

Hesser, Matt

From: Danielle Schlacks [REDACTED]
Sent: Friday, March 09, 2012 12:26 AM
To: Hesser, Matt
Subject: Redistricting

My family is very conservative and we are very against this redistricting for the state of Missouri. Please revert back to the second Judicial Commission map.

Thank you.

Sincerely,
Danielle Schlacks
Fulton, MO

Hesser, Matt

From: RH [REDACTED]
Sent: Friday, March 09, 2012 5:55 AM
To: Hesser, Matt
Cc: [REDACTED]
Subject: Please revert back to the second judicial commission map

Please decide in your commission to revert back to the judicial commission map. We need fair and specific representation in our State. Thank you!

Sincerely,
Ryan Hogshooter

[REDACTED]
Dixon, MO 65459

Hesser, Matt

From: Connie Kraus [REDACTED]
Sent: Friday, March 09, 2012 6:24 AM
To: Hesser, Matt
Subject: New redistricting not fair representation

Dear Sir,

Conservatives will not be fairly represented with the new redistricting. Please revert back to the second Judicial Commission map.

Thank you,
Connie Kraus

Hesser, Matt

From: Larry Prichard [REDACTED]
Sent: Friday, March 09, 2012 6:43 AM
To: Hesser, Matt
Subject: Judicial Commission Map!

March 09, 2012

Attn.

Matt Hesser, Senate Apportionment Commission

Dear Sir:

I believe that the redistricting eliminates two conservative voices in the Missouri Senate, Jim Lembke and Jane Cunningham, and the redistricting needs to revert back to the second Judicial Commission map.

Sincerely Yours,

Mr & Mrs Larry Prichard

[REDACTED]
Union, MO 63084

Hesser, Matt

From: Lisa Clark [REDACTED]
Sent: Friday, March 09, 2012 8:08 AM
To: Hesser, Matt
Subject: redistricting

**Please vote to revert back to the second Judicial Commission map.
Thank you.**

Lisa G. Clark

[REDACTED]
Fulton, MO 65251

Hesser, Matt

From: Laurie Duff [REDACTED]
Sent: Friday, March 09, 2012 8:10 AM
To: Hesser, Matt
Subject: Senate Re-Districting Plan

March 9, 2012

2012 Senate Apportionment Commission
Doug Harpool, Chair
Marc Ellinger, Vice-Chair
Nick Myers, Secretary

Dear Commissioners:

I wish to express my concerns regarding the proposed changes to the 30th district. I urge you to keep the city of Springfield, one of the largest municipalities in the state, intact within a single senatorial district. The final map should preserve the community of interest, keeping the city of Springfield and nearby suburban areas intact within a single Senate district. The tentative map unnecessarily mixes urban and rural areas and split the city of Springfield.

The combined population of Greene and Christina counties is 352,596. The ideal senatorial district population is 176,145. These two counties combined can be divided into exactly two senatorial districts. The tentative map unnecessarily under populates the 30th district and over populates the surrounding 20th district by 7,595 citizens.

The Springfield community is united in all other matters with regard to governance and regulation. Dividing the city in this manner would be confusing and disruptive to the citizens of our city. I encourage you to make minimum changes to existing boundaries in Greene County, similar to those made in the previously proposed Commission maps, and keep the 30th district as compact as possible and equal in population to the surrounding district.

Thank you for your consideration.

Laurie Duff
[REDACTED]

[REDACTED] CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information protected by law. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Hesser, Matt

From: Anna Barton [REDACTED]
Sent: Friday, March 09, 2012 8:15 AM
To: Hesser, Matt
Subject: map

Please go back to the second judicial re-districting map.

Thank you,
Anna Barton
Miller County

Hesser, Matt

From: Robert Cavanaugh [REDACTED]
Sent: Friday, March 09, 2012 8:21 AM
To: Hesser, Matt
Subject: Redistricting State Senate Districts

Senator Hesser,

The newly proposed Senate District map that mixes urban and rural areas together does not properly represent the opinions of the people of the State of Missouri. Urban areas should not be able to dictate to the rest of the state. I understand that the only Senators that are adversely affected in this are the out-spoken conservative voices. I do not understand why Senators Lembke and Cunningham are in danger of losing their seat. Were not these two voted in by the people? Should not the people be the ones that remove them from office? Why not use the Second Judicial Commission Map instead of violating the people of Missouri wishes? Would this not be more prudent than facing the legal challenge that will occur if the current plan is passed?

