

HOUSE APPORTIONMENT COMMISSION
MEETING

ORIGINAL

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

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

REPORTED BY:

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HOUSE COMMISSIONERS

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

Representatives from Office of Administration
Matt Hesser and Kristina Jenkins

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

2 CHAIRMAN MAXWELL: We're getting ready
3 to start, here, and Nick -- Mr. Secretary, would it be
4 all right if I have them go around and state their
5 names? There's some press here, and I thought that
6 might be helpful for the press and the public. I know
7 we all now know each other, but we could use that,
8 maybe, as a roll call. Would that be agreeable to you,
9 sir?

10 COMMISSIONER MYERS: That is.

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

14 VICE CHAIRWOMAN WAGNER: And probably
15 the last.

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

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

24 COMMISSIONER PATTERSON: Todd Patterson,
25 Democrat from the 7th District.

1 CHAIRMAN MAXWELL: Joe Maxwell, Democrat
2 from the 9th Congressional.

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

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

7 COMMISSIONER HIBBELER: Cheryl Hibbeler,
8 Democrat from the 2nd Congressional District.

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

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

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

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

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

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

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

24 COMMISSIONER JUSTICE: Eddy Justice,
25 Republican from the 8th Congressional District.

1 COMMISSIONER O'LAUGHLIN: Cindy

2 O'Laughlin. I'm a Republican for the 9th.

3 COMMISSIONER THOMAS: James Thomas, the

4 6th.

5 CHAIRMAN MAXWELL: Very good. Then

6 Mr. Secretary, is a quorum present?

7 COMMISSIONER MYERS: A quorum is

8 present, and apparently, Jo Ann Karll and Chuck Caisley

9 are absent.

10 CHAIRMAN MAXWELL: Okay. Jo Ann is in

11 the building, and as they come in, I'll have them state

12 their name, their Congressional District, and we'll go

13 on record.

14 UNIDENTIFIED FEMALE: And Chuck stuck in

15 the elevator, so --

16 CHAIRMAN MAXWELL: Okay. We are not

17 planning on calling any votes until all people would be

18 present, in the event that we would, so we don't have

19 to worry about -- Jo Ann left, so we keep the seat.

20 No, that's fine.

21 The -- this is the agenda. We are going

22 to discuss the minutes, and we'll vote the minutes.

23 Then, I have a statement to make about how the

24 Vice Chair and I have thought about proceeding, and

25 then --

1 COMMISSIONER MYERS: Mr. Chairman, could
2 we distribute copies of --

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

6 COMMISSIONER CAISLEY: Yep, Chuck
7 Caisley, 5.

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

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

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

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

1 the secretary?

2 Seeing no objection, then,
3 Mr. Secretary, as far as the court reporter is present,
4 then that would stand for your minutes and save you
5 some time.

6 COMMISSIONER MYERS: Okay.

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

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

22 I thought we would -- the break out --
23 the first break out would be about a 30-minute process,
24 just to kind of -- then have a report back. I had some
25 people say I took too -- we -- I allowed it to go --

1 you know, kind of check back in more frequently than we
2 did last time, just to see if it's -- because if it's
3 not going anywhere, I think the thought is we need to
4 draw that conclusion, and I'm happy with that. So I
5 thought about maybe 30 minutes on the first one and
6 then we can come back, and then over lunch or, you
7 know, not -- you know, maybe give a longer period if it
8 looked like there was really going to be able to have
9 some work done.

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

21 Now, the first order of business, then,
22 will be the adoption of the minutes. They were
23 prepared by our secretary, which I appreciate. I think
24 the Vice Chair and I both had a chance to review them
25 in advance, and they -- have they been -- are they now

1 being presented --

2 COMMISSIONER MYERS: Does anybody not
3 have the minutes? We'll pass those around. I want to
4 thank Gina Moeller (phonetic spelling) for helping with
5 that effort, from the Office of Administration.

