

## SENATE APPORTIONMENT COMMISSION



### Public Hearing Notice

Thursday, March 8, 2012

10:30 am

Jefferson City

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## SENATE APPORTIONMENT COMMISSION



### Public Hearing Notice

Thursday, March 8, 2012  
10:30 am

Jefferson City  
Redistricting Office  
1310 Jefferson State Office Building

### AGENDA

- I. Introductions
- II. Public Comments on Tentative Plan
- III. Announcements
- IV. Adjourn



Graves Barile Marcus & Garrett, LLC  
Counselors and Attorneys at Law

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March 2, 2012

**VIA FACSIMILE AND U.S.MAIL**

Missouri Senate Apportionment Commission  
Redistricting Office  
Jefferson State Office Building, Room 1310  
Jefferson City, MO 65101  
Fax: (573) 526-4811

Dear Commissioners:

We represent individual voters of certain Missouri Senate districts that are overpopulated under the tentative redistricting plan you filed on February 23, 2012 (the "Plan"). Please accept this letter as our request for an immediate public hearing under article III, section 7 of the Missouri Constitution.

We note that the constitution requires that this Committee "shall" hold a public hearing within fifteen days after the filing of its tentative plan. We can find no public notice that such a hearing has been scheduled. A hearing is necessary in this case. Four hearings were held starting on Sunday, February 19, 2012, in rapid-fire succession. The public had little opportunity for notice or input. And the crucial time for providing input is now, after the public has become aware of the Commission's tentative proposal.

Further, it is our belief that the plan is constitutionally defective. While the population deviation between the most overpopulated and underpopulated county is (perhaps not coincidentally) just below 10%, the most severe deviations favor urban regions and discriminate against rural regions. This regional favoritism is an impermissible basis for population deviations and constitutes invidious discrimination in violation of the Fourteenth Amendment of the United States Constitution.

The plan's invidious discrimination against rural Missourians is further evident in the arbitrary reassignment of the seventh district designation to the urban core of Kansas City and the transfer of the urban core tenth district in Kansas City to a new rural district in eastern Missouri. This deprives the residents of the new eastern Missouri district of adequate

Commissioners  
March 2, 2012  
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representation and of the right to timely elect a new resident senator, and further serves to artificially increase the representation of urban regions **at** the expense of rural regions. At the Commissioner's first hearing, Solicitor General Layton specifically warned the commissioners against such a move.

Finally, we understand that certain Commission members have already acknowledged the arbitrary nature of the Commission's moves. Additionally, certain Commission members, rather than inviting public comment and scrutiny, have actively worked to stifle public review of the plan. This further convinces us of the need for an open and public hearing.

We respectfully request that a hearing be convened in a convenient place no later than Wednesday, March 7. Please notify us immediately by phone, email, and letter of the time and place of the hearing.

Respectfully,

A handwritten signature in cursive script, appearing to read "Edward D. Greim".

Edward D. Greim

Cc: James Layton, Solicitor General

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI**

Beverly Ehlen, Mik Chester,	)	
Robert W. Wood, Steve Hunter,	)	
Dr. John Lilly, Mark Muller,	)	
and Sharon Hayes,	)	
	)	
Plaintiffs,	)	Case No.
	)	
vs.	)	
	)	
ROBIN CARNAHAN, Missouri Secretary	)	
of State, in her official capacity,	)	
Serve at:	)	
Office of the Secretary of State	)	
State Capitol, Room 208	)	
Jefferson City, MO 65101	)	
	)	
Defendant.	)	

**COMPLAINT FOR DECLARATORY JUDGMENT  
AND PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF**

COME NOW Plaintiffs Beverly Ehlen, Mik Chester, Robert W. Wood, Steve Hunter, Dr. John Lilly, Mark Muller and Sharon Hayes, and for their complaint against Defendant, state and allege as follows:

**PRELIMINARY STATEMENT**

1. This is an action to enjoin Defendant from holding any election for the Missouri Senate using a districting plan which is undergoing final approval and which fails to comply with the Fourteenth Amendment of the United States Constitution and the equal population requirements of Article III,

section 5 of the Missouri Constitution. Given the tardiness of Missouri's approval of even the most recent unconstitutional districting plan, Plaintiffs also seek preliminary relief to allow the 2012 senate elections, for which candidate filing closes on March 27, 2012, to proceed under a plan previously proposed and approved by Missouri's nonpartisan appellate districting commission, but invalidated by the Missouri Supreme Court for procedural reasons.

### **JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction over this action based upon the following provisions: 42 U.S.C. §§ 1983 and 1988 (civil rights); 28 U.S.C. § 1343(a)(3) and (4) (civil rights, equal protection, and the right to vote) and 28 U.S.C. § 2201 (declaratory judgment).
3. Venue is proper in this district because the Defendant Secretary of State has her official office in the Western District of Missouri.
4. This Court has personal jurisdiction over this matter. The Defendant has her office in and can be found within this judicial district.

### **PARTIES**

5. Beverly Ehlen is a citizen and qualified voter of the United States of America and of the State of Missouri. Ms. Ehlen is a registered voter and resides in Warren County, Missouri.

6. Mik Chester is a citizen and qualified voter of the United States of America and of the State of Missouri. Mr. Chester is a registered voter and resides in Andrew County, Missouri.
7. Robert W. Wood is a citizen and qualified voter of the United States of America and of the State of Missouri. Mr. Wood is a registered voter and resides in Howard County, Missouri.
8. Steve Hunter is a citizen and qualified voter of the United States of America and of the State of Missouri. Mr. Hunter is a registered voter and resides in Jasper County, Missouri.
9. Dr. John Lilly is a citizen and qualified voter of the United States of America and of the State of Missouri. Dr. Lilly is a registered voter and resides in Greene County, Missouri.
10. Mark Muller is a citizen and qualified voter of the United States of America and of the State of Missouri. Mr. Muller is a registered voter and resides in Bates County, Missouri.
11. Sharon Hayes is a citizen and qualified voter of the United States of America and of the State of Missouri. Ms. Hayes is a registered voter and resides in Franklin County, Missouri.
12. Plaintiffs bring this action individually and as representatives of all of the citizens of the State of Missouri who are similarly situated, as being currently denied Equal Protection of the Laws, as further alleged herein.

13. Defendant Robin Carnahan is the duly elected Missouri Secretary of State.

She is the chief election officer of the state. Her duties charge her, in her official capacity, with, *inter alia*: transmitting notices to election authorities of written notices of the offices to which candidates are to be nominated in primary elections (Section 115.345, RSMo.); receiving declarations of candidacy for the office of state senator (Section 115.353(1), RSMo.) between 8:00 a.m. on the last Tuesday in February and 5:00 p.m. on the last Tuesday in March immediately before the primary election (Section 115.349, RSMo.); receiving notices of a candidate's withdrawal of candidacy (Section 115.359, RSMo.); sending notices of vacancy to the applicable party nominating committees (Section 115.369, RSMo.); notifying election authorities of candidates who are properly nominated and certified by nominating committees (Section 115.381, RSMo.); sending a certified list, no later than ten Tuesdays before the primary date, to each election authority of all of the candidates for each office who will be voted on in the primary, along with the order in which the names are to appear on the ballot (Section 115.387, RSMo.); sending a similar certified list to each election authority ten Tuesdays before the general election (Section 115.401, RSMo.); preparing all forms necessary to carry out Missouri's election laws in Chapter 115, RSMo. (Section 115.403, RSMo.); convening and announcing the results of the board of state canvassers for primary and general elections (Section 115.511, RSMo.); and issuing certificates of nomination and election (Section 115.523,

RSMo.). Any failure to perform the duties enumerated in Chapter 115 at sections 115.001 to 115.641 is a class four election offense.

### GENERAL ALLEGATIONS

14. The Missouri Senate is comprised of 34 districts. Each district is numbered. Odd-numbered districts are elected in presidential election years, and even-numbered districts are elected in non-presidential election years.
15. Each district is represented by a senator. Senators must have been residents of their districts for one year before their election, but in the case of new districts, need only have been a resident of the "district or districts from which" the new district is created. Mo. Const. Art. III, section 6.
16. "For the election of senators, the state shall be divided into convenient districts of contiguous territory, as compact and nearly equal in population as may be." Mo. Const. Art. III, section 5.
17. The process by which the state is divided into districts is controlled by Article III, section 7, of the Missouri Constitution. It provides, in relevant part, as follows:

Within sixty days after the population of this state is reported to the President for each decennial census of the United States, and within sixty days after notification by the governor that a reapportionment has been invalidated by a court of competent jurisdiction, the state committee of each of the two political parties casting the highest vote for governor at the last preceding election shall, at a committee meeting duly called, select by a

vote of the individual committee members, and thereafter submit to the governor a list of ten persons, and within thirty days thereafter the governor shall appoint a commission of ten members, five from each list, to reapportion the thirty-four senatorial districts and to establish the numbers and boundaries of said districts.

If either of the party committees fails to submit a list within such time the governor shall appoint five members of his own choice from the party of the committee so failing to act.

Members of the commission shall be disqualified from holding office as members of the general assembly for four years following the date of the filing by the commission of its final statement of apportionment.

The commissioners so selected shall on the fifteenth day, excluding Sundays and holidays, after all members have been selected, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman and secretary and shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held. A copy of the agenda shall be filed with the secretary of the senate within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable.

The commission shall reapportion the senatorial districts by dividing the population of the state by the number thirty-four and shall establish each district so that the population of that district shall, as nearly as possible, equal that figure; no county lines shall be crossed except when necessary to add sufficient population to a multi-district county or city to complete only one district which lies partly within such multi-district county or city so as to be as nearly equal as practicable in population. Any county with a population in excess of the quotient obtained by dividing the population of the state by the number thirty-four is hereby declared to be a multi-district county.

Not later than five months after the appointment of the commission, the commission shall file with the secretary of state a tentative plan of apportionment and map of the proposed districts and during the ensuing fifteen days shall hold such public hearings as may be necessary to hear objections or

testimony of interested persons.

Not later than six months after the appointment of the commission, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts, and no statement shall be valid unless approved by at least seven members.

After the statement is filed senators shall be elected according to such districts until a reapportionment is made as herein provided, except that if the statement is not filed within six months of the time fixed for the appointment of the commission, it shall stand discharged and the senate shall be apportioned by a commission of six members appointed from among the judges of the appellate courts of the state of Missouri by the state supreme court, a majority of whom shall sign and file its apportionment plan and map with the secretary of state within ninety days of the date of the discharge of the apportionment commission. Thereafter senators shall be elected according to such districts until a reapportionment is made as herein provided...

18. In 2011, the results of the U.S. Census in Missouri were reported.

19. A bipartisan apportionment commission was duly appointed and met in the spring and summer of 2011 to conduct a reapportionment (the "2011 Bipartisan Commission"). On or about August 16, 2011, the commission decided that it was deadlocked and would be unable to adopt a plan.

20. The August 16, 2011, meeting was transcribed. The official transcript of that meeting shows that the Chairman of the commission, a Democrat, Douglas Harpool, stated: "We have reasons for our numbering. We think that when a senator is elected, he doesn't represent a district number, but he represents the people."

21. The Bipartisan Commission's deadlock meant that, under the Missouri Constitution, a nonpartisan appellate apportionment commission consisting

of Missouri Court of Appeals judges would be tasked with drawing districts.

22. In the fall of 2011, the nonpartisan appellate commission (the “Nonpartisan Commission”) met and on November 30, 2011, issued a map (the “First Nonpartisan Plan”).

23. On December 9, 2011, the Nonpartisan Commission withdrew its earlier map and filed a revised map on December 9, 2011 (the “Second Nonpartisan Plan”). The plan had an overall population difference of 7.79% between its least and most populous districts. A true and correct copy of the plan is attached hereto as Exhibit A.

24. On January 17, 2012, in *State ex rel. Teichman v. Carnahan* (Case No. SC92237), the Missouri Supreme Court *per curiam* granted a writ of prohibition against Secretary of State Robin Carnahan prohibiting her from conducting Missouri’s 2012 senate elections using the Second Non-Partisan or First Non-Partisan Plans. The court held that the first plan was constitutionally infirm, and that because its authority had lapsed with the filing of the first plan, the Nonpartisan Commission had no authority to issue the second plan. The Court noted that it “assumes that all those tasked with duties to reapportion the senate districts in accordance with art. II, sec. 7, will do so in an expedited manner to provide the Secretary of State with a valid plan and map for the upcoming election.”

