts because we
16 are more competitive -- I believe, because, you know,
17 my respect for the science, the social science of
18 political science, that voter behavior is worth
19 looking at.

20 COMMISSIONER ELLINGER: And when you say
21 more competitive, that depends on where you're at in
22 the state too, obviously?

23 SENATOR BRAY: This is judged on -- only on
24 statewide races. When the voters speak on statewide
25 races.

1 COMMISSIONER ELLINGER: But in drawing your
2 map you have to use counties and you have to use
3 political lines inside of larger counties?

4 SENATOR BRAY: Absolutely, absolutely, we
5 have got all -- using each one of those we tried to
6 come up with a map that tries to, to some degree, meet
7 the expectations of that particular angle like
8 competitive districts or, you know, majority-minority
9 districts and keeping the counties intact and ours is
10 all continuous. We are not crossing any rivers
11 without bridges and that kind of thing. We paid
12 attention to, you know, to all of that but it is a
13 melting together and you can't do every one of those
14 100 percent.

15 COMMISSIONER ELLINGER: And looking at your
16 map I noticed you split Clay County in three parts.

17 SENATOR BRAY: Okay.

18 COMMISSIONER ELLINGER: You understand that
19 violates the Constitution.

20 SENATOR BRAY: That is -- that could be --
21 that's a problem, I understand that.

22 COMMISSIONER ELLINGER: Thank you.

23 SENATOR BRAY: I understand that and I
24 didn't say we had the perfect map.

25 CHAIRMAN HARPOOL: May I make it clear

1 that's not true, that is Mr. Ellinger's opinion.

2 There are other lawyers who have different opinions.

3 SENATOR BRAY: Okay.

4 CHAIRMAN HARPOOL: It is his opinion and it
5 is expressed --

6 COMMISSIONER ELLINGER: It has been the
7 Supreme Court's opinion recently.

8 CHAIRMAN HARPOOL: No, the Supreme Court
9 didn't rule on multi-county, next to multi-county and
10 you know that.

11 COMMISSIONER ELLINGER: They ruled on
12 multi-counties being split three ways.

13 CHAIRMAN HARPOOL: John Maupin's map had the
14 same type of split.

15 COMMISSIONER ELLINGER: Well, I'm not John
16 Maupin and the Supreme Court hadn't ruled at the time
17 the John Maupin issue --

18 CHAIRMAN HARPOOL: Let me say this, that I
19 would vote for the map you have proposed if I would
20 get the opportunity. I would vote for Harpool 3 if
21 given the opportunity. I posted a map that I would
22 vote for if given the opportunity, but somewhere we
23 got to get some votes from some other people for a map
24 and we are still waiting to find that out. Mr. Myers?

25 COMMISSIONER MYERS: Ms. Bray, I've got two

1 questions for you, one is a general. Can you provide
2 us with the races that you did look at to develop your
3 Table and your map here?

4 SENATOR BRAY: Yes, I am sure. I will have
5 to --

6 COMMISSIONER MYERS: Do you have folks on
7 staff who helped you with this?

8 SENATOR BRAY: I don't have a staff but we
9 got people who volunteered to help us with this.

10 COMMISSIONER MYERS: Who were those folks or
11 their qualifications, do you have anybody with Matt's
12 caliber or do you have --

13 SENATOR BRAY: Oh, yeah, well, I mean --

14 COMMISSIONER MYERS: This is all relative.

15 SENATOR BRAY: Right, absolutely,
16 absolutely. You know, I think we, you know, there are
17 some people who have gotten very good over the past
18 year in Missouri, lots of opportunity.

19 CHAIRMAN HARPOOL: Republican Senator
20 Johnson helped her on this.

21 SENATOR BRAY: Yes, exactly, right.

22 COMMISSIONER MYERS: Did he help you draw --
23 did he draw the map you developed?

24 SENATOR BRAY: He and I would sit together
25 and we would look at that screen and we would -- yes.

1 COMMISSIONER MYERS: Here is my specific
2 question then, on your percentage of African American
3 column here, is that voting age or is that raw
4 statistic?

5 SENATOR BRAY: That is census.

6 COMMISSIONER MYERS: That is census.
7 Earlier Mr. Pruitt spoke on census data as maybe not
8 his preferred criteria in that measure?