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

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

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

14 COMMISSIONER ELLIOTT: Second.

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

18 ALL: Aye.

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

21 Without objection, I think is the best
22 way I could handle this, it is my opinion we can do
23 what I'm getting ready to state, and the Vice Chair and
24 I are in agreement to this, but in the -- in the
25 thought that perhaps today doesn't -- it doesn't end it

1 all, and there is something in the future between now
2 and the 18th -- that is the last day, we would not have
3 a choice on the 18th, unless we have a tentative map,
4 and then we would have another hearing and another
5 30 days. But, in case today doesn't quite draw us to a
6 final conclusion and because everyone's schedules seem
7 to be very tight this next week, we are looking at
8 setting a telephone call for the opportunity of an
9 executive session. That would either be to vote for a
10 tentative map or actually to dissolve. And we would
11 allow that by telephone.

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

20 So, you know, rather than, like
21 Washington, waiting till the last day and then sending
22 down my portfolio of retirement accounts, we thought
23 maybe, you know, let's have enough days that we
24 actually can look at a map and get something done. So
25 we are hopeful, and in stating that we would do that,

1 the intent isn't to -- if we could get it done, that
2 would be a great day.

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

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

21 VICE CHAIRWOMAN WAGNER: Yes.

22 CHAIRMAN MAXWELL: For the public and
23 for the record, there will be a location, proper
24 notice. It will be allowed to be at a location for
25 which I plan on being at that location, and as many as

1 could attend a specific location is always a good
2 thing, and -- but we would allow the public, and I'm
3 sure it would probably be -- it's usually in the normal
4 room, probably here, and the public would be allowed
5 and people would be coming in via conference call to
6 speak with us. So we will follow, as we voted in the
7 very beginning, the open meetings and open records laws
8 of Missouri in doing that.

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

13 CHAIRMAN MAXWELL: Yeah.

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

16 CHAIRMAN MAXWELL: I don't want to set a
17 date now.

18 VICE CHAIRWOMAN WAGNER: I agree.

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

1 we're trying to avoid that we've-got-another-day
2 feeling.

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

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

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

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

21 MR. HESSER: We can.

22 VICE CHAIRWOMAN WAGNER: -- projector,
23 if possible?

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

25 VICE CHAIRWOMAN WAGNER: And, it may be

1 something you want to take a look at in the break-out
2 session but just let me briefly go over those, okay, if
3 I could please.

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

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

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

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

24 Okay. So the first, as I said, is the
25 modification of southern boundary of House District 94,

1 mid-St. Louis County, for greater compactness. Second,
2 a modification of House District 85, South St. Louis
3 County, to keep from dividing the small village of
4 Grantwood in St. Louis County.

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

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

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

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

16 MR. HESSER: So we're over in
17 Kansas City now, correct?

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

23 I know this is going to be probably too
24 hard to get around, but the next goes into Osage Beach.
25 So the fifth change added Osage Beach to House

1 District 110 to enhance the Lake of the Ozarks
2 community of interest.

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

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

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

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

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

25 Fellow commissioners and Mr. Chairman,

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

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

17 Given these new criteria -- given these
18 criteria, we actually started in a very unique position
19 because the existing map we have -- the existing map we
20 have that we've been asked to change was previously
21 drawn by judges through a non-partisan appellate
22 commission. Therefore, the existing map was already
23 created and deemed by a non-partisan appellate court
24 commission to have met all of the constitutional
25 criteria.

1 During four days of testimony in April
2 and May of this year, not one single citizen testified
3 in opposition to the boundaries of any specific
4 district created by the 2001 plan. Given the lack of
5 opposition to the boundaries of the 2001 plan,
6 commissioners sought to draw a map that would only
7 change the boundaries to reflect population shifts and
8 follow constitutional guidelines.

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

18 First, it does not follow the
19 constitutional requirements set out for a House
20 apportionment plan as closely as it should or as
21 closely as the GOP commissioners' plan does. Democrat
22 commissioners' plan has a deviation of 3.87 percent as
23 opposed to a 3.27 deviation in the revised GOP
24 commissioners' minimum change plan. Low deviation is a
25 constitutional requirement, rather than optional

1 criteria, that must be followed.