25. On or about January 31, 2012, a second bipartisan commission (the “2012 Bipartisan Commission”) was duly appointed by Missouri Governor Jeremiah

("Jay") Nixon.

26. The 2012 Bipartisan Commission met on Saturday, February 18, 2012, in Jefferson City, Missouri, and immediately adopted a schedule for four public hearings to occur on Sunday, February 19, 2012; Monday, February 20, 2012; Tuesday, February 21, 2012; and Wednesday, February 22, 2012.

27. The public portions of each meeting were transcribed.

28. At the Sunday, February 18, 2012, meeting, the 2012 Bipartisan Commission was addressed by Missouri Solicitor General James Layton. The following exchange took place:

MR. LAYTON:

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

COMMISSIONER MYERS: Yes.

MR. LAYTON: Odd numbers are running this year.

COMMISSIONER ELLINGER: Yes.

MR. LAYTON: Ten years ago, Harry Kennedy, following the redistricting, represented a district in rural Missouri about 100 miles from his home. I don't know that -- I -- I assume Harry Kennedy didn't like that, but I'm sure the people in his district didn't like that. You have to give them numbers and -- and that suggests -- I don't want to give you political advice, but I'm going to come close to that here -- that to minimize the lack -- the alleged lack of representation. Because there's some people who have actually argued that they can't be left without representation. It -- it is worth at least thinking about putting the -- if you're going to move a district dramatically, making it an odd-numbered district, that is, moving so that they can elect their own senator this year rather than living with someone who was elected by

someone else.

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

29. At the Commission's February 22, 2012 meeting, which carried over into the early morning hours of February 23, 2012, the Commission reached tentative agreement on a new districting plan for the Missouri Senate.
30. The approved plan (the "2012 Plan") was transmitted to the Missouri Secretary of State on February 23, 2012, by a letter signed by Chairman Doug Harpool, who had also chaired the 2011 Bipartisan Commission. A true and correct copy of the letter of transmittal, associated maps, and demographic data tables is attached hereto as Exhibit B.
31. The 2012 Plan contains a deviation between the most underpopulated and overpopulated districts of approximately 9.6%. Ranking, pairing, and adding the deviations of the most overpopulated and underpopulated districts, the paired sixth-place districts evidence a deviation of 7.26%.
32. The following table summarizes data regarding the top six population deviations:

Positive Deviation (Overpopulated)				Negative Deviation (Underpopulated)			
State Senate District	Classification	Counties	Deviation	State Senate District	Classification	Counties	Deviation
<b>21</b>	Rural	Caldwell, Ray, Livingston, Carroll, Chariton, Lafayette, Saline, Howard and Johnson	4.87%	<b>7</b>	Urban	Jackson (Part)	-4.72%
<b>20</b>	Rural	Christian, Greene (part)	4.31%	<b>9</b>	Urban	Jackson (Part)	-4.69%
<b>32</b>	Rural	Newton, Jasper, Dade	4.12%	<b>11</b>	Urban	Jackson (Part)	-4.47%
<b>26</b>	Sub/Rural	Franklin, St. Louis County (part)	3.80%	<b>28</b>	Rural	Pettis, Benton, Hickory, Cedar, Polk, Dallas, Laclede	-4.42%
<b>31</b>	Rural	Cass, Bates, Henry, St. Clair, Vernon, Barton	3.42%	<b>30</b>	Urban	Greene (part)	-4.14%
<b>12</b>	Rural	Atchison, Holt, Wroth, Harrison, Mercier, Putnam, Andrew, Gentry, Dekalb, Daviess, Grundy, Sullivan,	3.31%	<b>13</b>	Urban	St. Louis County (part)	-3.95%

		Clinton, Clay (Part)					
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33. The data show that the six greatest population deviations serve to favor urban areas over rural areas, invidiously discriminating against residents of rural Missouri counties.
34. The three most underpopulated districts are all in urban Jackson County, Missouri, and all involve areas that are heavily Democratic and vote to elect Democratic senators. The three most overpopulated areas are all in rural areas, are Republican, and vote to elect Republican senators. Further, three of the six most overpopulated senate districts—the 21<sup>st</sup>, 31<sup>st</sup>, and 12<sup>th</sup>, are packed with voters and ring the underpopulated districts in Jackson County.
35. The urban 30<sup>th</sup> District in Greene County appears as an island on the map because it is completely surrounded by the 20<sup>th</sup> District. The 30<sup>th</sup> District contained sufficient population so as not to require a redrawing of its lines using the 2010 Census. Yet 10,813 residents were pushed out of the 30<sup>th</sup> and into the surrounding 20<sup>th</sup>. The net effect of this urban-to-rural shift of voters was to make the 20<sup>th</sup> District Missouri's second-most severely overpopulated district, but to make the 30<sup>th</sup> District Missouri's fifth-most severely underpopulated district.
36. In the St. Louis area, residents have been moving and are continuing to move from the City and County of St. Louis to more outlying areas. This included the 2<sup>nd</sup> District in St. Charles and Lincoln Counties, which contained tens of

thousands of surplus voters and, without redistricting, would have been severely overpopulated. This northern and western population shift required the drawing of a new district to the northwest (the "East-Central Missouri District") and the elimination and/or geographic expansion of districts comprising St. Louis City and County.

37. The 2012 Plan did, in fact, redrew several districts in the St. Louis area. The 13<sup>th</sup> District in north St. Louis County, an urban district that votes heavily Democratic, became the sixth-most underpopulated in Missouri. To allow for the drawing of the new East Central Missouri District north and west of St. Louis, a Republican district in northern and western St. Louis County which was due to have an election in 2012, the 7<sup>th</sup>, was eliminated; its territory was distributed among the neighboring 14<sup>th</sup>, 24<sup>th</sup>, and 26<sup>th</sup>. In the process, the 26<sup>th</sup>, a heavily Republican district that included rural Franklin County, became the fourth most heavily overpopulated district in Missouri.

38. The heavily overpopulated 2<sup>nd</sup> District was made smaller and confined to western St. Charles County, while the other part of the old 2<sup>nd</sup>, Lincoln County, was combined with pieces of four other Republican-leaning, even-numbered districts to the new 2<sup>nd</sup>'s north and west to create the East-Central Missouri District, a brand new predominantly rural, Republican-leaning district.

39. The purpose and result of these shifts, therefore, was the elimination of the old 7<sup>th</sup> District to allow for the drawing of the East-Central Missouri District.

- Figuratively, the 7<sup>th</sup> District was simply “moved” from St. Louis County to the growing rural and exurban areas north and west of St. Charles County.
40. The 2012 Plan resulted in overpopulation and underpopulation throughout the state and was flawed for the reasons discussed above. Having drawn those flawed districts, the 2012 Bipartisan Commission was then faced with the task of assigning district numbers. In the St. Louis area, it could simply have allowed the 7<sup>th</sup> District designation to move out to the new East Central Missouri District. Had the East-Central Missouri District simply been designated the 7<sup>th</sup>, its residents (owing to the odd number designation) would have been able to elect a new senator from among their own number almost immediately, in the November 2012 election.
41. Alternatively, the Commission could have designated the East-Central Missouri District as the 26<sup>th</sup> or 2<sup>nd</sup>, both of which gave up counties to help form the District and both of whose incumbents had formerly represented the most populous counties in the new District. It could then have designated the 2<sup>nd</sup> or 26<sup>th</sup> District as the 7<sup>th</sup>. One advantage of having designated the old 26<sup>th</sup> District as the new 7<sup>th</sup> would have been to preserve some core constituency of both the 7<sup>th</sup> (in St. Louis County) and the 26<sup>th</sup> (in Warren County) under incumbents. The 2012 Bipartisan Commission chose none of these numbering options.
42. Instead, and with no rational basis, the 2012 Bipartisan Commission assigned the East-Central Missouri District a number from the urban core of

Kansas City on the far western side of the state: the 10<sup>th</sup>.

43. Senator Jolie Justus, a Democrat, was elected from the 10<sup>th</sup> District and is term-limited after completing her current term in 2014. Upon information and belief, Sen. Justus has no intention of moving to the 10<sup>th</sup> District. She is employed as the director of pro bono services for the Kansas City law firm of Shook, Hardy & Bacon LLP and represents on her website that she “lives in downtown Kansas City and is the proud co-parent of a 16-year-old daughter.” The fact that Sen. Justus is term-limited means that she is not entitled to run for re-election in the new 10<sup>th</sup> District even if she wanted to, meaning that for the next two years, the citizens of the new 10<sup>th</sup> have no meaningful democratic check on the decisions that Sen. Justus makes from her home in Kansas City or in her office in Jefferson City.

44. To cover the territory of the 10<sup>th</sup> in the urban core of Kansas City, the 7<sup>th</sup> District number was reassigned across the state from St. Louis. But unlike the citizens of the Republican-leaning East-Central Missouri District, who will have Senator Justus, a lame duck and term-limited Democrat for the next two legislative sessions until November 2014, Kansas City’s urban core will be able to elect a new senator in just a few months, in November 2012.

45. Further, the “new” 7<sup>th</sup> District, in the urban core of Kansas City, was packed within a long, narrow, few-mile band of far western Jackson County, making it by far the most underpopulated of all Missouri Senate districts. This was despite the fact that the 7<sup>th</sup> could constitutionally have been expanded to

cross the county line and cover part of neighboring Cass County, which is part of the 31<sup>st</sup>—the fifth-most overpopulated district in Missouri. Again, all of the three most underpopulated districts in Missouri cover urban Jackson County, and with the number change, all are now odd-numbered and can immediately elect senators in the November 2012 election.

46. The intent and effect of Commission's bizarre rearrangement of district numbers and deliberate concentration of odd-numbered, underpopulated districts in urban Kansas City is to invidiously increase the representation of urban regions and decrease the representation of rural regions in the General Assembly. This intent and effect is most obvious in the "transfer" of Sen. Jolie Justus as an incumbent to smother a Republican-leaning district in a distant rural region for over two legislative sessions.

47. At the same time, the Commission ensured that urban interests would not lose the transferred Senator's home territory in the urban core of Kansas City. The Commission ensured the safety of Sen. Justus' home territory by switching it to an odd-numbered designation so that it can immediately elect another senator to take her place, by keeping the district small, by making it the most underpopulated in the state, and by keeping it reliably urban and Democrat, even though an overpopulated rural district, the 31<sup>st</sup>, abuts it, and the most overpopulated district in the state, the 21<sup>st</sup>, is next door in Lafayette County. As Chairman Harpool stated on the record, "when a senator is elected, he doesn't represent a district number, but he represents the people."

Senator Justus lives in and was elected as a Democrat by the people of a heavily Democratic district in the urban core of Kansas City. She does not represent the "number" 10, which is now assigned to a district across the state to a rural and Republican-leaning district.

48. The Commission's action in drawing six severely overpopulated and six severely underpopulated districts invidiously discriminates against rural interests in favor of urban districts. Regional favoritism is an impermissible districting criterion.

49. Further, the Commission's action was not compelled by principles of compactness, keeping counties whole, even-handedly protecting incumbents, protecting historical cores of districts, or any other traditional redistricting principles.

50. First, 2012 Plan results in districts that are less compact than the earlier Second Nonpartisan Plan, even while the population disparities are greater than the disparities in that earlier plan. Second, the bizarre cross-state transfers of district numbers and unnecessarily prolonged mismatching of incumbents and constituents is unique to the 2012 Plan and violates every principle of traditional redistricting. Third, a member of the Commission, Marc Ellinger, candidly admitted after the fact to a meeting of Republican senators that the cross-state transfers of district numbers was required by the Democrat members of the committee in order to avoid a deadlock. He made no attempt to argue that the move allowed for adequate representation

of the voters of the "new" 10<sup>th</sup> District or was compelled by a traditional principle such as compactness, contiguity, or preserving the historical core of a district.