9 SENATOR BRAY: And I can understand that but
10 it is what we have.

11 COMMISSIONER MYERS: So that is what you
12 used, is just census?

13 SENATOR BRAY: Right.

14 COMMISSIONER MYERS: Raw census data, not
15 necessarily the voting population?

16 SENATOR BRAY: Right.

17 COMMISSIONER MYERS: I was on the House
18 Commission when Mr. Johnson testified there and I am
19 glad you are here today.

20 SENATOR BRAY: He and I kind of divide
21 responsibilities.

22 COMMISSIONER MYERS: Thank you for coming.

23 COMMISSIONER PATTERSON: Senator, a quick
24 question from me. Let Missourians Decide had a fairly
25 broad spectrum of participants and folks who were

1 involved back in 2011 during the regular House and
2 Senate hearings and that coalition still exists, the
3 production of these materials?

4 SENATOR BRAY: Yeah, absolutely, yeah, yeah,
5 we sort of oomphed everybody back up and said let's go
6 again.

7 COMMISSIONER PATTERSON: Thank you.

8 CHAIRMAN HARPOOL: Thank you for your time.

9 COMMISSIONER ELLINGER: Thank you, ma'am.

10 CHAIRMAN HARPOOL: John Bowman? By the way
11 your exhibit will be marked and made part of the
12 record. It will be Bray 1.

13 COMMISSIONER ELLINGER: It's Bray 1,
14 correct?

15 MR. HESSER: Yes.

16 COMMISSIONER MYERS: Mr. Chairman, I
17 received some emails today from Springfield that I
18 forwarded to Matt Hesser. We will have a hard copy
19 tomorrow.

20 CHAIRMAN HARPOOL: All right. We will
21 include those in the record per our discussion and
22 agreement yesterday.

23 COMMISSIONER MYERS: Great.

24 MR. HESSER: Mr. Chairman, I just want to
25 let you know that we sort of made an executive

1 decision last night on the testimony that we received
2 yesterday from Wierzbicki, is that how you say it?

3 COMMISSIONER ELLINGER: Wierzbicki.

4 MR. HESSER: Yes, thank you. We labeled
5 that 1 through -- I think it was 7 because it was a
6 multi-page document when we put that on the Internet
7 in case there was discussion like over the phone over
8 it we thought it would be easier to understand what
9 portion individuals were looking at. So I just wanted
10 to let you know we may do the same thing with Bray,
11 where we'll number it 1 through -- there will be a
12 separate number for each page.

13 CHAIRMAN HARPOOL: If there is no objection
14 I would yield to Staff how they number the pages on
15 exhibits, so long as it is related to --

16 MR. HESSER: That testimony.

17 CHAIRMAN HARPOOL: -- the right witness.

18 COMMISSIONER ELLINGER: I think that makes a
19 lot of sense. Thank you, sir.

20 CHAIRMAN HARPOOL: Mr. Bowman, please
21 proceed.

22 REPRESENTATIVE BOWMAN: Thank you,
23 Mr. Chair. John Bowman from the 70th State Rep
24 District, 14th Senate District. I am here on behalf
25 of Senator Robin Wright-Jones because she cannot be

1 here. She is very pleased with the efforts of this
2 Commission on this particular map. I do not have the
3 numbers in front of me in regards to the minority
4 demographics. Understanding how you create a
5 majority-minority district is always of course
6 relevant, but as far as the make up of the district
7 that basically needed very little change --

8 COMMISSIONER EHLMANN: Mr. Chairman, I'm
9 sorry to interrupt, you said, "this map." Which map
10 are you referring to?

11 REPRESENTATIVE BOWMAN: I'm sorry the new
12 map that --

13 CHAIRMAN HARPOOL: The one that I posted.

14 REPRESENTATIVE BOWMAN: What is it called
15 Harpool --

16 CHAIRMAN HARPOOL: Harpool 2012-1.

17 REPRESENTATIVE BOWMAN: Groundhog day.

18 CHAIRMAN HARPOOL: The Senator was happy
19 with that map?

20 REPRESENTATIVE BOWMAN: Very happy with it,
21 yes. She wanted that to be conveyed. It seems like
22 you guys have a lot of work ahead of you. I will not
23 hold you up unless you have questions.

