

# HOUSE APPORTIONMENT COMMISSION Meeting

Meeting Minutes  
July 18, 2011

## Opening

The first meeting of the **House Apportionment Commission** was called to order at **10:05am** on **July 18<sup>th</sup>** in **Room 1310, Jefferson Office Building, Jefferson City, MO** by **Chairman Joe Maxwell**.

**Present: House Apportionment Commissioners** ~ Chairman Joe Maxwell, Vice Chairwoman Ann Wagner, Secretary Nick Myers, Violet Corbett, David Courtway, Marlene Davis, W. Mitchell Elliott, Cheryl Hibbeler, Eddy Justice, JoAnn Karll, Nate Kennedy, Cindy O’Laughlin, Todd Patterson, Trent Skaggs, James Thomas III, Paula Willmarth, Thomas Wilsdon, and Chuck Caisley

## Meeting

### **I. Welcome and Review of Meeting Agenda**

The meeting was kicked off with welcome comments by Chairman Joe Maxwell. A meeting agenda and the mission of the House Apportionment Commission were briefly outlined.

### **II. Republican Map Proposal and Presentation** (See Attachment #1: Republican House Plan Map)

Vice Chairwoman Ann Wagner presented the proposed Republican map and proposal, with no commissioner questions or objections. Process, proposal and map highlights included:

- Considered testimony of Missourians across the state and the Republican commissioners were struck by the lack of opposition to the current district boundaries- which were created by a nonpartisan panel of appellate judges in 2001. So given the apparent satisfaction with the 2001 plan, the Republican commissioners sought to draw a map making only minor modifications to the current map- changing only what was necessary to reflect population shifts and follow Constitutional guidelines.
- The result is a map called the “*minimum change plan*,” and it is the proposal that they believe most closely meets all the requirements outlined in the Missouri Constitution.
- Attempted to create districts that were as close as possible to the ideal district size, and the proposed map has a total deviation of 3.23% (highest to lowest):
  - o Lowest: 4<sup>th</sup> District is 604 under (1.64%)
  - o Highest: 99<sup>th</sup> District is 583 over (1.59%)
- Avoided unnecessary county splits and used existing district lines, county lines, city limits, voting districts, natural boundaries, and easily recognizable man-made boundaries to preserve communities of interest and create districts that are contiguous.

- Designed the map to be as compact as possible, and it performed exceedingly well in each of the six measures of compactness that were posted by the Office of Administration.
- Commissioner Eddy Justice introduced and displayed the central 8<sup>th</sup> district (Texas County) amendment. It was withdrawn, without any commissioner objection.
- Commissioner Wagner made the point that the minimum change map proposed by Republicans includes 13 majority minority districts, which is the same number of majority minority districts proposed by the Democrat map.

### **III. Democrat Map Proposal and Presentation** (See Attachment #2: Democrat House Plan Map)

Commissioner Trent Skaggs presented the proposed Democrat map and proposal, with no commissioner questions or objections. Process, proposal and map highlights included:

- Prefaced presentation stating that there were significant changes from first Skaggs-Davis Democrat map presented.
- Democrat commissioners considered it imperative that the 13 majority minority districts were maintained in the new map. This encompassed two heavily Hispanic districts and four African American majority minority districts.
- Proposed map includes deviations of -2.75 percent at the least, and 6.14 percent at the greatest.
- Commissioner Marlene Davis added that while assistance and feedback were stressed and pleaded for, a couple areas in St. Louis city received no feedback at all. Overall, St. Louis constituents were mostly pleased with the new proposed democrat map. Likewise, one of the Democrat's top objectives was to maintain community interest in this map. There was significant population change where the hardest changes were made. Furthermore, Commissioner Davis commended everyone on the Democrat side as they worked diligently to help folks to understand the challenges, arrive at some consensus, and sustain the majority minority districts.
- Chairman Joe Maxwell reiterated the objective of this meeting: to list common ground between the two groups, and ultimately to create an agreed-upon and commissioned map.