51. Accordingly, the underpopulation and overpopulation of Missouri Senate districts is not based on legitimate considerations incident to a rational state policy, is not free from any taint of arbitrariness and discrimination, and does not reflect an honest and good faith effort to draw districts as nearly equal in population as practicable or as may be.
52. In numbering these already-flawed districts, the Commission's action in designating the new East-Central Missouri District as the 10<sup>th</sup>, rather than allowing the 7<sup>th</sup> designation to flow to it, debases, dilutes, and wrongfully denies the votes of residents of the "new" 10<sup>th</sup>, providing them with inadequate representation. As Solicitor General Layton warned the commissioners at the inception of their proceedings, such irrational cross-state number-switching has been known to raise claims of inadequate representation
53. In this case, the commissioners ignored the Solicitor General's advice and did precisely what they had been warned against. The new 10<sup>th</sup> District's residents are assigned a senator for whom no one in the district has ever voted, for whom no one in the district can ever vote, who lives in and represents an urban area in a distant part of the state, and who will remain in office for over two years. Instead of, as Solicitor General Layton suggested,

“making it an odd-numbered district...so that they can elect their own senator this year rather than living with someone who was elected by someone else,” the Commissioners blocked the flow of the 7<sup>th</sup> District designation to the new district and reassigned it across the state to allow Senator Justus’ constituents back in Kansas City to quickly and conveniently “back-fill” her in a grossly underpopulated urban core district. This violates the right to vote of citizens of the “new” 10<sup>th</sup> District and invidiously discriminates against them.

**COUNT I**  
**FEDERAL EQUAL PROTECTION—ONE PERSON, ONE VOTE**  
**MISSOURI CONSTITUTION, ARTICLE III, SECTION 5**

54. Plaintiffs re-allege and incorporate paragraphs 1 through 53 as though fully set forth here.

55. This count arises under the Fourteenth Amendment, Section 1, of the Constitution of the United States. It provides in pertinent part:

“No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

56. The provisions of the Fourteenth Amendment guarantee to the citizens of each state the right to vote in state elections and that the vote of each citizen shall be equally effective with any other vote cast in such election. State

action which enforces or effects a districting plan which invidiously discriminates against citizens in highly populous legislative districts and prefers other voters in the least populous legislative districts violates the Fourteenth Amendment.

57. This count also arises under Article III, section 5 of the Missouri Constitution, which provides: "For the election of senators, the state shall be divided into convenient districts of contiguous territory, as compact and nearly equal in population as may be." The intent and the purpose of this provision is to require that the members of the Missouri Senate be elected by the people of the State of Missouri on a basis of equal representation of the individual citizens of the state.

58. Plaintiffs, citizens of the United States and of the State of Missouri, have the rights conferred by the above provisions of the United States Constitution and the Missouri Constitution to have state senatorial districting in Missouri be based on equal population.

59. The 2012 Plan results in some senate districts that are under-populated and some that are over-populated. Some of the differences are substantial.

60. The deviation between the most under-populated and most over-populated districts is 9.6%.

61. Not coincidentally, the U.S. Supreme Court has held that when the population deviation of state legislative districts reaches 10%, the burden is placed on the state to show that the deviations do not result from invidious

discrimination in violation of the Fourteenth Amendment.

62. The Commission's willingness to manipulate district populations by walking its 2012 Plan to within a few millimeters of the 10% threshold does not insulate the Plan from attack.

63. As set forth above, the six most overpopulated and underpopulated districts show a clear pattern of discrimination in favor of urban regions and against rural regions. Further, specific trade-offs can only be explained as attempts to dilute rural votes and political power in favor of urban votes and political power.

64. First, nearly 11,000 voters were moved from an urban island district in Springfield and packed into a rural surrounding district even though no population shifts would have been required under the districts' old "shoreline."

65. Second, after the Commission eliminated the 7<sup>th</sup> District in St. Louis County to allow the creation of a new rural East Central Missouri District, the Commission refused to allow the 7<sup>th</sup>'s designation to flow out to the new district and allow those residents, as Solicitor General Layton suggested, the right to elect a resident senator. Instead, the Commission wrenched the long-held 10<sup>th</sup> district designation from the urban core of Kansas City to smother the voters of the new rural district with an unknown, distant incumbent, delaying until 2014 their ability to elect their own rural legislator. The Commission then perversely redirected the old 7<sup>th</sup> designation to the old 10<sup>th</sup>

District's territory in order to allow a 2012 election of a new urban Kansas City senator in a severely underpopulated and safe district. Regionalism is an impermissible, arbitrary, discriminatory, and unlawful basis for deviations in district population.

66. Further, as discussed above no traditional districting principle or non-discriminatory purpose can explain the population deviations.

67. Indeed, the Nonpartisan Commission's Second Plan achieved a permissible amount of population deviation that does not exhibit a pattern of invidious discrimination or violate any federal or state constitutional requirement.

68. Accordingly, the 2012 Plan invidiously discriminates against overpopulated rural districts and in favor of underpopulated urban districts on the basis of regionalism.

69. The 2012 Plan deprives Plaintiffs and all similarly situated residents of equal protection of the laws, violating their rights under the Fourteenth Amendment to the U.S. Constitution. Further, it violates their rights under Article III, section 5, of the Missouri Constitution.

70. The Plaintiffs are informed and believe and, therefore, allege that the Commission will vote to finally approve and file with the Secretary its 2012 Plan no later than March 12, 2012, and that the Secretary will immediately begin to accept declarations of candidacy for the senate and conduct 2012 and future Missouri Senate elections under the 2012 Plan unless restrained by an order of this Court. Candidate filing began in Missouri on February 28, 2012,

and will conclude at 5:00 p.m. on March 27, 2012.

71. Plaintiffs further allege that they intend to and will vote in the primary and general elections to be held in 2012 and thereafter for candidates for Missouri Senate; and that said elections conducted in accordance with the 2012 Plan will continue to deprive Plaintiffs of their rights guaranteed under the Constitution of the United States and the Constitution of Missouri.

72. By reason of the failure of Missouri to reapportion its senatorial districts conformity with the Missouri Constitution and U.S. Constitution, thus violating the above-cited constitutional rights of these Plaintiffs and of all other members of the class of citizens and voters whom they represent, a justiciable controversy exists.

73. The Second Nonpartisan Plan was approved by a duly-appointed Nonpartisan Commission, is devoid of federal or state constitutional defects, and would, if implemented, remedy Plaintiffs' injury, in that it does not invidiously discriminate against any Plaintiff's exercise of his or her right to vote.

**COUNT II**  
**EQUAL PROTECTION—RIGHT TO VOTE—INADEQUATE**  
**REPRESENTATION**

74. Plaintiffs re-allege and incorporate paragraphs 1 through 73 as though fully set forth here.

75. This Count arises under the Fourteenth Amendment to the United States

Constitution.

76. Plaintiffs and all Missouri voters have a right under the Fourteenth Amendment to vote without having their vote diluted, debased, or wrongfully denied.
77. Plaintiff Ehlen and all voters in the new East-Central Missouri District, which is now designated as the 10<sup>th</sup>, are subject to the dilution, debasement, and denial of their right to vote for and elect their state senator.
78. The Commission's actions in numbering the already-flawed districts in the 2012 Plan further diluted, debased, and denied the right to vote of Plaintiff Ehlen and the other residents of the "new" 10<sup>th</sup>, providing them with inadequate representation. The Commission accomplished this feat by designating the new East-Central Missouri District as the 10<sup>th</sup>, rather than simply letting the designation of the 7<sup>th</sup>—which was eliminated precisely to create the new district—flow to the new district. As Solicitor General Layton warned the commissioners at the inception of their proceedings, such irrational cross-state number-switching has been known to raise claims of inadequate representation.
79. In this case, the commissioners ignored the Solicitor General's advice and did precisely what they had been warned against. The new 10<sup>th</sup> District's residents are assigned a senator for whom no one in the district has ever voted, for whom no one in the district can ever vote, who lives in and represents an urban area in a distant part of the state, and who will remain

in office for over two years.

80. Instead of, as Solicitor General Layton suggested, “making it an odd-numbered district...so that they can elect their own senator this year rather than living with someone who was elected by someone else,” the Commissioners redirected the 7<sup>th</sup> district designation to Kansas City to allow Senator Jolie Justus’ urban constituents to quickly and conveniently “back-fill” her in a grossly underpopulated urban core district. This violates the right to vote of citizens of the “new” 10<sup>th</sup> District and invidiously discriminates against them.

81. No rational, legitimate, non-arbitrary, non-discriminatory reason exists for the Commission’s surprise decision not to allow the 7<sup>th</sup> designation, which was odd, to flow to the residents of the newly-created district so that they could elect their own resident senator in the November 2012 elections. The number-switching scheme was tied up with the decision to keep the new 7<sup>th</sup> safely urban, causing it to be the most underpopulated district in the state. But the mere switching of district numbers advanced no other traditional redistricting interest; indeed, it could not logically have had anything to do with compactness, preservation of core constituencies or historical district associations, or protection of incumbents.

82. The Commission’s elaborate number-switching scheme smacks not of mere carelessness, but of the deliberate decision to use illegitimate, arbitrary, discriminatory, and unlawful criteria—i.e., regionalism, the favoring of urban

over rural regions—to burden the residents of the new rural East-Central Missouri District and prefer the residents of the “old” 10<sup>th</sup> District in Kansas City’s urban core. One Republican commissioner, Marc Ellinger, has already admitted that the switch was purposeful and was made in response to a demand by Democratic commissioners and not for purposes of satisfying traditional neutral districting principles.

83. Accordingly, Missouri’s preference of other residents over the residents of the 10<sup>th</sup> District is an invidious discrimination and denies Plaintiff Ehlen and all other similarly-situated residents of the equal protection of the laws under the Fourteenth Amendment of the United States Constitution.

84. The Plaintiffs are informed and believe and, therefore, allege that the Commission will vote to finally approve and file with the Secretary its 2012 Plan no later than March 12, 2012, and that the Secretary will immediately begin to accept declarations of candidacy for the senate and conduct 2012 and future Missouri Senate elections under the 2012 Plan unless restrained by an order of this Court. Candidate filing began in Missouri on February 28, 2012, and will conclude at 5:00 p.m. on March 27, 2012.

85. Plaintiffs further allege that they intend to and will vote in the primary and general elections to be held in 2012 and thereafter for candidates for Missouri Senate; and that said elections conducted in accordance with the 2012 Plan will continue to deprive Plaintiffs of their rights guaranteed under the Constitution of the United States.

86. By reason of the failure of Missouri to reapportion its senatorial districts conformity with the Missouri Constitution and U.S. Constitution, thus violating the above-cited constitutional rights of these Plaintiffs and of all other members of the class of citizens and voters whom they represent, a justiciable controversy exists.

87. The Second Nonpartisan Plan was approved by a duly-appointed Nonpartisan Commission, is devoid of federal or state constitutional defects, and would, if implemented, remedy Plaintiffs' injury, in that it does not invidiously discriminate against any Plaintiff's exercise of his or her right to vote.

WHEREFORE, Plaintiffs respectfully pray that:

1. this Court declare the rights of these Plaintiffs pursuant to 28 U.S.C. § 2201, to wit:

That the present plan of state senate districting as established by the 2012 Plan deprives Plaintiffs and the class they represent of Equal Protection of the Laws in violation of the Fourteenth Amendment to the Constitution of the United States; and that the 2012 Plan fails to comply with Article III, section 5 of the Missouri Constitution.

2. the Court issue a permanent injunction and judgment decreeing that the 2012 Plan may not hereafter be used as a valid plan of state senate districting.

3. the Court permanently restrain the Defendant from receiving nominations and petitions for Missouri State Senator, from issuing certificates of nomination and elections, and from all further acts necessary to the holding of elections for state senators in the districts established by the 2012 Plan.

4. the Court order that Defendant conduct the 2012 primary and general elections using the state senate districts approved by the Nonpartisan Commission in its Second Nonpartisan Plan.

5. the Court order Defendant to pay to Plaintiffs, pursuant to 42 U.S.C. §1988, their reasonable attorneys fees and expenses, expert fees, costs and other expenses incurred in prosecuting this action.

6. the Court provide such other and future relief as is just in the circumstances.

Respectfully Submitted by:

**GRAVES BARTLE MARCUS  
& GARRETT LLC**

/s/ Edward D. Greim  
Matthew V. Bartle (Mo. 40903)  
Edward D. Greim (Mo. 54034)  
Clayton J. Callen (Mo. 59885)  
1100 Main Street, Suite 2700  
Kansas City, Missouri 64105  
edgreim@gbmglaw.com  
Tel: (816) 256-4144  
Fax: (816) 817-0863

ASHCROFT HANAWAY, LLC

/s/ Catherine L. Hanaway  
Catherine L. Hanaway, # 41208MO  
Lisa Ottolini, # 39870MO  
222 S. Central Avenue, Suite 110  
St. Louis, MO 63105  
Phone: (314) 863-7001  
Fax: (314) 863-7008  
chanaway@ashcroftlawfirm.com  
lottolini@ashcroftlawfirm.com

*Attorneys for Plaintiffs*

GREGM-34

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI**Civil Cover Sheet**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Western District of Missouri.