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

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

19 Third, I believe it disregards the
20 public support for existing candidates. Of the 134
21 members of the Missouri House eligible to seek another
22 term, nearly 40 of them, roughly one-third, would be
23 forced to run against another sitting member. While
24 population shifts inevitably mandate that some seats
25 will be eliminated and a few member versus member

1 contests are absolutely unavoidable, redistricting was
2 never intended to impose a massive second wave of term
3 limits on a scale this large. The Democrat
4 commissioners' plan creates over a dozen districts
5 where fellow Republican incumbents would face one
6 another.

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

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

20 The GOP commissioners' minimum change
21 plan more closely follows the constitutional
22 requirements for making districts as equal as possible
23 in population. An essential objective of the GOP
24 commissioners was to maintain as many majority-minority
25 districts as possible. The plan creates 15

1 majority-minority districts. The plan features 13
2 African American majority districts; House Districts
3 42, 43, 47, 58, 60, 61, 67, 69, 70, 71, 72, 74 and 76.
4 It also includes two minority-plurality districts,
5 white populations under 50 percent, and those would be
6 House Districts 63 and 64.

7 Our next point is that ours make
8 districts contiguous and as compact as possible. All
9 163 districts in the GOP commissioners' minimum change
10 plan are contiguous. Whenever possible, existing
11 district lines, county lines, city limits, voting
12 districts, natural boundaries such as rivers and lakes,
13 and easily recognizable man-made boundaries such as
14 highways were used as District lines.

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

25 In all six of the six compactness

1 reports listed by OA, the GOP commissioners' minimum
2 change plan scored as more compact than the Democratic
3 commissioners' plan, more closely following the
4 constitutional requirement of compactness.

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

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

19 Second, doesn't unnecessarily split
20 counties and cities; respects natural boundaries; and
21 uses precinct, school districts, and highway boundaries
22 whenever possible.

23 Third, it keeps communities of interest
24 in intact, be they historic, socioeconomic, geographic,
25 or otherwise, in the same district as often as

1 practical.

2 Fourth, maintains as many
3 majority-minority districts as population will allow.

4 And lastly respects the will of the
5 voters in recent elections but not capriciously
6 combining -- by not capriciously combining incumbents
7 of either party into the same district, except when
8 significant population loss requires it.

9 That would be our analysis,
10 Mr. Chairman.

11 CHAIRMAN MAXWELL: Do you have a written
12 document you want me to accept?

13 VICE CHAIRWOMAN WAGNER: I have a
14 written document that I would like to submit, along
15 with, Mr. Chairman, two of our commissioners,
16 Commissioner Justice, has something to submit for the
17 record from Missouri House Representative
18 Todd Richardson, and Commissioner Corbett also has
19 several things for the record from various as sundry
20 House members.

21 CHAIRMAN MAXWELL: Well, first, let me
22 accept yours.

23 VICE CHAIRWOMAN WAGNER: And hang on.
24 Let me make sure I've got --

25 CHAIRMAN MAXWELL: And if this is not

1 public testimony, it is not -- will not be marked as
2 evidence to a map, but we will accept it so that it is
3 part of the record today. I talked to some folks
4 about, kind of, how to handle this, and obviously, any
5 commissioner can submit anything to include a map.
6 That's always been our position, and we will accept
7 this as any other commissioner's and make sure and
8 ensure that, as a commissioner, that it becomes a part
9 of the record.

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

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

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

1 testimony.

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

5 VICE CHAIRWOMAN WAGNER: Perfect.
6 That's fine. Okay.

7 CHAIRMAN MAXWELL: Okay.

8 VICE CHAIRWOMAN WAGNER: Next up --

9 CHAIRMAN MAXWELL: Mr. Justice -- no,
10 I'd just as soon that, if you don't mind, I'll just go
11 to Commissioner Justice --

12 VICE CHAIRWOMAN WAGNER: That's fine.

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

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

19 CHAIRMAN MAXWELL: Thank you.

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

22 COMMISSIONER DAVIS: Summarize would --

23 CHAIRMAN MAXWELL: Yeah. Could you
24 summarize? Because Commissioner Corbett has several,
25 if that's okay. I mean, I appreciate it, and I want to

1 get it in here for the process.