24 CHAIRMAN HARPOOL: Any questions?

25 COMMISSIONER ELLINGER: Yes, I have a

1 question. Mr. Bowman, if you don't mind I am going
2 to hand you a document real quick.

3 REPRESENTATIVE BOWMAN: Sure.

4 COMMISSIONER ELLINGER: I'll pass this out
5 so everybody in the Commission can see. Looking at --
6 we spent some time and I apologize for coming in late.
7 I missed much of the prior testimony. We've been
8 talking about majority-minority districts. If these
9 were two proposals that were submitted on a
10 hypothetical basis, would you have a preference for
11 one district or the other or one proposal, Proposal 1
12 versus Proposal 2? And these are hypothetical. I'm
13 sorry, I have extra copies if someone needs one.

14 REPRESENTATIVE BOWMAN: Well, it is very
15 difficult because when you say District A, I am not
16 clear exactly what district that is. If I knew
17 exactly what districts we were talking about I would
18 have a better feel for it.

19 COMMISSIONER ELLINGER: And that was the
20 purpose --

21 CHAIRMAN HARPOOL: It's not just the
22 majority population, you would want to know where they
23 live and things like that?

24 REPRESENTATIVE BOWMAN: Right, absolutely.

25 COMMISSIONER PATTERSON: And the turnout?

1 REPRESENTATIVE BOWMAN: And the turnout.

2 COMMISSIONER ELLINGER: But as a general
3 statement, is there one proposal or the other that
4 would be more preferential to you?

5 REPRESENTATIVE BOWMAN: Based upon, like I
6 said, my years of experience and I have been through
7 several of these redistricting cycles and there are
8 many elements that go into this, of course, yeah, as a
9 majority-minority district 62.3 percent would be great
10 in all of them but that's not going to happen, so it's
11 hard for me to really decipher which one of these
12 would be a choice without knowing if we were talking
13 about the 5th, 14th, 13th or a Kansas City district.

14 CHAIRMAN HARPOOL: Other questions?

15 COMMISSIONER SKAGGS: Mr. Chairman?

16 CHAIRMAN HARPOOL: Yes.

17 COMMISSIONER SKAGGS: This is Trent. I
18 apologize since I am not there so I can't see this but
19 did -- Commission Ellinger, did he actually present a
20 map?

21 CHAIRMAN HARPOOL: No, just --

22 COMMISSIONER SKAGGS: For the entire State
23 or was it just for that district?

24 CHAIRMAN HARPOOL: It was just for four
25 districts that are not numbered but just given

1 letters, hypothetical letters.

2 COMMISSIONER SKAGGS: So is that an official
3 proposal that they are going to load up on the OA's
4 website then?

5 COMMISSIONER ELLINGER: It is a hypothetical
6 question regarding if you had two proposals with
7 different majority-minority numbers in four different
8 districts.

9 COMMISSIONER SKAGGS: But it will be --

10 COMMISSIONER ELLINGER: It is not a map.

11 COMMISSIONER SKAGGS: -- loaded up on the
12 OA's website then?

13 COMMISSIONER ELLINGER: It is not a map. It
14 will be evidence that will go into the record.

15 COMMISSIONER SKAGGS: It will not be
16 evidence in the record?

17 COMMISSIONER ELLINGER: No, I assume it will
18 be evidence in the record since --

19 COMMISSIONER SKAGGS: It will be evidence,
20 okay.

21 COMMISSIONER ELLINGER: It will not be a
22 map, however, because it is not a map. It is
23 impossible to be a map when it is not one.

24 COMMISSIONER SKAGGS: That is what I am
25 asking. I just can't see it so I wasn't clear whether

1 or not you actually introduced a map but see you just
2 have an exhibit that will be included in the record?

3 COMMISSIONER ELLINGER: That's correct and
4 we'll arrange -- Matt can arrange to send that to you
5 so you'll have a copy as soon as it goes up on the
6 website.

7 COMMISSIONER SKAGGS: All right, thank you.

8 MR. HESSER: We'll have to get it scanned
9 but we can do that.

10 COMMISSIONER PATTERSON: Representative, you
11 represented District 7, wasn't it at the time, in the
12 Missouri House?

13 REPRESENTATIVE BOWMAN: Yes.

14 COMMISSIONER PATTERSON: Did you grow up in
15 that area?

16 REPRESENTATIVE BOWMAN: I had lived in that
17 area -- I grew up in the City but I lived in the area
18 for 25 years today.