**The completed cover sheet must be saved as a pdf document and filed as an attachment to the Complaint or Notice of Removal.**

---

**Plaintiff** **Beverly Ehlen ; Mik Chester ; Robert**  
**(s):** **W Wood ; Steve Hunter ; John Lilly ,** **Defendant**  
**Dr.; Mark Muller ; Sharon Hayes** **(s):** **Robin Carnahan , Secretary of State**

County of Residence: Warren

County of Residence: Cole

County Where Claim For Relief Arose: Greene

Plaintiff's Atty(s):

Defendant's Atty(s):

**Edward D. Greim** (Beverly Ehlen ; Mik Chester ;  
Robert W Wood ; Steve Hunter ; John Lilly , Dr.;  
Mark Muller ; Sharon Hayes )  
**Graves, Bartle, Marcus & Garrett, LLC**  
**1100 Main Street, Suite 2700**  
**Kansas City, Missouri 64105**  
**816-256-4144**

**Catherine Hanaway** (Beverly Ehlen ; Mik  
Chester ; Robert W Wood ; Steve Hunter ; John  
Lilly , Dr.; Mark Muller ; Sharon Hayes )  
**Ashcroft Hanaway, LC**  
**222 S. Central Ave, Suite 1100**  
**St. Louis, Missouri 63105**  
**314-863-7001**

**Matthew V Bartle** (Beverly Ehlen ; Mik Chester ;  
Robert W Wood ; Steve Hunter ; John Lilly , Dr.;  
Mark Muller ; Sharon Hayes )  
**Graves, Bartle, Marcus & Garrett, LLC**  
**1100 Main Street, Suite 2700**  
**Kansas City, Missouri 64105**  
**816-256-3181**

**Clayton J Callen** (Beverly Ehlen ; Mik Chester ;

GREIM-35

Robert W Wood ; Steve Hunter ; John Lilly , Dr. ;  
Mark Muller ; Sharon Hayes )  
**Graves, Bartle, Marcus & Garrett, LLC**  
**1100 Main Street, Suite 2700**  
**Kansas City, Missouri 64105**  
**816-256-3181**

---

**CHALLENGE TO A MISSOURI STATUTE, RULE, OR REGULATION**

---

II. Basis of Jurisdiction:                      **3. Federal Question (U.S. not a party)**

III. Citizenship of Principal  
Parties (Diversity Cases Only)

Plaintiff:- N/A

Defendant:- N/A

IV. Origin :                                      **1. Original Proceeding**

V. Nature of Suit:                            **440 Other Civil Rights**

VI. Cause of Action:                        **42 U.S.C §§ 1983 and 1988; 28 U.S.C § 1343(a)(3) and (4). Violation of Constitutional Rights.**

VII. Requested in Complaint

Class Action:

Dollar Demand:

Jury Demand: **No**

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**Signature: Edward D. Greim**

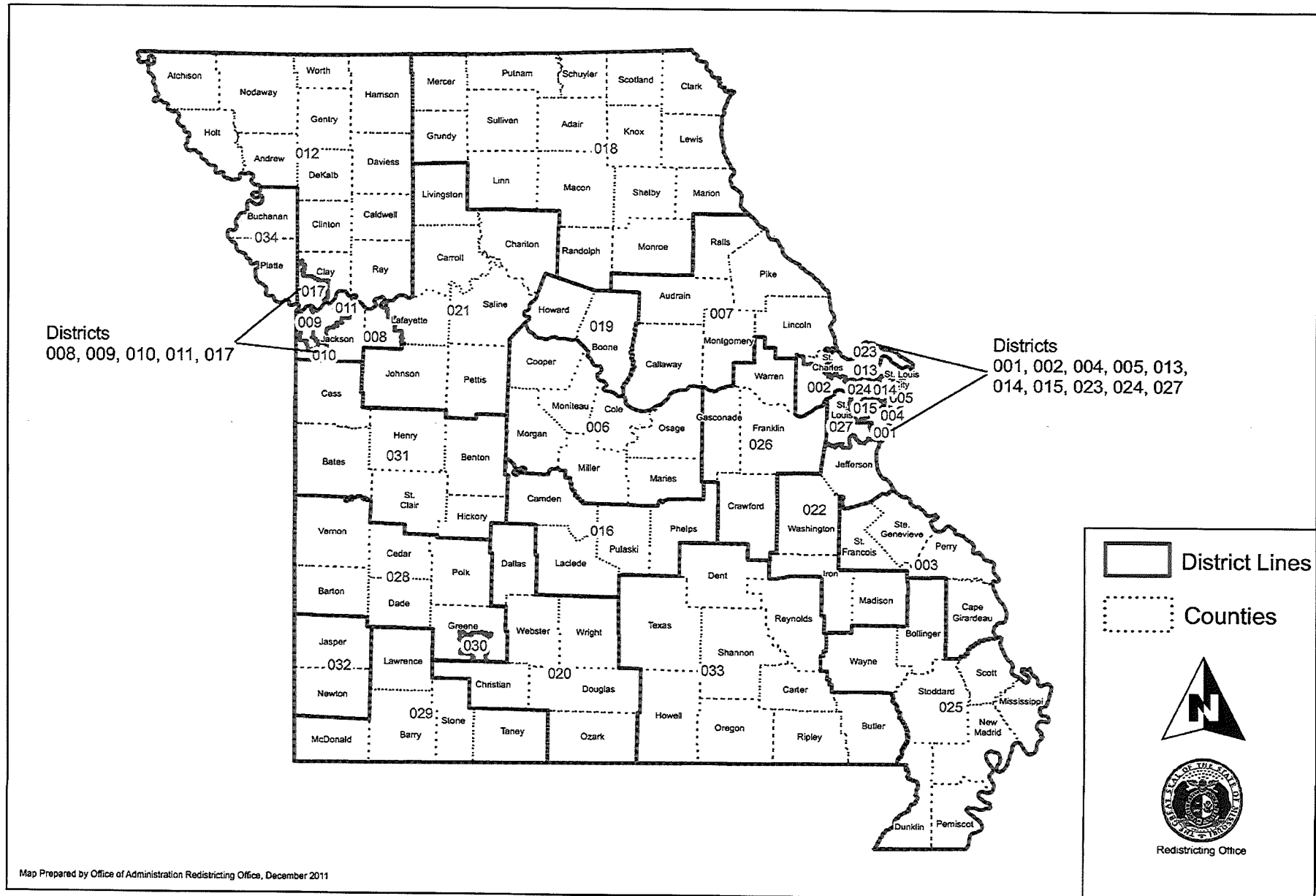
**Date: 3/2/2012**

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, print this form, sign and date it and submit it with your new civil action. **Note: You may need to adjust the font size in your browser display to make the form print properly.**

Revised: 05/09/06

# Senate Apportionment Plan

## Missouri Appellate Apportionment Commission



**Appellate Apportionment Commission  
Senate Redistricting Plan  
Population Deviation Statistics  
December 9, 2011**

District	Population	Ideal Population	Deviation	Percent Deviation
001	180,739	176,145	4,594	2.61%
002	172,245	176,145	-3,900	-2.21%
003	178,149	176,145	2,004	1.14%
004	174,372	176,145	-1,773	-1.01%
005	174,482	176,145	-1,663	-0.94%
006	177,565	176,145	1,420	0.81%
007	172,247	176,145	-3,898	-2.21%
008	170,335	176,145	-5,810	-3.30%
009	177,145	176,145	1,000	0.57%
010	170,194	176,145	-5,951	-3.38%
011	170,893	176,145	-5,252	-2.98%
012	183,051	176,145	6,906	3.92%
013	176,103	176,145	-42	-0.02%
014	176,267	176,145	122	0.07%
015	176,129	176,145	-16	-0.01%
016	177,003	176,145	858	0.49%
017	182,998	176,145	6,853	3.89%
018	179,836	176,145	3,691	2.10%
019	172,786	176,145	-3,359	-1.91%
020	172,623	176,145	-3,522	-2.00%
021	169,459	176,145	-6,686	-3.80%
022	176,679	176,145	534	0.30%
023	179,339	176,145	3,194	1.81%
024	180,940	176,145	4,795	2.72%
025	178,606	176,145	2,461	1.40%
026	173,923	176,145	-2,222	-1.26%
027	169,321	176,145	-6,824	-3.87%
028	180,866	176,145	4,721	2.68%
029	181,191	176,145	5,046	2.86%
030	180,871	176,145	4,726	2.68%
031	177,287	176,145	1,142	0.65%
032	175,518	176,145	-627	-0.36%
033	171,242	176,145	-4,903	-2.78%
034	178,523	176,145	2,378	1.35%
Summation	5,988,927	5,988,930	-3	0.00%

Total Districts            34

Deviations

Maximum                    3.92%

Minimum                   -3.87%

Total Deviation           7.79%

Prepared by OA - Redistricting Office

Source: U.S. Census Bureau, 2010 Census P.L. 94-171

**MISSOURI**

**Senate Redistricting Plan**

**2012 Senate Apportionment Commission**

**FILING**



**February 23, 2012**

**EXHIBIT B**

GREIM-39

**Doug Harpool**  
Chairman

**Marc Ellinger**  
Vice Chairman

**Nick Myers**  
Secretary



**Redistricting Office**  
Jefferson State Office Building  
Room 1310  
Jefferson City, MO 65101  
(573) 751-1319

State of Missouri  
**SENATE APPORTIONMENT  
COMMISSION**

February 22, 2012

The Honorable Robin Carnahan  
Secretary of State of Missouri  
600 West Main Street  
Jefferson City, MO 65101

Dear Madam:

This Senate Apportionment Commission, convened in accordance with Missouri Constitution, Article III, Section 7, has developed a tentative plan of apportionment dividing the State of Missouri into 34 senate districts and establishing the numbers and boundaries of said districts.

Reapportionment was accomplished using 2010 census information reported by the U.S. Bureau of the Census in accordance with P.L. 94-171. In the event of any discrepancy between the census population descriptions and maps in the attached senate apportionment plan, the census population descriptions shall govern.

Pursuant to the Missouri Constitution, Article III, Section 7, the commission hereby files a tentative plan of apportionment for the 34 senate districts within Missouri, as approved by the undersigned members.

Respectfully submitted,

**Doug Harpool – Chair**

**Nicole Colbert-Botchway**

*W. Mitchell Elliott by my legal  
with permission of  
W. Mitchell Elliott*

**W. Mitchell Elliott**

**Trent Skaggs**

**Marc Ellinger - Vice Chair**

**Nick Myers - Secretary**

**Jean Paul Bradshaw II**

**Lowell Pearson**

GREIM-41

**Doug Harpool**  
Chairman

**Marc Ellinger**  
Vice Chairman

**Nick Myers**  
Secretary



**Redistricting Office**  
Jefferson State Office Building  
Room 1310  
Jefferson City, MO 65101  
(573) 751-1319

State of Missouri  
**SENATE APPORTIONMENT  
COMMISSION**

**February 23, 2012**

The Honorable Robin Carnahan  
Secretary of State of Missouri  
600 West Main Street  
Jefferson City, MO 65101

Dear Madam:

The transmittal letter reporting that the Senate Apportionment Commission has come to agreement on a tentative plan has the wrong date on it. The letter was drafted on the date reflected at the top of the letter, however, it was not actually signed by commissioners until after midnight. It, therefore, technically should have been dated February 23 rather than February 22. A hand written adjustment to the date at the top of the letter has been made to correct the technical error in the date of the letter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Doug Harpool".

**Doug Harpool – Chair**

GREIM-43

**Doug Harpool**  
Chairman

**Marc Ellinger**  
Vice Chairman

**Nick Myers**  
Secretary



**Redistricting Office**  
Jefferson State Office Building  
Room 1310  
Jefferson City, MO 65101  
(573) 751-1319

State of Missouri  
**SENATE APPORTIONMENT  
COMMISSION**

**February 23, 2012**

The Honorable Robin Carnahan  
Secretary of State of Missouri  
600 West Main Street  
Jefferson City, MO 65101

Dear Madam:

The transmittal letter submitting the tentative plan of the Senate Apportionment Commission to your office includes the names of eight commissioners in the signature block, however, includes the actual signatures of only seven commissioners. Commissioner W. Mitch Elliot voted in favor of the tentative plan as is reflected both in the official transcript of the Commission meeting wherein the vote on the tentative plan was held and in the official minutes of that meeting. However, he was not available at the time the letter was signed by other commissioners. I have signed his name on the transmittal letter with his permission.