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

9 CHAIRMAN MAXWELL: I'll mark that 1.
10 Commissioner Corbett?

11 COMMISSIONER CORBETT: Okay.
12 Wanda Brown, State Representative from the 116th,
13 actually presented me with several letters; one from
14 the City of Warsaw, the mayor; one from First Community
15 Bank, the vice-president; one from Farmers Bank of
16 Warsaw; one from the Benton County Enhanced Enterprise
17 Zone; one from Benton County Development Corporation;
18 and one from the Cole Camp, Missouri Police Department.
19 And in summary, it's that they wanted Benton County
20 left together where we had divided it. Both the
21 Republicans and the Democrats had divided it.

22 CHAIRMAN MAXWELL: I'll mark that
23 Corbett 1.

24 COMMISSIONER CORBETT: Okay.

25 CHAIRMAN MAXWELL: I've already got a

1 copy of it. Thank you. And we'll make sure these are
2 photocopied and sent to every commissioner --

3 COMMISSIONER CORBETT: Okay.

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

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

14 CHAIRMAN MAXWELL: Mark that Corbett 2.

15 COMMISSIONER CORBETT: Yes.
16 Sandy Crawford, the 119th District, and again, she
17 addressed the Democrat changes which split up Dallas,
18 Hickory, and St. Clair and the -- from three counties
19 to two full counties and portions of three other
20 counties that she objected to. We actually put her in
21 five counties instead of three.

22 CHAIRMAN MAXWELL: Okay. Mark that
23 Corbett 3.

24 COMMISSIONER CORBETT: Kay Hoflander
25 from Lafayette County submitted a letter, very unhappy

1 with the Lafayette County lines that -- that the
2 Democrats had drawn and in support of the GOP minimum
3 change plan.

4 CHAIRMAN MAXWELL: Marking Corbett 4.

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

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

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

14 COMMISSIONER CORBETT: I'm sorry.

15 CHAIRMAN MAXWELL: No. I -- please
16 proceed.

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

23 CHAIRMAN MAXWELL: Mark Corbett 6.

24 COMMISSIONER CORBETT: Denny Hoskins
25 addressed the same issue, but you -- actually, the

1 Democrat plan and, I believe, the new map still -- of
2 the Democrat plan, which I only saw this morning
3 briefly, divided the city of Warrensburg into two --
4 into two districts, and he asked that Warrensburg not
5 be divided. And I believe there's been several
6 newspaper articles concerning that, people -- people
7 writing letters.

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

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

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

25 Also, we believe the constitution

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

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

21 Our members have reached out to many of
22 your members, and we're thankful for those that have
23 responded very positively, not that everybody hasn't.
24 Sometimes you just can't get there. But for those that
25 have found a way, we're very, very appreciative in

1 following what we feel is a solid process to have a
2 conclusion where we choose and not the courts choose.

3 We do want to be clear that
4 redistricting is a messy process. It's been a lot
5 tougher than I ever dreamed it would be. Going back,
6 we may never have said yes. Some love the punishment.

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

14 We know from the constitution also that
15 10 years ago, a panel of judges -- because they
16 couldn't agree -- set the districts for the state, in
17 terms of population equity, for instance, and we've
18 analyzed their map. And it is not absolutely perfect,
19 because I think the courts found you can't make a
20 perfect map. That map set an overall range of
21 population at six percent, between its largest and
22 smallest. We can assume that that is -- it's their
23 map, that that is the constitutional-allowed amount.
24 But I think it demonstrates the courts' struggle with
25 this.