Thank you for your time and consideration,

Robert Cavanaugh

Hesser, Matt

From: Paul Jones [REDACTED]
Sent: Friday, March 09, 2012 8:47 AM
To: Hesser, Matt
Subject: Senate Redistricting concerns

Dear Mr. Hesser;

I have been trying to follow the twists and turns of the redistricting process over the past few weeks and have serious concerns about the current proposed plan agreed to in late February. This proposal unfairly disadvantages those in rural areas leading to a weakening of their voice in the legislative process. I urge you to please revert back to the second Judicial Commission map.

Sincerely,

Paul Jones
[REDACTED]
Raymore, MO 64083
[REDACTED]

Hesser, Matt

From: mitchellhubbard [REDACTED]
Sent: Friday, March 09, 2012 8:58 AM
To: Hesser, Matt
Cc: [REDACTED]
Subject: Senate Redistricting

Dear Commissioners,

I want to thank you for the time and effort you have given to redistricting the Senate. However, I ask that you change the Senate map to conform to the constitutional requirement found in *Armentrout v. Schooler*, 409 S.W.2d 138, 143 (Mo. 1966). The Court found that the creation of legislative districts of unequal population violated the equal protection clause of the constitution and was therefore unconstitutional. In the current Senate district I do not challenge that the Senate districts are unconstitutionally populated, however the same unconstitutional result is reached. By moving the 7th district from St. Louis to Kansas City and the 10th district from Kansas City rural Missouri, the citizens of the new 10th district have had their constitutional right to equal protection violated. Under this plan Kansas City will have two Senators representing essentially the same district; the new 7th. While Senator Justus may represent the new 10th on paper the fact is that she will continue to represent the values and issues of her former district. No person in the new 10th ever voted for Senator Justus and it is extremely unlikely Senator Justus could have ever been elected in the new 10th district because she does not share our values. Essentially, the new 10th will have no representation for the next two years. We cannot expect a metropolitan Senator to understand the issues of rural Missouri. Due to the fact that Kansas City will have two Senators from the same district I challenge that this map is unconstitutional under the equal protection clause of the constitution and ask that you switch the 7th district and the 10th district.

Sincerely,

Mitchell Hubbard

Hesser, Matt

From: Nancy Lynch [REDACTED]
Sent: Friday, March 09, 2012 9:33 AM
To: Hesser, Matt
Subject: Redistricting

Dear Sir:

I ask you to please rethink the redistricting and revert back to the second Judicial Commission map.

Sincerely,

Nancy Lynch

Nancy C. Lynch

[REDACTED]

Hesser, Matt

From: Philip Todd [REDACTED]
Sent: Friday, March 09, 2012 9:36 AM
To: Hesser, Matt
Cc: [REDACTED]
Subject: Redistricting

With the latest ruling of the Governors Reapportionment committee on redistricting, there is one thing clear. After over a year of partisan bickering, there is still NO equitable ruling. For citizens of the 6th district, or the 7th district, or the 10th Senatorial District, or whatever we are now in Callaway County, the fiat appointment of a liberal Democrat Lawyer named Jolie Justis, from the heart of Kansas City, being placed as the “representative” of a predominantly rural, Christian, and eastern Republican Senatorial District is completely the definition of gerrymandering, and unacceptable.

Because of the inability of the Committee on Redistricting to follow constitutional protocol, candidate filing for many seats is now in question and subject to yet another court challenge. It is clear that the lack of leadership on behalf of constitutional process appears to give the Democrat Party several new districts WITHOUT so much as a vote of the people. If the Democrats want to win elections and gain representation, they need to put something on the table that wins elections. Otherwise this bargaining away of at least three Conservative Republican Senate Districts, by the Republicans on the redistricting committee, is a victory for Democrats without so much as a vote of the people. And cannot be allowed to stand! This is NOT how this constitutional process of creating equitable districts of community representation is supposed to be determined. DO NOT DISENFRANCHISE THE REPRESENTATION OF CITIZENS, THROWING AWAY OUR ELECTIONS, BY ANOINTING OPPOSING REPRESENTATION THAT IS DEMONSTRATED AS A COMPLETE OPPOSITE OF OUR VOTING AND CALL IT EQUITABLE, CONTIGUOUS, AND OF LIKE COMMUNITY.

All we ask for, as and for citizens of Callaway County, is fair and responsible actions from the redistricting committee. So we can move forward in our district without compromising our representation as a community with common interest. I urge the committee to revert BACK to the SECOND Judicial Commission Map as the most equitable for Missouri.