Respectfully submitted,

**Doug Harpool – Chair**

GREIM-45

**Hesser, Matt**

---

**From:** McQuary, Pamela  
**Sent:** Wednesday, February 01, 2012 8:49 AM  
**To:** Bess, Matt; Cannon, Kristina; Crossnoe, Debbie; Drewel, Marty; Eggen, Judy; Enlow, Karen; Frank, Debbie; Hesser, Matt; Highfill, Kevin; Highland, Melanie; Huhn, Valerie D.; Hutto, Frank; Koenig, Shannon; Luebbering, Jacob; Luebbering, Linda; Mills, Marianne; Neal, Stacy; Peters, Lindsey; Rice, Donna Lee; Roberts, Tony; Siverly, Brenton; Sosnowski, Paula; Stafford, Kimberly; Strong-Goeke, Lori; Struempfl, Lynn; Surface, Christie; Sweetwood, Matthew; Webb, Kirk; Wessing, Crystal  
**Subject:** FW: Gov. Nixon appoints members to bi-partisan Senate apportionment commission

**From:** Murphey, Sam  
**Sent:** Tuesday, January 31, 2012 6:01 PM  
**To:** Murphey, Sam  
**Subject:** Gov. Nixon appoints members to bi-partisan Senate apportionment commission

Contact: Sam Murphey, (573) 751-0290  
[Sam.Murphey@mo.gov](mailto:Sam.Murphey@mo.gov)

**FOR IMMEDIATE RELEASE**

Jan. 31, 2012

## **Gov. Nixon appoints members to bi-partisan apportionment commission to set new boundaries for state Senate districts**

JEFFERSON CITY, Mo. - **Gov. Jay Nixon** today appointed members of the bi-partisan apportionment commission that will set new boundaries for the 34 districts in the Missouri Senate. The Missouri Constitution requires the state's legislative districts to be reapportioned every 10 years. Earlier this month, the Missouri Supreme Court invalidated a previous senatorial map approved by a panel of appellate judges.

The state committees of the two major political parties each submitted 10 names to Gov. Nixon to consider for appointment to the Senate apportionment commission. From those lists, the Governor selected five members from each of the lists for the commission, for a total of 10 members.

The Senate apportionment commission members, along with their hometown and political affiliations are:

- Nicole Colbert-Botchway (D-St. Louis)
- Jean Paul Bradshaw II (R-Kansas City)
- Steve Ehlman (R-St. Charles)
- Marc Ellinger (R-Jefferson City)
- W. Mitchell Elliott (D-Kansas City)
- Doug Harpool (D-Springfield)

GREIM-47

- Nick Myers (R-Joplin)
- Todd Patterson (D-Kansas City)
- Lowell Pearson (R-Columbia)
- Trent Skaggs (D-Kansas City)

Under the Missouri Constitution, the commission will hold its first meeting in Jefferson City on Feb. 18, 2012.

###



## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON  
GOVERNORP.O. Box 720  
(573) 751-3222

January 17, 2012

Mike Sanders, Chairman  
Missouri Democratic Party  
208 Madison Street  
Jefferson City, Missouri 65101

Mr. Sanders:

Pursuant to Article III, Section 7 of the Missouri Constitution, I write to inform you that on this date the Missouri Supreme Court entered a judgment in *State ex rel. Molly Teichman v. Robin Carnahan, et al.*, invalidating the Senate apportionment plan submitted to the Secretary of State by the Appellate Apportionment Commission.

Consistent with the Court's order and Article III, Section 7, I hereby request the names of ten individuals selected by your party's state committee to serve on the commission to reapportion the state's senatorial districts, five of whom I will select to serve.

Due to the exigencies involved in this important task, I ask that you expedite the selection of your party's nominees so that the commission can complete its work in a timeframe that provides certainty to candidates filing for the 2012 senatorial elections.

Sincerely,

Jeremiah W. (Jay) Nixon  
Governor

c: Matt Teter, Executive Director



## GOVERNOR OF MISSOURI

JEREMIAH W. (JAY) NIXON  
GOVERNORJEFFERSON CITY  
65102P.O. Box 720  
(573) 751-3222

January 17, 2012

David Cole, Chairman  
Missouri Republican Party  
105 East High Street  
Jefferson City, Missouri 65101

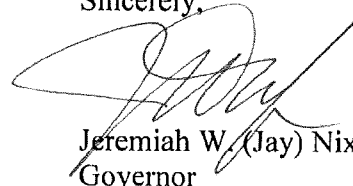
Mr. Cole:

Pursuant to Article III, Section 7 of the Missouri Constitution, I write to inform you that on this date the Missouri Supreme Court entered a judgment in *State ex rel. Molly Teichman v. Robin Carnahan, et al.*, invalidating the Senate apportionment plan submitted to the Secretary of State by the Appellate Apportionment Commission.

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Due to the exigencies involved in this important task, I ask that you expedite the selection of your party's nominees so that the commission can complete its work in a timeframe that provides certainty to candidates filing for the 2012 senatorial elections.

Sincerely,

  
Jeremiah W. (Jay) Nixon  
Governor

c: Lloyd Smith, Executive Director

**Doug Harpool**  
Chairman

**Marc Ellinger**  
Vice Chairman

**Nick Myers**  
Secretary



**Redistricting Office**  
Jefferson State Office Building  
Room 1310  
Jefferson City, MO 65101  
(573) 751-1319

**State of Missouri  
SENATE APPORTIONMENT  
COMMISSION**

## **Media Advisory**

For immediate release:  
February 23, 2012

### **2012 Senate Apportionment Commission Approves Tentative Redistricting Plan**

The Senate Apportionment Commission approved a tentative state Senate redistricting plan in the early hours of February 23. Eight of the ten Commissioners approved the plan.

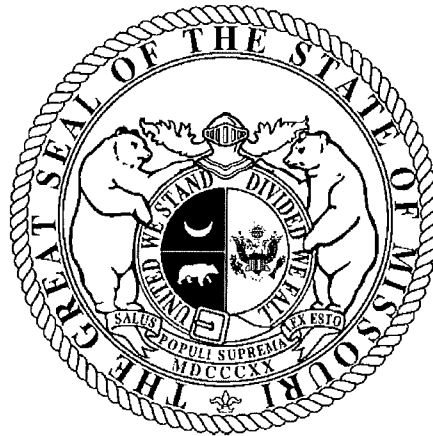
The tentative Senate redistricting plan has an overall difference in population of 9.6% between its largest and smallest districts. The plan has four African-American majority districts.

The Commission has posted the tentative plan on the Redistricting Office's interactive Web map for public viewing at: <http://oa.mo.gov/bp/redistricting>. Interested parties can submit their comments by mail to the address listed at the top of this release or by e-mail to [matt.hesser@oa.mo.gov](mailto:matt.hesser@oa.mo.gov). The comment period will be open for 15 days from the time the map is filed with the Secretary of State.

GREIM-51

# Missouri Senate

## Apportionment Plan



## 2012 Senate Apportionment Commission

February 23, 2012

GREIM-53

## **Senate Apportionment Plan**

### **Contents**

**List of Maps**

**Summary 8 ½ by 11 inch maps**

**Demographic data tables for Senate districts**

**Legal description of Missouri Senate districts**

**Data disc**

GREIM-55

**Senate Apportionment Plan****List of Maps****Summary 8 ½ x 11 inch maps (included with this document)**

Statewide

St. Louis area

Kansas City area

Greene County

**Detailed 24 x 36 inch maps (submitted separately to SOS)**

District 1	District 9	District 22
District 2	District 11	District 23
District 4	District 13	District 24
District 5	District 14	District 26
District 7	District 15	District 30
District 8	District 17	

GREIM-57

# Missouri Senate Districts

## Senate Apportionment Tentative Plan 2012



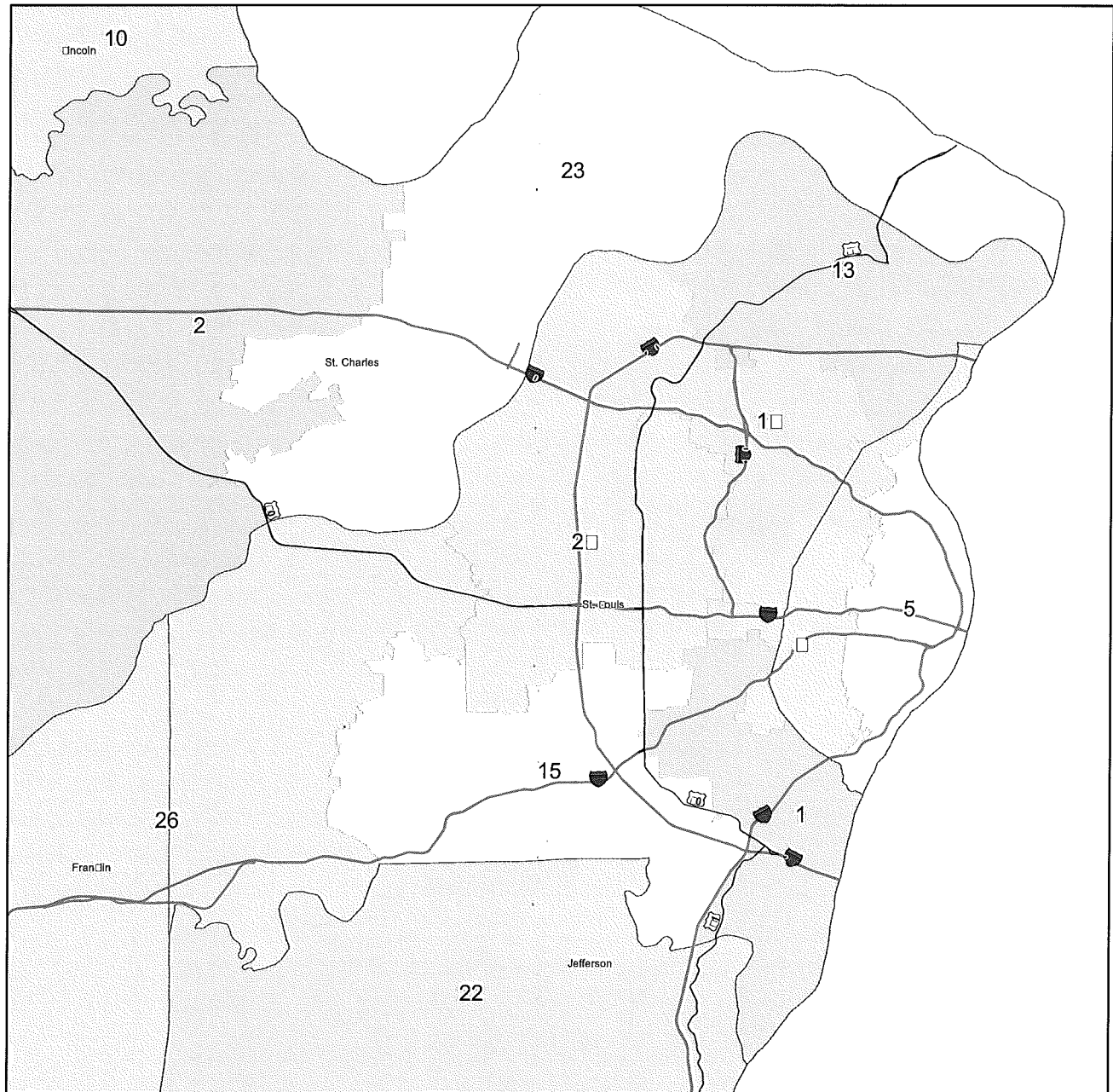
Senate Plan  
 U.S. Highways  
 Interstates