1 The compromise approach the Democrats
2 put forth yesterday only has a four percent deviation.
3 We call it a compromise because, Commissioner Corbett,
4 it does include that. We're saying it's tentative.
5 We're not saying it's our final map. We want to
6 reserve the rights to position ourselves, no different
7 than you have today, for the courts. But we are very
8 accepting as a caucus that was reached between two
9 commissioners, and we want to respect that work, and it
10 is reflected in the map that you will see posted.

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

20 In addition, our districts are compact.
21 Compactness is an allusive concept and depends, in many
22 respects, upon the perspective of the reader of the
23 map. The courts have actually stated that. Through
24 both a visual examination and using the various
25 mathematical measures of compactness for which this

1 Commission has not agreed which measures should be
2 used. The compromise approach compares well to maps
3 that have been approved in various redistricting
4 efforts in Missouri, and we have used those prior
5 redistricting efforts as a guideline for our map.

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

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

1 commissioners in deliberation as we strive to have a
2 map.

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

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

25 While Republicans call their map --

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

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

22 And we applaud you. We did not fare
23 very well in the last redistrict. But today, we come
24 to you and say, you know, if we can work together it
25 doesn't have to be about Democrats and Republicans. We

1 can find common ground and try to move this. We're
2 very respectful of the number of incumbents you have to
3 protect. The fact is, the Democrats find themselves in
4 a position where we felt that the courts overreached
5 the last time; that these districts are not fair and
6 not balanced. We were very receptive to the testimony
7 given when it talked about competitiveness, and I know
8 that we were not. The fact is, this is a partisan
9 process, whether we like it or not. But I think we can
10 find some common ground to move forward.

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

25 The -- we have -- also have individual

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

13 So -- but we are hopeful that they
14 become final, and it would be our intent today that, if
15 we take a break, that those of you all that are close
16 could find a way to be final. We -- on the Democrat
17 side, we're accepting that if our commissioner from the
18 7th or 8th or 1st or 3rd or 4th or 5th comes to us and
19 says, "This is what we agreed to. Now, we've got to
20 kind of make it fit because we bump into each other,"
21 that's -- could be the devil in the detail at the end.
22 But we -- we, as a body, will accept that which you do,
23 without digging back into it.

24 This is not the Democrat party map, but
25 we will have one if we go to the courts, but this is

1 our commission map. That would be our statement for
2 the record.

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

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

10 CHAIRMAN MAXWELL: Possibly today.

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

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

18 VICE CHAIRWOMAN WAGNER: Correct.

19 CHAIRMAN MAXWELL: -- in regards to that
20 map, for which I'm not prepared to counter. Not only
21 am I not prepared, but we would choose not to. We
22 don't think this is the forum to have that discussion.
23 We think that is the forum for the courts. We would
24 suggest it, hopefully, is going to be a map that would
25 incorporate the work of the Democrat commissioners in

1 conjunction with the Republican commissioners, and we
2 would not want their work to go -- it may not be the
3 map, but we think that we should -- we are planning on
4 honoring the work.

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

15 So I would just like to state that, and
16 then also, you know, make it very clear that it is
17 our -- our hope and our plan and if the map that we
18 have submitted and, you know, we may have -- if you all
19 will be making a change, maybe we'll come up with a
20 compromised map here. I mean, there may be another
21 thing posted, but it is our -- our plan and our effort
22 to come up with the most constitutional map as
23 possible, following the constitutional criteria that is
24 laid out in terms of the Missouri Constitution, in
25 terms of compactness, contiguousness, deviations,

1 minority districts and things of this nature. So I
2 want to make sure that -- that also, if the subsequent
3 maps are put up, that we have an opportunity to do the
4 proper analysis and --

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

16 VICE CHAIRWOMAN WAGNER: Absolutely.

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

22 I should also state that the quote I
23 read was from the -- which I'll provide for the
24 record -- 2002 -- I won't give the original, 2002
25 election analysis presented to the Missouri Republican

1 Party --

2 VICE CHAIRWOMAN WAGNER: In my capacity
3 as Chairman of the Missouri Republican Party.

4 CHAIRMAN MAXWELL: -- in her capacity of
5 chairman -- that's what I was going to say -- signed by
6 Ann Wagner, Chairman, of the Missouri Republican Party,
7 dated November 25, 2002, signed by John Hancock also,
8 as executive director, and that's where that came from.
9 We applaud you for your success.