19 COMMISSIONER PATTERSON: So you're a native
20 of St. Louis?

21 REPRESENTATIVE BOWMAN: Yes.

22 COMMISSIONER PATTERSON: So the public --
23 perhaps we don't have a lot of people in the audience
24 today but you are -- could be considered an expert
25 here of having seen the migration from the City to the

1 County. Could you just give us a couple of
2 observations of what you think the degree to which
3 that migration has affected those districts and
4 electorally?

5 REPRESENTATIVE BOWMAN: Sure.

6 COMMISSIONER PATTERSON: And secondly, how
7 do you think in ten years that migration will take
8 shape, what path will it be traveling?

9 REPRESENTATIVE BOWMAN: During my younger
10 years I can recall when the time the City had two
11 African American senators. One was Senator Jet Banks
12 and Senator Lacy Clay. Before that, for a period of
13 time, there was always two senators in the City and it
14 was only -- it was up until the time where senators
15 got elected in the County before it came an African
16 American holding a Senate office in the County and
17 that became true because population for the City
18 shifted over to the County. The population shift
19 naturally created a majority-minority district and the
20 same thing is happening now with the County, where the
21 City population is moving over to North County at a
22 huge rate. And, you know, one time I think the City
23 population was nearing a million, I guess it's about
24 370,000 now, so what happens is you end up with no
25 African Americans in the County, in those areas of

1 Florissant and Blackjack and those areas. Now, I
2 think, personally, North County will continue to be
3 heavily majority-minority districts. The fact is
4 there is some movement, some strange movement that
5 goes on in the City now that has caused some people to
6 move back in. Even myself, I am considering to move
7 back in but for the most part, from what I've seen
8 over the past 10 years, 20 years, the population shift
9 for minorities has definitely been into North County
10 and I suspect it will continue to grow.

11 COMMISSIONER PATTERSON: Do you see,
12 compared to 20, 30 years ago, less concentration of
13 African American voters, that they have disseminated
14 the region?

15 REPRESENTATIVE BOWMAN: They have
16 disseminated, sure. As you will find, I'm sure even
17 in St. Charles County, there is a larger vote of
18 African American population there also. West County,
19 we're not just condensed into one area. I mean, we
20 definitely are in many different geographical areas
21 but as far as minority-majority districts, Kansas City
22 appears like they have enough accumulated vote to have
23 representation of two senators and according to this
24 map, this new map, it looked like there was a
25 possibility of four to six senators, minority

1 senators, throughout the State -- I don't know, I
2 haven't drilled down into the map yet, so we should
3 probably do that. Yes, demographically, I think North
4 County and I don't know much about Jackson County, I
5 can't speak to that but I do know in the St. Louis
6 area, St. Louis City still has a heavy minority
7 population. St. Louis County has definitely got a
8 minority population.

9 COMMISSIONER PATTERSON: But you would say,
10 Representative, that that minority population has not
11 necessarily increased the numbers but disseminated
12 them?

13 REPRESENTATIVE BOWMAN: Right, right, it's
14 just kind of shifted.

15 COMMISSIONER MYERS: In ten years we will be
16 doing this again. I won't be doing this again, trust
17 me, somebody will be doing this again. If you were to
18 take preference at this present time, rather than
19 participating in what members may approve, in ten
20 years would you, on the Table we have got here, would
21 you prefer Proposal 2 or Proposal 1?

22 CHAIRMAN HARPOOL: I think he already
23 answered the question.

24 COMMISSIONER MYERS: I think you did answer
25 that as Proposal 2?

1 CHAIRMAN HARPOOL: No, I think he said he
2 couldn't tell without knowing where the districts
3 were.

4 REPRESENTATIVE BOWMAN: I really can't
5 answer that because I don't know exactly.

6 COMMISSIONER MYERS: Well, let's forget this
7 Table, would you rather have a big number now or have
8 a bigger number later?

9 REPRESENTATIVE BOWMAN: Could I have both?

10 CHAIRMAN HARPOOL: Well, one of the tough
11 issues we do face is would you rather have a better
12 chance at four or a solid chance at two and those are
13 issues we will debate and we have debated forever, so
14 -- or three, let me --

15 COMMISSIONER ELLINGER: I have a couple of
16 questions.

17 CHAIRMAN HARPOOL: We are going to have to
18 pass a rule that you get one time per witness or we
19 are never going to get done with these -- these
20 argumentative questions rather than inquisitive
21 questions we are getting.