Office of Administration  
February 2012

# Missouri Senate Districts Senate Apportionment Tentative Plan 2012

St. Louis Area



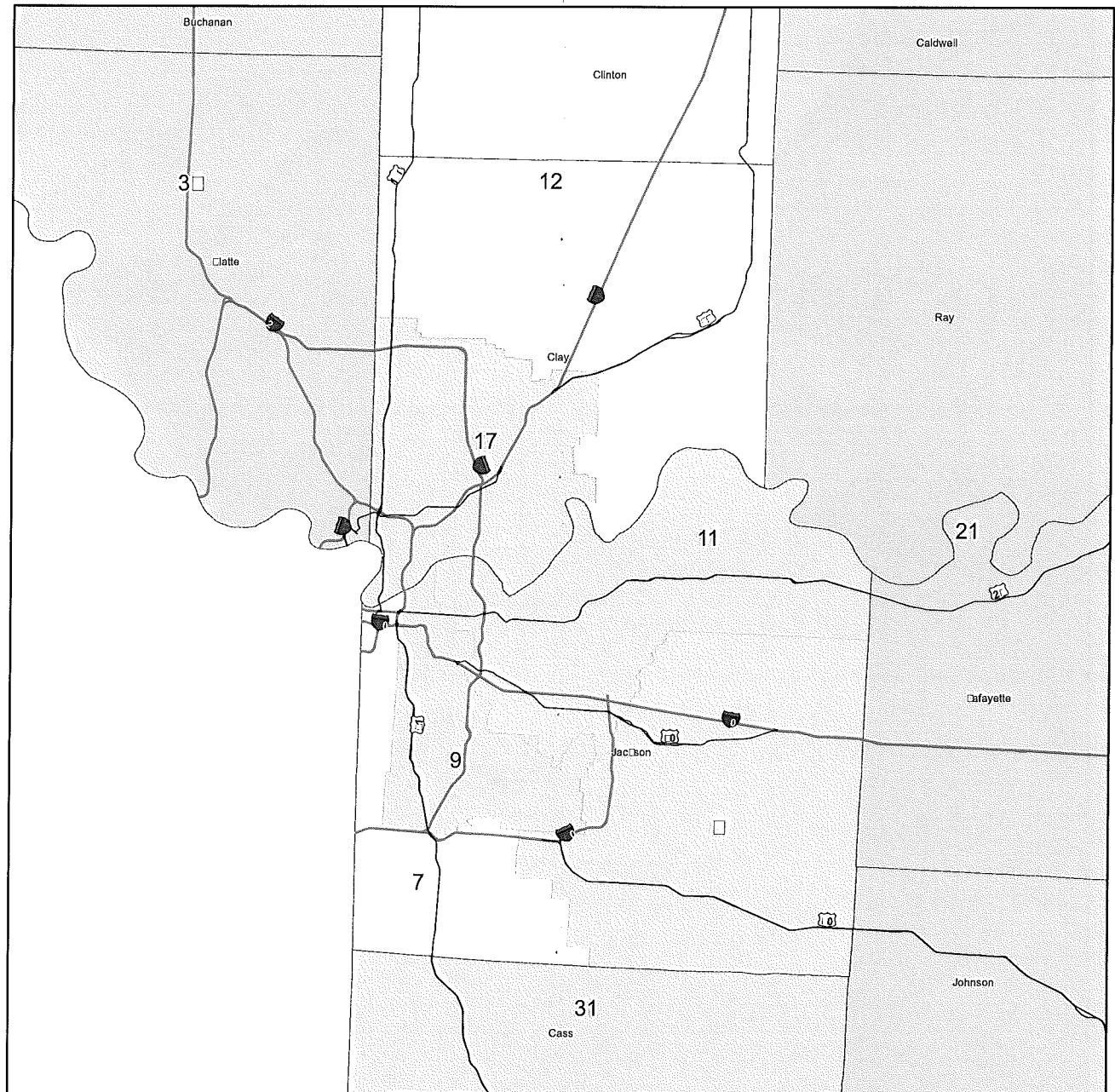
Senate Districts  
 U.S. Highways  
 Interstates



Office of Administration  
February 2012

# Missouri Senate Districts Senate Apportionment Tentative Plan 2012

Kansas City Area



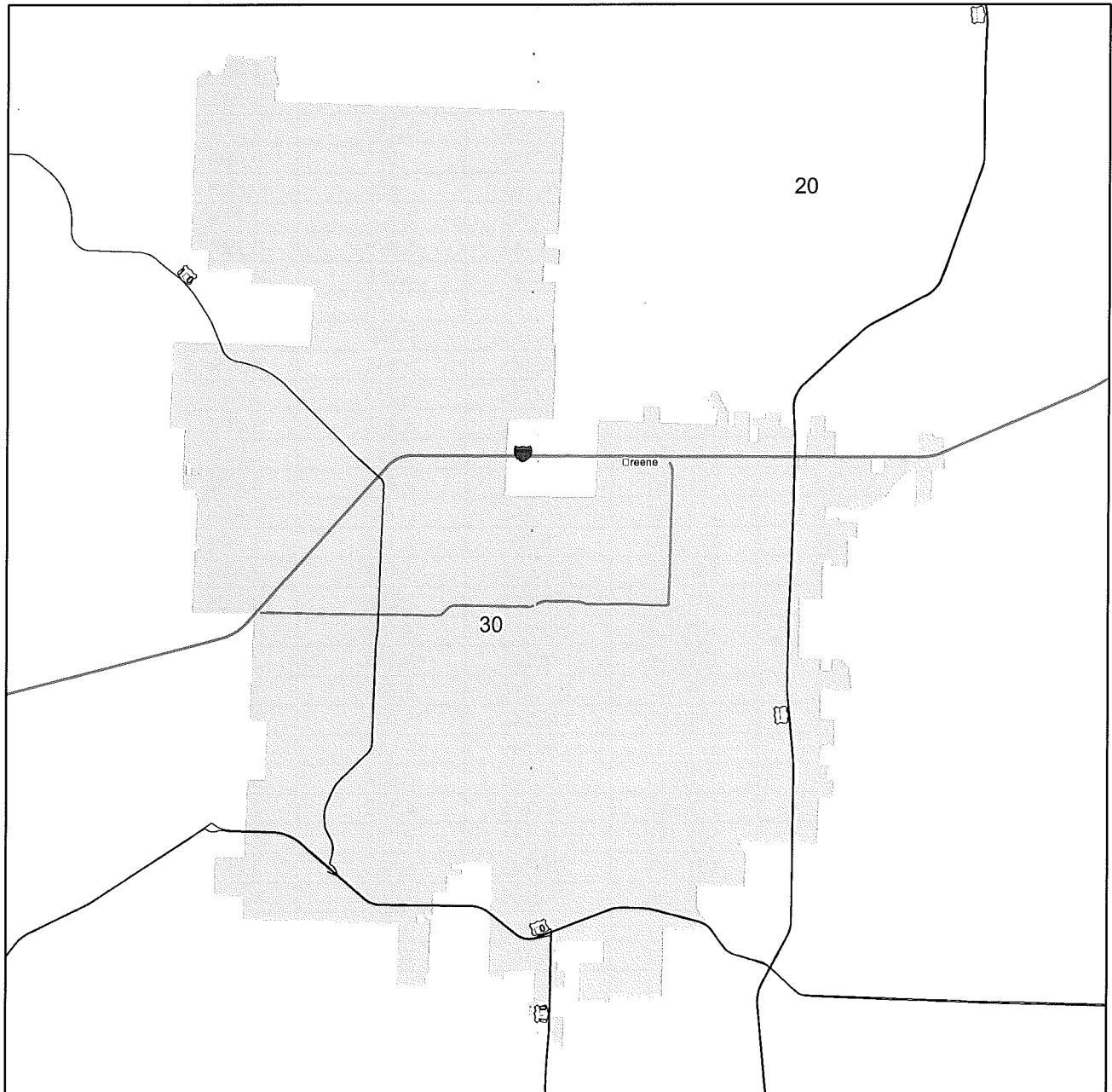
Senate Districts  
 U.S. Highways  
 Interstates






Office of Administration  
February 2012

# Missouri Senate Districts Senate Apportionment Tentative Plan 2012

Springfield Area



 Senate District  
 U.S. Highways  
 Interstates



Office of Administration  
February 2012

**2012 Senate Apportionment Commission**  
**Senate Redistricting Plan**  
**Population Deviation Statistics**  
**February 23, 2012**

District	Population	Ideal Population	Deviation	Percent Deviation
001	179,606	176,145	3,461	1.96%
002	181,073	176,145	4,928	2.80%
003	173,099	176,145	-3,046	-1.73%
004	170,558	176,145	-5,587	-3.17%
005	177,016	176,145	871	0.49%
006	175,186	176,145	-959	-0.54%
007	167,825	176,145	-8,320	-4.72%
008	170,166	176,145	-5,979	-3.39%
009	167,889	176,145	-8,256	-4.69%
010	176,016	176,145	-129	-0.07%
011	168,278	176,145	-7,867	-4.47%
012	181,976	176,145	5,831	3.31%
013	169,182	176,145	-6,963	-3.95%
014	180,087	176,145	3,942	2.24%
015	178,836	176,145	2,691	1.53%
016	181,785	176,145	5,640	3.20%
017	176,894	176,145	749	0.43%
018	173,940	176,145	-2,205	-1.25%
019	180,243	176,145	4,098	2.33%
020	183,740	176,145	7,595	4.31%
021	184,729	176,145	8,584	4.87%
022	171,659	176,145	-4,486	-2.55%
023	179,412	176,145	3,267	1.85%
024	181,622	176,145	5,477	3.11%
025	171,031	176,145	-5,114	-2.90%
026	182,833	176,145	6,688	3.80%
027	171,946	176,145	-4,199	-2.38%
028	168,351	176,145	-7,794	-4.42%
029	181,191	176,145	5,046	2.86%
030	168,856	176,145	-7,289	-4.14%
031	182,165	176,145	6,020	3.42%
032	183,401	176,145	7,256	4.12%
033	169,813	176,145	-6,332	-3.59%
034	178,523	176,145	2,378	1.35%
Summation	5,988,927	5,988,930	-3	0.00%

Total Districts            34

Deviations

Maximum                    4.87%

Minimum                   -4.72%

Total Deviation           9.60%

Prepared by OA - Redistricting Office

Source: U.S. Census Bureau, 2010 Census P.L. 94-171

**2012 Senate Apportionment Commission**  
**Senate Redistricting Plan**  
**Race Statistics**  
**Black only and in Combination with Other Race Categories**  
**February 23, 2012**

District	Black* Population	Black* Percent of Population
001	8,825	4.91%
002	8,152	4.50%
003	4,568	2.64%
004	63,645	37.32%
005	101,803	57.51%
006	10,467	5.97%
007	42,437	25.29%
008	11,885	6.98%
009	101,530	60.47%
010	7,164	4.07%
011	16,437	9.77%
012	3,805	2.09%
013	95,823	56.64%
014	105,465	58.56%
015	4,037	2.26%
016	8,959	4.93%
017	13,151	7.43%
018	6,882	3.96%
019	18,929	10.50%
020	2,163	1.18%
021	7,292	3.95%
022	2,269	1.32%
023	9,614	5.36%
024	22,731	12.52%
025	18,162	10.62%
026	3,429	1.88%
027	11,171	6.50%
028	2,720	1.62%
029	1,447	0.80%
030	9,424	5.58%
031	5,039	2.77%
032	4,172	2.27%
033	1,956	1.15%
034	11,921	6.68%
Summation	747,474	12.48%

Total Districts	34	Majority Black Districts	
Maximum % Black			60.47%
Minimum % Black			0.80%
50% Black and Over			4
55% Black and Over			4
60% Black and Over			1
65% Black and Over			0
60 to 65% Black			1

Prepared by OA - Redistricting Office

Note: \*Persons who selected the Black or African American race category alone, or in combination with other race categories, on the 2010 census.

Source: U.S. Census Bureau, 2010 Census P.L. 94-171

**2012 Senate Apportionment Commission**  
**Senate Redistricting Plan**  
**Race Statistics - Total Minority\***  
**February 23, 2012**

District	Minority* Population	Percent Minority*
001	18,615	10.36%
002	18,320	10.12%
003	8,894	5.14%
004	73,688	43.20%
005	116,653	65.90%
006	17,077	9.75%
007	61,249	36.50%
008	23,460	13.79%
009	121,700	72.49%
010	13,506	7.67%
011	41,175	24.47%
012	11,020	6.06%
013	100,433	59.36%
014	115,441	64.10%
015	16,268	9.10%
016	22,392	12.32%
017	32,394	18.31%
018	11,877	6.83%
019	32,812	18.20%
020	10,923	5.94%
021	16,483	8.92%
022	8,320	4.85%
023	21,087	11.75%
024	44,939	24.74%
025	24,450	14.30%
026	13,627	7.45%
027	16,987	9.88%
028	11,431	6.79%
029	17,825	9.84%
030	22,313	13.21%
031	14,293	7.85%
032	23,939	13.05%
033	8,137	4.79%
034	26,451	14.82%
Summation	1,138,179	19.00%

Total Districts	34	Majority Minority Districts	
Maximum % Minority			72.49%
Minimum % Minority			4.79%
50% Minority and Over			4
55% Minority and Over			4
60% Minority and Over			3
65% Minority and Over			2
60 to 65% Minority			1

Prepared by OA - Redistricting Office

Source: U.S. Census Bureau, 2010 Census P.L. 94-171

Note: \*Includes all race and ethnic designations except White Non-Hispanic (Hispanic is an ethnic origin designation and was recorded separate from one's race designation in the 2010 Census ).