For Liberty
Philip Todd

Hesser, Matt

From: Ron Keeven [REDACTED]
Sent: Friday, March 09, 2012 9:55 AM
To: Hesser, Matt
Subject: Judicial Map

Please pass the word to the Commissioners, vote No on the new judicial map.

9 March 2012

To: The Bipartisan Senate Appointment Commission

As Committeeman from the Northwest Township of St. Louis County, I was appalled by the proposed redistricting of the Missouri Senate boundaries' as proposed by the Redistricting Commission.

If this proposal moves forward to become law, you will have wiped out fifty years of hard, dedicated work by many "grass root" Republicans in St. Louis County to build the presence of the Republican Party in this area. Believe me it is hard, dedicated work

To "gut" the representation of eastern Missouri in the State Senate is not wise and I beg you to reverse your decision and to establish the Senatorial Districts as proposed by the Legislature.

I have been told that during the 2008 election cycle, the St. Louis Area accounted for more than 60% of the contributions to Republican Election Contributions. Please bear in mind that all decisions have consequences. So, when the "bucket" is passed to collect the "mother's milk of politics"; it will most likely come up short.

The Northwest Township of St. Louis County represents Republican Voters in the 1st and 2nd Congressional Districts; the 7th, 13th, 14th and 24th Missouri Senatorial Districts, and four House Districts.

The St. Louis area is still one of the major financial centers in the Nation. Until about forty years ago, St. Louis had more seats on the New York Stock Exchange than any other city outside of New York. The area still has two of the Nation's largest brokerage houses. With good and proper care, needed in the Senate; we can maintain and grow this most important industry, benefitting the entire State of Missouri.

Likewise Kansas City is very important to the financial scheme of Missouri with its strong ties to the Chicago Financial Markets. ALSO, Springfield is a very strong regional market and should be protected.

Capital goes where it is invited and stays where it is treated well.

MISSOURI NEEDS CAPITAL! NOW!

GENTLMAN, THIS DECISION IS MOST IMPORTANT TO THE STATE OF MISSOURI! PLEASE DO NOT DISTORY THIS DELICANT BALANCE THAT WE PRESENTLY ENJOY.


In the TV show, Dance Moms, Abby Lee, the dance instructor and coach, tells her dance company "to be second is to be the first big loser."

It is most discouraging to have Eastern Missouri's Senatorial representation so drastically reduced, and any political prostituting gained will be short lived, at best.

Therefore, I fervently pleaded with you, to vote for the Senate Redistricting Map as proposed by the Legislature.

Sincerely

J. B. Richman


Northwest Township,
St. Louis County

Hesser, Matt

From: Samuel Jones [REDACTED]
Sent: Friday, March 09, 2012 10:17 AM
To: Samuel Jones
Subject: senate redistricting map

VOTE NO, VOTE NO. Vote NO on the redistricting senate map. It is UNCONSTITUTIONAL. Go back & adopt the second Judicial Commission map that was CONSTITUTIONAL.
Voting YES---will give away the Republican rights of liberty.

The population decrease of 40,000 (that is less than ¼ of a senate seat) did NOT necessitate the loss of a senate district. ALL the republicans & democrat senators of St. Louis area submitted a map they had agreed to.
Why was this map not even considered by the second bipartisan commission?

Voting yes would give a clear advantage to the democrats. We, the people, want our rights. DO NOT give the democrats an advantage in this Presidential election year.

The senate redistricting map is unconstitutional because it gives urban regions an advantage over the rural regions in the state. This regional advantage is discriminatory & not permissible under the U.S. Constitution. This would give MORE constituents for a senator to serve & less attention to constituents.

In 1790 at 1st congress, we had one member of House of Representatives for every 30,000 people –(one for every 5,000 voting citizens).

The size of the House was capped in 1920 at 435 members with a population of 90 million. By 2010 the population was 309 million. That is one representative per 710,345 people. If we had used that ration in 1790 we would have had only 4 representatives in the House. If we had used the old ratio from 1790 with the present population we would have had 10,300 representatives in the House. –Point: We have lost a great deal of representation and as of April 8, 1913 in the U.S. we made our Senators just more Representatives(by 17th amendment). DO NOT TAKE AWAY MORE OF OUR REPRESENTATION. WE ARE BEING TAXED WITHOUT REPRESENTATION MORE SO TODAY THAN IN 1790.

VOTE NO on Senate Redistricting map. If anything give us more representation not less. We are being taxed higher than in 1790. Where is our REPRESENTATION?????