22 COMMISSIONER MYERS: If we are going --

23 CHAIRMAN HARPOOL: Go ahead, Mr. Ellinger.

24 COMMISSIONER ELLINGER: I will try not to be
25 argumentative, Mr. Chairman.

1 CHAIRMAN HARPOOL: That would be the first
2 question you've asked in this hearing that wouldn't be
3 or for that matter, the last two days of hearings but
4 go ahead.

5 COMMISSIONER ELLINGER: Have you had an
6 opportunity to take a look at Mr. Harpool's map as it
7 splits up the St. Louis area? This map.

8 REPRESENTATIVE BOWMAN: I have seen it
9 online. I haven't really had a chance to dig down
10 into it.

11 COMMISSIONER ELLINGER: And obviously
12 Senator Jones is in the 5th District.

13 REPRESENTATIVE BOWMAN: Right.

14 COMMISSIONER ELLINGER: You've discussed
15 that. Are you familiar at all with the 14th district?

16 REPRESENTATIVE BOWMAN: Yes, I am. I live
17 in the 14th District.

18 COMMISSIONER ELLINGER: Oh, you do live in
19 the 14th District?

20 REPRESENTATIVE BOWMAN: Yes.

21 COMMISSIONER ELLINGER: As this proposed
22 14th District is in Mr. Harpool's map and it's hard to
23 tell because the versions, you have to really drill
24 down, I believe they include and I would stand
25 corrected if I am wrong, Creve Coeur, Ladue and

1 Clayton, I believe were all three included in the
2 proposed 14th District which then goes up along the
3 City boarder into North County all the way up and
4 across 270; is that your understanding?

5 REPRESENTATIVE BOWMAN: Yeah, that sounds
6 somewhat similar to a prior map that I have seen from
7 the previous redistricting process.

8 COMMISSIONER ELLINGER: I guess my one
9 question would be, considering the 14th District going
10 from the Creve Coeur, Ladue area up to north of 270
11 around 367, do you feel that that district has a
12 community of interest, are the interests of folks up
13 in North County around 270 the same as the folks in
14 West County, St. Louis, Creve Coeur, Frontenac, areas
15 like that?

16 REPRESENTATIVE BOWMAN: That district has
17 always been extremely diverse. You know, before even
18 Senator Wayne Goode had that district at one time and
19 the population then was -- it was extremely -- U City,
20 it's a very diverse district. I don't know what the
21 numbers come out of it, that would be my concern.
22 What is the minority voting age population? I am not
23 sure about that.

24 COMMISSIONER ELLINGER: I don't know what
25 the minority voting age population is but I think this

1 would be a 53 percent --

2 REPRESENTATIVE BOWMAN: Fifty-three percent.

3 COMMISSIONER ELLINGER: -- minority
4 population, that's obviously -- would be less when you
5 get to voting age. Everybody's percentage changes
6 when you get to voting age. And I guess my other
7 inquiry, speaking with respect to the 14th District
8 and I guess tangentially to the 7th, which is right
9 next to it, which also extends from West County, St.
10 Louis up into the northern part of the County but
11 would it make more sense to have the western county,
12 part of St. Louis, consolidated more into one district
13 and parts of the 14th and the 7th that are farther
14 north, would it make more sense to have them more
15 consolidated together as a community of interest in
16 your opinion?

17 REPRESENTATIVE BOWMAN: To be honest I have
18 not really looked at the 7th and those areas. I have
19 basically focused on the 5th and the 14th, you know,
20 and some of the 13th minority district, so it would
21 really not be an accurate assessment for me to try to
22 tell you whether or not those should be --

23 CHAIRMAN HARPOOL: Basically you came here
24 today to say your Senator was happy with the 5th
25 District?

1 REPRESENTATIVE BOWMAN: Basically really,
2 that is, you know, that's the great job I get to track
3 back down the highway to - I get to send those
4 wonderful messages.

5 COMMISSIONER ELLINGER: One more very quick
6 question, sir. You mentioned the 13th District, that
7 you had an interest in the 13th District?