From: Doug Harpool <dharpool@blmhpc.com>  
 Date: March 7, 2012 8:27:55 PM CST  
 To: "Greim, Edward D." <EDGreim@gbmglaw.com>  
 Subject: Re: Senate Redistricting

I AM NOT THE LAWYER FOR THE SECRETARY OF STATE WHOM YOU HAVE SUED AND DON'T FEEL IT MY ROLE TO INJECT MYSELF AS A LAWYER IN THAT SUIT BY ADDRESSING ANY OF THE SPECIFICS OF YOUR ALLEGATIONS IN ANY LEGAL ANALYSIS.

HERE ARE SOME OF MY PERSONAL OPINIONS AS A CITYZEN WORKING SINCE LAST APRIL TO TRY TO FIND A LEGAL MAP EVERYONE CAN LIVE WITH. THESE COMMENTS ARE PERSONAL ONLY.

YOU VERY CONVENIENTLY IGNORE BOTH DISTRICTS AND DEMOGRAPHIC FACTS THAT DON'T MEET YOUR THEORY. THE TENTATIVE MAP CONTAINS SEVERAL RURAL DISTRICTS WITH POPULATIONS BELOW THE AVERAGE AND SEVERAL URBAN DISTRICTS WITH POPULATIONS ABOVE THE AVERAGE. YOU IGNORE THEM IN YOUR COMPLAINT.

THE URBAN DISTRICTS MOST BELOW THE AVERAGE ARE IN JACKSON COUNTY. THIS WAS A SUGGESTION OF REPUBLICAN COMMISSIONERS. TO BRING THEM TO AVERAGE WE WOULD HAVE TO TAKE POPULATION FROM A RURAL AREA AND PLACE IT IN ONE OF THE URBAN JACKSON COUNTY DISTRICTS THEREBY DILUTING THE INFLUENCE OF THE RURAL VOTERS ADDED TO THE URBAN DOMINATED DISTRICT. WHICH MOST ADVERSELY IMPACTS RURAL VOTERS? WHICH BEST PROTECTS COMMUNITIES OF INTEREST?

INTERESTING THAT YOU ARGUE THAT THE TENTATIVE MAP FAVORS URBAN DISTRICTS AND THEN ARGUE IN FAVOR OF A MAP THAT ADDS ANOTHER DISTRICT TO THE ST. LOUIS METROPOLITAN AREA. I DON'T CONSIDER ST. LOUIS TO BE RURAL.

ODD YOU CHALLENGE THE LEGALITY OF THE TENTATIVE MAP BUT ADVOCATE

ADOPTION OF A MAP THAT FAILS TO MEET THE COUNTY SPLITTING CRITERIA CLEARLY ADOPTED BY THE SUPREME COURT IN ITS RECENT OPINION AS INTERPRETED BY ALL LAWYERS ON THE COMMISSION AND LEGAL COUNSEL FOR THE COMMISSION.

IF THE TENTATIVE MAP IS UNFAIR TO RURAL AREAS WHY IS IT THE ST. LOUIS REPUBLICAN SENATORS ARE THE ONES LEADING THE OPPOSITION? WHAT ABOUT THEIR TESTIMONY AND PUBLIC COMMENTS THAT THE TENTATIVE MAP DOESN'T RECOGNIZE THE IMPORTANCE OF ST. LOUIS AS THE ECONOMIC ENGINE OF THE STATE? SO DOES IT FAVOR URBAN AREAS OR RURAL AREAS? YOUR LAWSUIT SAYS ONE THING BUT THE FORCES BEHIND IT ARE ALREADY COMMITTED TO THE OPPOSITE POSITION.

REPUBLICAN LEADERS IN MID-MISSOURI, GREENE COUNTY AND THE BOOT HEEL ALL STRONGLY DISLIKE THE SECOND APPELLATE COMMISSION MAP AND STRONGLY FAVOR THE TENTATIVE MAP. HAVE THEY ABANDONED THEIR RURAL ROOTS

THE ALLEGATIONS ABOUT THE CHANGE IN DISTRICT NUMBERS ALSO MISREPRESENT THE FACTS. WE HAVE DONE NOTHING DIFFERENT THAN WHAT HAS BEEN DONE EVERY TIME THE MAP HAS BEEN REDRAWN FOR AT LEAST THE LAST THIRTY YEARS. MAPS DRAWN BY COURTS HAVE ALSO MOVED DISTRICT NUMBERS. UPON CAREFUL ANALYSIS YOU WILL FIND THAT VOTERS IN THE NEW 10TH ELECTED SENATORS IN 2010 THAT WILL CONTINUE TO SERVE IN THE SENATE UNTIL 2014.

IF YOU OR YOUR CLIENTS WERE SERIOUS ABOUT HELPING US DRAW A BETTER MAP YOU WOULD HAVE PROVIDED INPUT AT THE THREE PUBLIC HEARINGS WE HELD (OR THE FOUR THE PRIOR COMMISSION HELD) OR WOULD HAVE PROVIDED COMMENTS DURING THE 15 DAY COMMENT PERIOD BEFORE RUNNING TO FEDERAL COURT. SO MUCH FOR CONSERVATIVE LAWYERS WITH CONSERVATIVE CLIENTS FEARING JUDICIAL ACTIVISM.

WASN'T IT A CONSERVATIVE WHO FILED THE SUIT THAT LED THE SECOND APPELLATE COMMISSION MAP TO BE DECLARED UNLAWFUL? AND NOW THIS SET OF CONSERVATIVE LITIGANTS WANT IT ADOPTED?

WHICH SET OF CONSERVATIVES AM I SUPPOSED TO PLEASE?

GREIM-66

Positive Deviation

District	Counties	Dist Type	Incumbent Party	Next Election	Shifts	% Deviation
21	Caldwell, Ray, Livingston, Carroll, Chariton, Lafayette, Saline, Howard, Johnson	Rural	R	2012	Gained Caldwell, Livingston (21), Johnson (31); Lost Cooper (19), Part of Clay (12), and Macon (18)	4.87%
20	Christian, Greene (part)	Rural	R	2014*	Lost Webster, Douglas (33)	4.31%
32	Newton, Jasper, Dade	Rural	R	2014*	NONE	4.12%
26	Franklin, St. Louis County (Part)	Rural/Suburban	R	2014*	Lost Warren, added more of West STL County	3.80%
31	Cass, Bates, Henry, St. Clair, Vernon, Barton	Rural	R	2012	Lost Johnson (21); Picked up Barton, Henry & St. Clair (28)	3.42%
12	Atchison, Holt, Wroth, Harrison, Mercier, Putnam, Andrew, Gentry, Dekalb, Daviess, Grundy, Sullivan, Clinton, Clay (Part)	Mostly Rural	R	2014	Added Putnam (18) and Part of Clay (17&21); Lost Linn (18) and Caldwell, Livingston (21)	3.31%
16	Camden, Pulaski, Phelps, Crawford, Dent	Rural	R	2014*	Added Camden (33); Lost Maries, Osage, Gasconade (6), Montgomery (10)	3.20%
24	St. Louis County (Part)	Suburban	R	2014*	Moved more West/Central STL County	3.11%
29	McDonald, Lawrence, Barry, Stone, Taney	Rural	R	2012	Lost Ozark (33)	2.86%
2	St. Charles County (Part)	Suburban	R	2014	Lost Lincoln (10)	2.80%
19	Boone, Cooper	Rural/Urban	R	2012*	Lost Randolph (18); Added Cooper (21)	2.33%
14	St. Louis County (Part)	Urban	D	2014*	Added more north county	2.24%
1	St. Louis County (Part)	Urban/Sub	R	2012*	Lost St. Louis City, more western County; gained more south county	1.96%
23	St. Charles County (Part)	Suburban	R	2012*	Gained more west St. Charles	1.85%
15	St. Louis County (Part)	Suburban	R	2012*	Moved more West STL County	1.53%
34	Platte, Buchanan	Suburban	R	2014*	NONE	1.35%
5	St. Louis City (Part)	Urban	D	2012*	Similar	0.49%
17	Clay (Part)	Suburban	R	2012	Lost parts of Clay	0.43%

\*Incumbent Not Term-Limited

Negative Deviation

District	Counties	Type	Incumbent Party	Next Election	Shifts	% Deviation
7	Jackson (Part)	Urban	R	2012*	Relocated from West St. Louis County	-4.72%
9	Jackson (Part)	Urban	D	2012*	Similar	-4.69%
11	Jackson (Part)	Urban	D	2012	Similar; moved northeast Jackson	-4.47%
28	Pettis, Benton, Hickory, Cedar, Polk, Dallas, Laclede	Rural	R	2014*	Gained Laclede (33); Lost Henry, St. Clair, Barton (31)	-4.42%
30	Greene (Part)	Urban	R	2014*	Similar	-4.14%
13	St. Louis County (Part)	Urban	D	2012	Similar	-3.95%
33	Webster, Wright, Texas, Douglas, Ozark, Howell, Oregon, Ripley	Rural	R	2012	Shannon (25); Added Ripley (25); Lost Laclede (28); Lost Camden (16); Added Ozark (29)	-3.59%
8	Jackson (Part)	Suburban	R	2014*	Similar	-3.39%
4	St. Louis City (part), St. Louis County (part)	Urban	D	2014*	Added parts of St. Louis County	-3.17%
25	Shannon, Carter, Butler, Stoddard, Mississippi, New Madrid, Dunklin, Pemiscot	Rural	R	2012	Added Shannon (33); Lost Ripley (33); Added Carter (3); Added Mississippi (27); Lost Wayne (27)	-2.90%
22	Jefferson (part)	Suburban/Rural	D	2014	Lost part of Jefferson	-2.55%
27	Perry, Madison, Wayne, Bollinger, Cape Girardeau, Scott	Rural	R	2012	Added Wayne (25); Lost Mississippi (25)	-2.38%
3	Jefferson (part), Washington, St. Francois, Ste Genevieve, Iron, Reynolds	Rural	R	2012	Lost Carter (25); May have gained a bit more Jefferson	-1.73%
18	Linn, Macon, Randolph, Adair, Schuyler, Scotland, Clark, Knox, Lewis, Shelby, Marion, Ralls, Pike	Rural	R	2014*	Lost Putnam (12); Picked up Linn (12), Macon (21), Randolph (19); Lost Monroe and Audrain (10)	-1.25%
6	Morgan, Miller, Moniteau, Cole, Osage, Maries, Gasconade	Rural	R	2014*	Lost Callaway (10); Gained Osage, Maries, Gasconade (16)	-0.54%
10	Monroe, Audrain, Callaway, Montgomery, Lincoln, Warren	Rural	D	2014	New District - relocated from Jackson County	-0.07%

9  
8

Senate Apportionment Plan  
Missouri Appellate Apportionment Commission

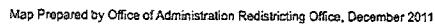


EXHIBIT A

Appellate Apportionment Commission  
Senate Redistricting Plan  
Population Deviation Statistics  
December 9, 2011

District	Population	Ideal Population	Deviation	Percent Deviation
001	180,739	176,145	4,594	2.61%
002	172,245	176,145	-3,900	-2.21%
003	178,149	176,145	2,004	1.14%
004	174,372	176,145	-1,773	-1.01%
005	174,482	176,145	-1,663	-0.94%
006	177,565	176,145	1,420	0.81%
007	172,247	176,145	-3,898	-2.21%
008	170,335	176,145	-5,810	-3.30%
009	177,145	176,145	1,000	0.57%
010	170,194	176,145	-5,951	-3.38%
011	170,893	176,145	-5,252	-2.98%
012	183,051	176,145	6,906	3.92%
013	176,103	176,145	-42	-0.02%
014	176,267	176,145	122	0.07%
015	176,129	176,145	-16	-0.01%
016	177,003	176,145	858	0.49%
017	182,998	176,145	6,853	3.89%
018	179,836	176,145	3,691	2.10%
019	172,786	176,145	-3,359	-1.91%
020	172,623	176,145	-3,522	-2.00%
021	169,459	176,145	-6,686	-3.80%
022	176,679	176,145	534	0.30%
023	179,339	176,145	3,194	1.81%
024	180,940	176,145	4,795	2.72%
025	178,606	176,145	2,461	1.40%
026	173,923	176,145	-2,222	-1.26%
027	169,321	176,145	-6,824	-3.87%
028	180,866	176,145	4,721	2.68%
029	181,191	176,145	5,046	2.86%
030	180,871	176,145	4,726	2.68%
031	177,287	176,145	1,142	0.65%
032	175,518	176,145	-627	-0.36%
033	171,242	176,145	-4,903	-2.78%
034	178,523	176,145	2,378	1.35%
Summation	5,988,927	5,988,930	-3	0.00%