### **IV. In Comparison: Democrat and Republican House Proposals/Maps** (See Attachment #3: Democrat Republican House Plan Overlay Map)

OA representative, Matt Hesser presented the proposed overlay and intersection of both the Democrat and Republican maps/proposals. Highlights and dialogue included:

- The combination of maps created 628 new areas, wherein both parties/maps were in agreement that they should share that territory.

- Green graduated map: darkest area of green depicts that Dem/Rep are 80-90 percent of way to becoming a new agreed district, or agree on 80-90 percent of that district's population; while the lightest green area depicts 10 percent or less agreement (or less-agreed upon areas).
- Vice Chairwoman Ann Wagner specified that the Republican map had to consider the factor of a total of 50 incumbents in their party. There were 2 districts that housed 3 incumbents.
- Chairman Joe Maxwell shared that the Democrat challenges included a significant amount of Democrats wanting to see a new map resembling the map prior to 2001. They were also lobbied heavily by incumbents (not as much as the Republicans). The Democrat commissioners started their process by focusing on the more heavily populated areas and minority districts (St. Louis and Kansas City), then added in the 6<sup>th</sup>, 1<sup>st</sup> districts, and leaving the 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> districts for final considerations.
- Commissioner James Thomas added that the Republicans started with, and approached each individual congressional district, and went from there and tweaked and massaged other areas. He also indicated the urban areas were important in their group's deliberations. He concluded his comments with a request of Commissioner Trent Skaggs to look into their plan, as the numbers denoted on the Democrat map appear off on the high and low ends.
- Discussion on how to approach the next step, who to involve/district reps, etc. was lead by Chairman Joe Maxwell. He asked for guidance from each side as to the feasibility of appointing three commissioners from each side to drill down and form a separate and smaller working/special committee to propose the next map for the larger Commissioned group's discussion and approval.
- Discussion of the integrated map continued, with Commissioner David Courtway requesting the addition of the existing boundaries that help clarify by a different line color so the group can better start and focus on commonalities foremost.
- Chairman Maxwell also stressed the importance of the group focusing on common ground; considering politics, getting those in order and vetting those issues before any final decisions are made among the Commissioned group and during a formal meeting.
- Commissioner David Courtway requested a showing of the map wherein both parties agree of at least 80 percent (population) of a district, in its entirety of both plans (80-100 percent agreement). Followed by Commissioner Marlene Davis requesting a showing of the map wherein both parties agree of at least of 50 percent (population) of a district, in its entirety of both plans (50-100 percent agreement).
- Vice Chairwoman Ann Wagner added that serious discussion was needed regarding relevant incumbency on the Republican side, and thus the consultation of district representatives to ensure their input.

- Chairman Joe Maxwell stated the incumbency issue was not used as a criterion initially for the first Democrat proposed map, as it was not as much of an issue as it seemed to be for the Republican side. Thus, the Democrat side focused first on urban and majority minority areas.
- Commissioner Jo Ann Karll stated the importance to maintain the majority minority districts and keep those intact, while Vice Chairwoman Ann Wagner agreed.
- Chairman Joe Maxwell called a 15-minute recess for a meeting between congressional groups to discuss in more detail, and agree on how to proceed or start in creating a blended and final map.
- Chairman Joe Maxwell reconvened the meeting from small groups. Group feedback indicated the huddle discussions were effective.
- Chairman Joe Maxwell called recess for lunch at 12:08pm and reconvened the meeting at 12:40pm.

## **V. Next Action Steps**

Commissioners discussed next action steps and process for creating next version of map. Highlights and dialogue included:

- Chairman Joe Maxwell proposed the appointment of three representatives from each side to meet for further discussion and work as a special committee. This smaller group would be granted authority to present a commissioned map to the larger group within the next week or two. He also encouraged the commissioners to keep working within their congressional districts simultaneously and consult the special committee with drafted recommendations. This would simply serve as a conduit into that group, while still working as individual commissioners.
- Vice Chairwoman Ann Wagner was amenable to that proposal, in the interest of working together and coming to an agreement quickly.
- Chairman Joe Maxwell called a brief break for Democrats and Republicans to huddle and appoint their three representatives. The Chairman reconvened the meeting at 1:20pm.
- The groups were tentatively in agreement with moving forward with three representatives, but Democrats were not in favor of re-issuing the new maps for another public hearing, in light of the looming deadline. The need to create one official commissioned map is paramount at this juncture.
- Vice Chairwoman Ann Wagner suggested the Commission post the two commissioned maps online on the OA.mo.gov portal and ask for public comment via that medium. She reiterates the importance of wanting the maps as open and transparent, and the process as inclusive as possible. The two maps have been posted online since July 6<sup>th</sup>, but want it to be open to the public for a period of time and believe people would appreciate some type of public comment period, but also realizes that the Commission may, or may not, be able to address all the questions and inquiries that may develop, considering the tight timeframe for finalization.
- Chairman Joe Maxwell expressed his concern to opening the process up for public hearing once again. Time is of the essence as we are moving quickly forward to the conclusion of this group's primary task: to create one commissioned map for approval. Moreover, the second concern was the difference in process between the parties. The first open-comment/hearing period for the Democrats was long and

tedious, thus suspect this public hearing would not be realistic and conducive to move the process forward at this point in time. The Democrats were confident they have obtained all the public comment needed and believe it would be redundant to open this map up again to another public comment period.

- Commissioner Eddy Justice expressed his concern that the process and their map needs to be open to public comment again.
- Commissioner Todd Patterson underscored that it was a constitutional requirement of the group to host at least one more public hearing on the next commissioned map.
- OA representative Matt Hesser clarified that after the tentative plan is filed, the group must have at least one more public hearing on that map.
- Chairman Joe Maxwell called a 10-minute recess to allow Democrats to discuss Republican's request for another open comment period/hearing.
- Chairman Joe Maxwell reconvened the meeting and announced the Democrats' proposal of a public hearing in Joplin, Missouri this Thursday, July 21, 2011 to accept public testimony. A Commission quorum will not be mandated and no votes will be collected. This will simply be a gathering for public hearing testimony.
- Vice Chairwoman Ann Wagner concurred with the Democrat proposal.
- Commissioner Trent Skaggs expressed his concern that a copy with the agenda must be filed with the Chief Clerk of the House or Representative's office within 24 hours of adoption, according to the Constitution. The proposed new public hearing was not published along with other the other originally scheduled meetings and hearings that were filed, therefore unconstitutional.
- The Commission requested OA legal counsel advice on constitutional requirements, and if a Joplin public comment period/hearing would be legal and in accordance with the Constitution. Renee Slusher was contacted via telephone and stated her team will need some time to research the issue.
- Chairman Joe Maxwell sought a motion of the Commission to vote for the authorization of the Chair and Vice Chairwoman, pending legal counsel's advice, to determine how to further obtain written or oral testimony at this point in the process. Motion moved by Commissioner Chuck Caisely and seconded by Commissioner W. Mitchell Elliot. All approved.
- Chair Joe Maxwell specified the three special committee Democrat appointees are: Commissioners Trent Skaggs, Marlene Davis and Paula Willmarth; with Todd Patterson as the alternative. Commissioner Skaggs will be the lead Democratic Commissioner on this committee.
- Vice Chairwoman Ann Wagner will provide the group with the three Republican special committee appointees' names soon. Upon meeting adjournment Vice Chairwoman Wagner announced that Commissioner Nick Myers would serve as the lead Republican on this committee along with Commissioners Eddy Justice and Thomas Wilsdon. Commissioner James Thomas will be the alternate.
- It is also requested that OA legal counsel be consulted regarding to electronic signatures for final dissolving of the Commission and tele-conferencing for future Commission meetings.

## Adjournment

Motion to adjourn the meeting made by Eddy Justice, and seconded by Commissioner W. Mitchell Elliott. Meeting was adjourned at **2:44pm** by **Chairman Joe Maxwell**. Assuming a new Commission map will be available, the next meeting will be at **10:00am** on **August 12, 2011** in **Room 1310, Jefferson Office Building, Jefferson City, MO**.

Minutes submitted by:

Gina N. Mauller, Director of Special Projects  
OA-ITSD

Nick Myers, Commissioner

Secretary of House Apportionment Commission

8-11-2011