10 VICE CHAIRWOMAN WAGNER: Which has
11 nothing to do, again, with the constitutional
12 provisions or this body that is constituted, and at the
13 time, I did not serve as a constitutional commissioner
14 on this party but as a chairman of a party who has the
15 responsibility of not only winning elections but also
16 raising money to do so.

17 CHAIRMAN MAXWELL: We accept that. We
18 applaud you for the GOP success in the redistricting.

19 VICE CHAIRWOMAN WAGNER: Thank you,
20 Mr. Chairman.

21 CHAIRMAN MAXWELL: All right.

22 COMMISSIONER DAVIS: Thank you,
23 Mr. Chairman. I'm in a very strange position at this
24 moment because I came in, I drove down Highway 70, I
25 played me some Gerald Lavert, some Diana Ross, and

1 Aretha Franklin. I felt good after working yesterday
2 very hard with someone who I believe has the best
3 interests of this State of Missouri at heart, my
4 Republican counterpart.

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

21 It's not what I want. It's not what you
22 want. That's not what we're working from. And so I
23 don't want the public that's here today to get the
24 wrong idea. There's been a lot of hard work done, up
25 through early this morning. Some people were up

1 working early this morning before 7:00 a.m. So I don't
2 want to take anything away from that, and I do want to
3 move forward, and I do want to see compromise, and I
4 don't want to see Missouri be another laughing stock
5 with another issue just because of politics.

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

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

25 VICE CHAIRWOMAN WAGNER: And

1 Mr. Chairman, we'd like to caucus briefly before that,
2 and then break out with our individual counter parts.

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

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

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

13 VICE CHAIRWOMAN WAGNER: Sure.

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

20 VICE CHAIRWOMAN WAGNER: That's fine.
21 Fine with us.

22 CHAIRMAN MAXWELL: -- that we just chat
23 and see where everybody is, and if there can be work
24 done, then, while you all are caucusing, maybe we could
25 go ahead and draw a map up --

1 COMMISSIONER THOMAS: Mr. Chairman, I
2 have reached out to my counterpart multiple times since
3 our last meeting, and we've not -- I haven't got any
4 real constructive communication. I mean, I'd be
5 thrilled to meet with him and see if we can do
6 something --

7 COMMISSIONER MYERS: Okay. Yeah --

8 COMMISSIONER THOMAS: I've not gotten
9 any feedback.

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

16 VICE CHAIRWOMAN WAGNER: That's fine.
17 That's fine, Mr. Chairman.

18 CHAIRMAN MAXWELL: Okay.

19 COMMISSIONER MYERS: Mr. Chairman,
20 last -- in the minutes last time, we said groups of
21 three to try to advance this in the interim and that
22 got somewhat delayed by the Joplin hearing issue, but I
23 can tell you, from the Republican side, and I've worked
24 with Commissioner Skaggs, that those groups of three
25 have been in contact and working right along. So we --

1 in a --

2 COMMISSIONER WILSDON: Our sub-committee
3 that we had --

4 CHAIRMAN MAXWELL: Yeah. I apologize.
5 That should have been said for the record.

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

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

24 (OFF THE RECORD.)

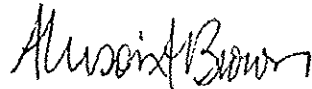
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I, Allison A. Brown, Certified Court Reporter #1205,
within and for the State of Missouri, do hereby certify
that I was personally present at the proceedings had in
the above-entitled cause at the time and place set
forth in the caption sheep hereof; that I then and
there took down in stenomask verbatim reporting the
proceedings had and afterwards transcribed and that the
foregoing is a full, true, and correct transcript the
proceedings had at such time and place.

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



ALLISON A. BROWN, CCR #1205
CAPITAL CITY COURT REPORTING