N. Jones, Putnam County, MO

Hesser, Matt

From: Glen Vinson [REDACTED]
Sent: Friday, March 09, 2012 10:19 AM
To: Hesser, Matt
Subject: REDISTRICTING

PLEASE REVERT BACK TO THE SECOND JUDICAL COMMISSION MAP.

THANK YOU

GLEN VINSON

Hesser, Matt

From: Linda Robinson [REDACTED]
Sent: Friday, March 09, 2012 10:53 AM
To: Hesser, Matt
Subject: senate redistricting map
Attachments: winmail.dat

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VOTE NO on Senate Redistricting map. If anything give us more representation not less. We are being taxed higher than in 1790. Where is our REPRESENTATION?????

Linda Robinson

Thought for the day:

Galatians 6:9 Let us not become weary in doing good, for at the proper time we will reap a harvest if we do not give up.

CAPITOL OFFICE
 State Capitol - [REDACTED]
 Jefferson City, MO 65101-6806
 Tele: [REDACTED]
 Toll Free: [REDACTED]
 Fax: [REDACTED]
 E-Mail: [REDACTED]



COMMITTEES
 Chairman: Utilities
 Member:
 Fiscal Review
 General Laws
 Rural Community Development

MISSOURI HOUSE OF REPRESENTATIVES

Darrell Pollock

State Representative
 District 146

March 8, 2012

To the 2012 Senate Map Apportionment Commission:

Thank you for your service to our state. I appreciate the time you have invested trying to make a difference in our state's future. However, I am writing to you today to share my concerns regarding the redistricted Senate map the Commission adopted on Thursday, February 23, 2012. My Concerns are as follows:

- 1.) The proposed map is not compact: District 28, District 25, District 7, and District 16 do not pass a visual test for 'compactness.'
- 2.) The proposed map is not as equal in population as practical: the rural districts are disadvantaged and under populated when compared to urban districts.
- 3.) The proposed map does not maintain communities of interest: Lake Ozark Area has one county (Camden) representing the interest of the Lake Area. Prior to the proposed map, at least 2 counties were in a Senate district that had similar communities serving the interest of the Lake Ozark area. The county of Laclede has no community of interest with the proposed map of District 28 which includes Pettis County. Laclede County has much more in common with the Lake Ozark Region and Fort Leonard Wood (Pulaski County) region.

I am opposed to the proposed Senate Redistricting Map based upon these factors. I would deeply appreciate the commission to find a solution to these very important issues. Your action is needed on behalf of the citizens impacted by the tentative Senate redistricting agreement.