8 REPRESENTATIVE BOWMAN: Well, the 13th is a
9 part of, sure, some of the conversation.

10 COMMISSIONER ELLINGER: It's a 35 percent
11 minority district. I didn't know if you were aware of
12 that or not.

13 REPRESENTATIVE BOWMAN: I was not aware of
14 that.

15 COMMISSIONER ELLINGER: Thank you. I'm
16 sorry.

17 REPRESENTATIVE BOWMAN: Yeah, yeah but the
18 Senator did not put that on my radar.

19 CHAIRMAN HARPOOL: Having moved the fourth
20 number into the majority-minority, probably should
21 have mentioned that. Thank you, sir, for your time.

22 REPRESENTATIVE BOWMAN: Thank you very much.

23 MR. HESSER: Mr. Chairman, I just want to
24 make sure we are going to label this in as Ellinger 1?

25 CHAIRMAN HARPOOL: Ellinger 1.

1 COMMISSIONER ELLINGER: That is fine with
2 me.

3 CHAIRMAN HARPOOL: John Judd? Thank you for
4 your patience and thank you for being here.

5 MR. JUDD: Thanks to all the Commissioners
6 for coming from all over the State today. I would
7 appreciate what Mr. Harpool said in the beginning when
8 he said that you all have incorporated all the
9 transcripts of all the public comments that came
10 before the prior Commission, so I appreciate that that
11 has been entered into the record.

12 I will be very brief. I just wanted to say
13 that the Democratic and the Republican senators pretty
14 much all agreed to a map for the St. Louis region and
15 I'd like to add to that, that it's my opinion that all
16 the Democratic and Republican senators continue to
17 support that map.

18 COMMISSIONER COLBERT-BOTCHWAY: Which map
19 was that?

20 MR. JUDD: Well --

21 CHAIRMAN HARPOOL: On what do you base that
22 because I received communication very much to the
23 contrary?

24 MR. JUDD: I based that upon the fact that
25 they sat around until they came up with it and then

1 they submitted it.

2 CHAIRMAN HARPOOL: Have you heard anything
3 recently?

4 MR. JUDD: Well, no, if you've heard
5 something to the contrary recently then you have to go
6 with that.

7 CHAIRMAN HARPOOL: The St. Louis City and
8 County senators for the first Commission proposed a
9 map and it is on the website and that's the map he is
10 referring to.

11 MR. JUDD: Thank you. Thank you for
12 pointing that out to everybody, that's what I was
13 referring to. They all came up with that and then
14 they submitted that to the very first Commission and
15 that's the one I was referring to.

16 CHAIRMAN HARPOOL: And you would support
17 that map?

18 MR. JUDD: Yes, I thought that was a pretty
19 reasonable map.

20 CHAIRMAN HARPOOL: Other questions? Thank
21 you, sir, for your time.

22 COMMISSIONER ELLINGER: Thank you.

23 MR. JUDD: Thanks for coming from all over
24 the State.

25 CHAIRMAN HARPOOL: I have no other witness

1 appearance forms before me but we'd give anyone else
2 here that would like to testify an opportunity to fill
3 one out. No one who heard something that they feel
4 demands attention? All right. Well, thank you then.
5 This concludes the public hearings of the 2012 Senate
6 Apportionment Commission. We will meet at eleven
7 o'clock tomorrow morning at the districting office to
8 begin the deliberations and perhaps we will reach a
9 map more successfully by agreement which we couldn't
10 do last time. If not, the federal judge will tell us
11 where our districts will be. Thank you all.

12 (Exhibits Ellinger 1 and Bray 1 were marked
13 for identification by the court reporter.)

14 - - - - -

15 (Thereupon, the proceedings concluded at
16 2:08 p.m.)

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1 CERTIFICATE OF REPORTER

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I, Suzanne M. Zes, Certified Court Reporter,

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within and for the State of Missouri, do hereby

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certify that the witness whose testimony appears in

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the foregoing deposition was duly sworn by me; the

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testimony of said witness was taken by me to the best

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of my ability and thereafter reduced to typewriting

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under my direction; that I am neither counsel for,

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related to, nor employed by any of the parties to the

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action in which this deposition was taken, and further

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that I am not a relative or employee of any attorney

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or counsel employed by the parties thereto, nor

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financially or otherwise interested in the outcome of

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the action.

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Certified Court Reporter

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