Total Districts      34

Deviations

Maximum      3.92%

Minimum      -3.87%

Total Deviation      7.79%

Prepared by OA - Redistricting Office

Source: U.S. Census Bureau, 2010 Census P.L. 94-171

POSITIVE DEVIATION (Overpopulated)

District	Counties	Classification	Incumbent Party	Next Election	Major Shifts	% Deviation
12	Atchison, Nodaway, Worth, Harrison, Holt, Gentry, Andrew, DeKalb, Daviess, Clinton, Caldwell, Ray, Clay (part)	Rural	R	2014		3.92%
17	Clay (part)	Suburban	R	2012		3.89%
29	McDonald, Lawrence, Barry, Stone, Taney	Rural	R	2012		2.86%
24	St. Louis County (part)	Urban	R	2014		2.72%
30	Greene (part)	Urban	R	2014		2.68%
28	Vernon, Barton, Cedar, Dade, Polk, Greene (part)	Rural	R	2014	Gained part of Greene	2.68%
1	St. Louis County (part)	Urban	R	2012		2.61%
18	Mercer, Putnam, Schuyler, Scotland, Clark, Grundy, Sullivan, Adair, Knox, Lewis, Linn, Macon, Shelby, Marion, Randolph, Monroe	Rural	R	2014		2.10%
23	St. Charles (part)	Suburban	R	2012		1.81%
25	Dunklin, Pemiscot, New Madrid, Mississippi, Scott, Stoddard, Wayne, Bollinger	Rural	R	2012		1.40%
34	Platte, Buchanan	Suburban	R	2014		1.35%
3	St. Francois, Ste Genevieve, Perry, Cape Girardeau	Rural	R	2012	Gained Cape	1.14%
6	Cooper, Moniteau, Cole, Osage, Morgan, Miller, Maries	Rural	R	2014		0.81%
31	Cass, Bates, Henry, St. Clair, Benton, Hickory	Rural	R	2012	Lost Johnson; home of 31st Dist Incumbent	0.65%
9	Jackson (part)	Urban	D	2012		0.57%
16	Camden, Laclede, Pulaski, Phelps	Rural	R	2014		0.49%
22	Jefferson (part), Washington, Iron, Madison	Rural	D	2014	Gained Washington, Iron, Madison	0.30%
14	St. Louis County (part)	Urban	D	2014		0.07%

NEGATIVE DEVIATION (Underpopulated)

District	Counties	Classification	Incumbent Party	Next Election	Major Shifts	% Deviation
27	West St. Louis County, North Jefferson	Suburban	R	2012	Moved from SEMO	-3.87%
21	Livingston, Carroll, Chariton, Saline, Johnson, Pettis, Lafayette (part)	Rural	R	2012	Gained Incumbent from previous 31st	-3.80%
10	Jackson (part)	Urban	D	2014	Two Incumbents (Justus, Kraus)	-3.38%
8	Jackson (part), Lafayette (part)	Sub Rural		2014	Lost Incumbent to new 10; Dist moved into Lafayette County	-3.30%
11	Jackson (part)	Urban	D	2012		-2.98%
33	Texas, Dent, Reynolds, Shannon, Howell, Oregon, Carter, Ripley, Butler	Rural	R	2012		-2.78%
2	St. Charles (part)	Suburban	R	2014		-2.21%
7	Ralls, Audrain, Callaway, Pike, Montgomery, Lincoln, St. Charles (part)	Rural		2012	No Incumbent; Moved out of St. Louis County to South NEMO, and part of St. Charles County	-2.21%
20	Christian, Dallas, Webster, Wright, Douglas, Ozark	Rural	R	2014	Lost its part of Greene County	-2.00%
19	Howard, Boone	Urb/Rural	R	2012	Lost Randolph, Gained Howard	-1.91%
26	Warren, Franklin, Gasconade, Crawford	Sub Rural	R	2014	Lost its piece of STL County, gained Gasconade & Crawford	-1.26%
4	St. Louis City (part)	Urban	D	2014		-1.01%
5	St. Louis City (part)	Urban	D	2012		-0.94%
32	Jasper, Newton	Rural	R	2014	Lost Dade County	-0.36%
13	St. Louis County (part)	Urban	D	2012		-0.02%
15	St. Louis County (part)	Suburban	R	2012		-0.01%

MYERS - 01

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Phone: 417-623-2214  
Fax: 417-623-8673

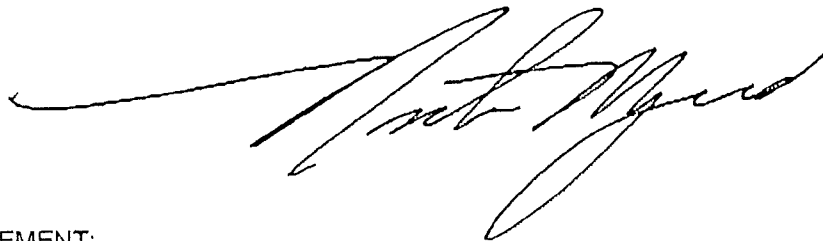
**Nick Myers**  
Certified Public Accountant  
A Professional Corporation  
Member, American Institute  
of Certified Public  
Accountants

**Fax**

To: Matt Hesser From: \_\_\_\_\_  
Fax: 573-526-4811 Date: 3-8-2012  
Phone: \_\_\_\_\_ Pages: 2 including cover  
Re: Sen Appt. Comm 2012cc:  
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

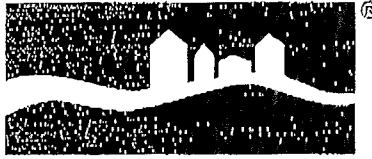
## •Comments

Mr. Hesser  
This letter will be testimony  
at today's 10:30 AM Hearing.  
I will be calling in + unable  
to attend in person.



## CONFIDENTIALITY STATEMENT:

This message from **Nick Myers, CPA, PC**, contains information which may be privileged and confidential and is solely for the use of the intended recipient. If you are not the intended recipient, be aware that any review, disclosure, copying, distribution, or use of the contents of this message is strictly prohibited. If you have received this in error, please destroy it immediately and please notify us immediately (417-623-2214).



March 7, 2012

Members of the Missouri Senate Apportionment Commission:

On behalf of the Springfield Area Chamber of Commerce and our over 2,000 member businesses which represent over 110,000 employees, we appreciate the difficult task you have to create districts that are fair and equitable across the state. As you know, we recently voiced support to encourage you to maintain Senate districts that align the Counties of Greene and Christian in contiguous districts. We are grateful for your efforts to incorporate that into the most recent senatorial district maps.

Today we are asking for additional consideration for those two districts. We would encourage you to maintain the contiguous districts for Greene and Christian, yet also ensure that the City of Springfield and nearby suburban areas remains intact with a single Senate district. The tentative map unnecessarily combines the urban and rural areas and divides the City of Springfield into two districts. We would encourage you to make minimum changes to existing boundaries in Greene County to keep the 30<sup>th</sup> District as compact as possible and equal in population to the surrounding district.

As we have stated before, our region continues to be the fastest growing region in the state, and it is critical to ensure that our state legislators can adequately represent the citizens they serve. We realize that you have a most challenging task ahead. We encourage you to include a district that encompasses both Greene and Christian Counties and another district that covers the core urban area of the City of Springfield for the benefit of the citizens in our area.

Sincerely,

James B. Anderson  
President  
Springfield Area Chamber of Commerce

MYERS-03

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**Nick Myers**  
Certified Public Accountant  
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Accountants

**Fax**

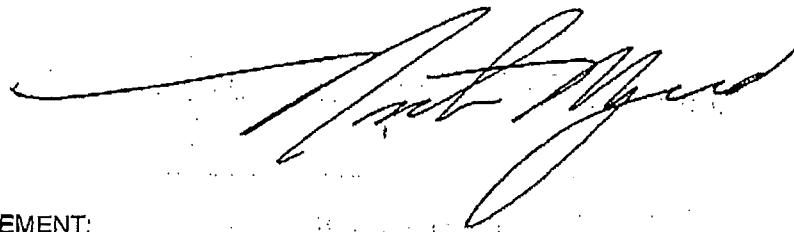
To: Matt Hesser From: \_\_\_\_\_  
Fax: 573-526-4811 Date: 3-8-2012  
Phone: \_\_\_\_\_ Pages: 2 including cover  
Re: Sen Appl. Comm 2012cc:  
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

**Comments**

Mr. Hesser

This letter will be testimony  
at today's 10:30 AM Hearing.

I will be calling in + unable  
to attend in person.

**CONFIDENTIALITY STATEMENT:**

This message from **Nick Myers, CPA, PC**, contains information which may be privileged and confidential and is solely for the use of the intended recipient. If you are not the intended recipient, be aware that any review, disclosure, copying, distribution, or use of the contents of this message is strictly prohibited. If you have received this in error, please destroy it immediately and please notify us immediately (417-623-2214).

MYERS-04



# Missouri State

U N I V E R S I T Y

March 8, 2012

2012 Missouri Senate Apportionment Commission:

Doug Harpool, Chair  
Marc Ellinger, Vice-Chair  
Nick Myers, Secretary

Dear Commissioners:

Thank you for your service on the 2012 Senate Apportionment Commission. It is an important, albeit thankless, responsibility. All of us appreciate you devoting the considerable time necessary to complete your work.

I know you have many factors to consider as you determine the senatorial districts and I trust your judgment. Having said that, I wanted to provide this input:

**On behalf of Missouri State University, I would respectfully request that you maintain the City of Springfield as one separate senatorial district.**

There are three major reasons for this request:

1. Missouri State University has pieces of its campus in several parts of the city, including the main campus at National and Grand, the Downtown Campus that spreads over several city blocks, and the Darr Agricultural Center in west Springfield. It is helpful to work with one Senator on all aspects of the campus, especially since our assets are split among several state Representative districts.
2. Missouri State works closely with many partners in Springfield: Chamber, City, Public Schools, Ozarks Technical College, etc. This kind of cooperation is essential and, frankly, there are challenges enough working with multiple organizations without interjecting a split senatorial district into the mix.
3. Finally, when constituent issues arise in Springfield that effect Missouri State, it has been helpful to have one Senator to work with to resolve them. It helps with context, consistency, and communication.

OFFICE OF THE PRESIDENT

901 South National Avenue, Springfield, MO 65897 • Phone: (417) 836-8500 • Fax: (417) 836-7869

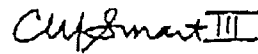
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MYERS-05

Thank you in advance for your consideration. Please contact me if you have questions.

Yours Very Truly,



Clifton M. Smart III  
Interim President

cc: Mr. Matt Hesser, Office of Administration Redistricting Office

**Strong-Goeke, Lori**

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**From:** Strong-Goeke, Lori  
**Sent:** Thursday, March 08, 2012 5:34 PM  
**To:** Hesser, Matt  
**Cc:** Slusher, Renee  
**Subject:** FW: Meeting notice

Please find the following information in follow-up to the posting issue raised during the meeting today.

Below are the official times, from the Information Technology Services Division, that the 3/8/2012 Senate Reapportionment Commission Meeting was posted on the State's Open Meetings' site. The first time, 8:46 a.m., represents when the meeting notice was posted. The second time, 10:03 a.m., represents when the meeting notice was amended to add the following note: "PUBLIC COMMENTS ON TENTATIVE PLAN".

In addition, the meeting was posted outside the location of the meeting, Room 1310 of the Jefferson Building on Tuesday evening 3/6/2012 at approximately 6:00 p.m. by Matt Hesser and on the Senate's Public Hearing Board, third floor of the State Capitol, at approximately 8:00 p.m. by Lori Strong-Goeke.

-----Original Message-----

**From:** Robyn, Tim  
**Sent:** Thursday, March 08, 2012 5:14 PM  
**To:** Strong-Goeke, Lori  
**Subject:** Meeting notice

Below are the times logged in the database :

Pub\_date: 2012-03-07 08:46:37  
Amend\_date: 2012-03-07 10:03:04

Sent from my iPhone