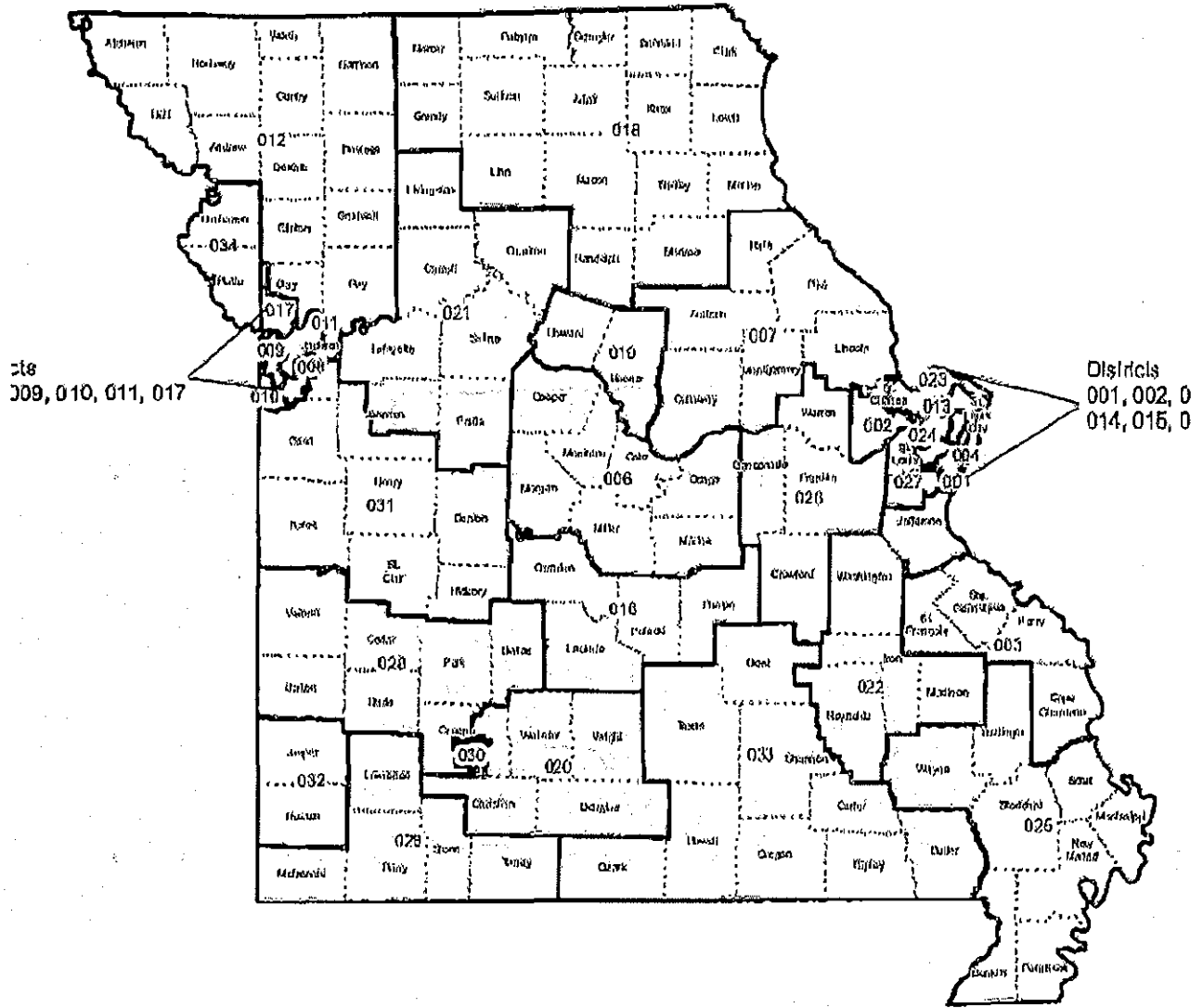
I am enclosing my proposed map which would pass with constitutional approval. Thank you.

Working together,

Darrell Pollock

Representative Darrell Pollock
 146th District of Missouri

[REDACTED]



Display Area Only - Not for Redistribution - October 2011

*Proposed MAP
Tollock 2012 SENATE*

CAPITOL OFFICE
State Capitol--
Jefferson City, MO 65101-6806



COMMITTEES
Appropriations: Education
Appropriations: Health, Mental Health, and
Social Services
Health Care Policy
Professional Registration and Licensing
Small Business

MISSOURI HOUSE OF REPRESENTATIVES
Diane Franklin
State Representative
District 155

March 8, 2012

Dear 2012 Senate Map Apportionment Commission:

Thank you for your diligent service to our state. I appreciate the time you have invested in trying to make a difference in our state's future. However, I am writing you today to share my concerns regarding the redistricted Senate map the Commission adopted on Thursday, February 23, 2012. My Concerns are as follows:

1.) The proposed map is not compact: District 28, District 25, District 7, and District 16 do not pass a visual test for 'compactness.'

2.) The proposed map is not as equal in population as it is practical: the rural districts are disadvantaged and under-populated in comparison with urban districts.

3.) As you know, the current 33rd Senate District includes the counties of Camden, Laclede, Wright, Texas, Shannon, Howell, and Oregon. The new proposed 16th Senate District, however, is set to include the counties of Camden, Pulaski, Phelps, Dent, and Crawford. As the Representative for Camden County, the fact that not a single county from the previous district (other than Camden) would remain in this new district is somewhat concerning. Instead of the current proposition, I would like to see Camden, Morgan, Miller, Pulaski, and Laclede counties in the same district. This arrangement would complement existing institutional framework, increase the district's compactness, and bring together a group of constituents with common values and interests.

A strong institutional framework has already been put into place amongst the counties of Camden, Miller, Morgan, Pulaski, and Laclede. Many organizations including The Council of Local Governments, The Solid Waste District T, The 26th Judicial Circuit, the MO Division of Tourism's Central Region, and the LOREDC Region all serve these counties. This is a demonstration of the common interests of these communities and supports the alternative district arrangement I have suggested. In addition, Miller, Morgan, Pulaski, and Laclede all directly border Camden County. This compact arrangement would allow the legislator representing this district to more effectively meet the needs of his or her constituents by reducing travel time and distance.

Furthermore, these counties are occupied by constituents with similar core beliefs, values, and interests. These counties not only have a shared economic basis in tourism, but they also all profit from the same tourist attraction: the Lake of the Ozarks. The Lake of the Ozarks helps

attract visitors and employ thousands of individuals in Camden County and the surrounding areas. Many retired military personnel live in Camden, Laclede, and Pulaski counties, thus adding another degree of commonality to my proposed district arrangement. Instead, I would like to see a district composed of counties that neighbor Camden County to capitalize on this mutual relationship. Perhaps most importantly, all of these common economic and social interests would allow the legislator serving this senatorial district to effectively represent the views and opinions of the majority of the constituents in this area.

Also for your consideration, there are several major highway systems that cross through the district I have proposed, which include: Highway 54, 5, 7, and 42. While I-44 travels through the Senate Map Apportionment Commission's proposed district, it does not cross through Camden County, thus making travel between these counties more cumbersome. This speaks to the lack of compactness of this district in comparison with my suggested arrangement.

While I understand the redistricting process is multi-faceted and complex, I hope you will seriously consider the points I have brought to your attention. I have already experienced the difficulties that come with being in the 33rd District, which fails to serve these common interests. I would like to see an improvement in the district arrangement this year. Thus, I hope you will understand why I am opposed to the current Senate Redistricting Map. I have attached maps of **A.) the current 33rd District, B.) the new 16th Apportionment Tentative District you have proposed, C.) my suggested district, and D.) the 16th District that was proposed but was deemed unconstitutional.** As a compromise, I could be satisfied with the last map of the attached if my first proposal cannot be accommodated.

Sincerely,



Diane Franklin
State Representative

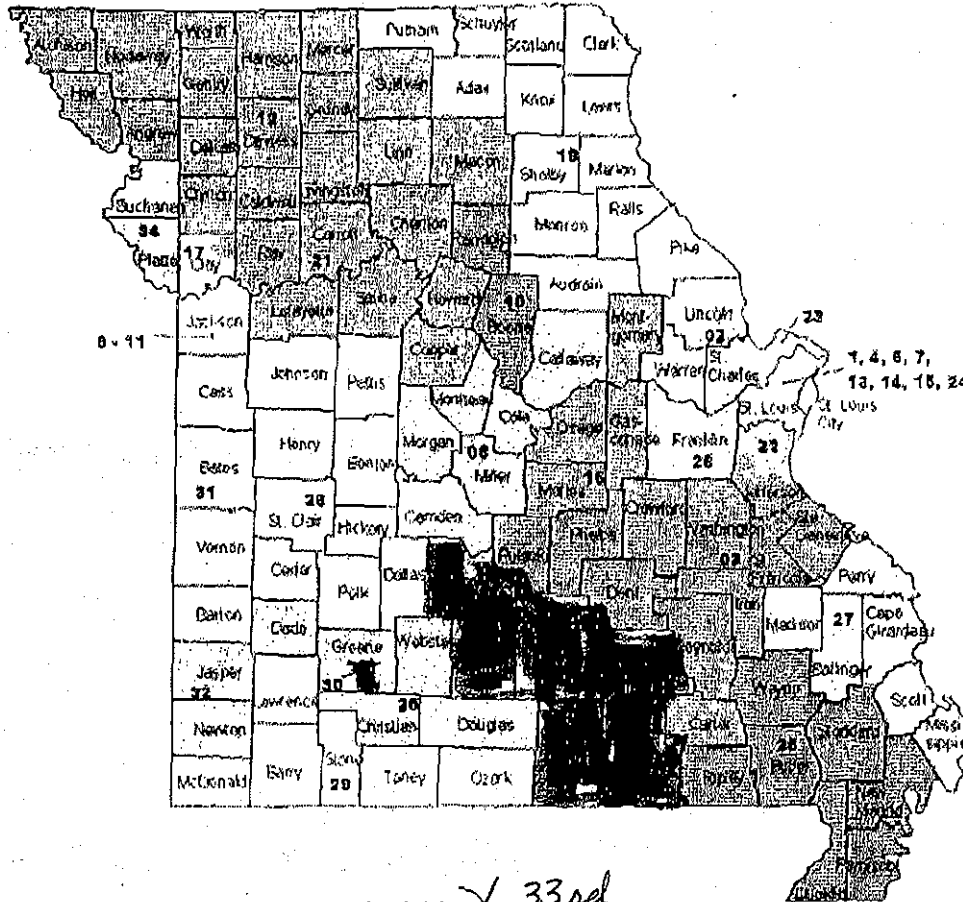
Missouri State Senate

SENATORIAL DISTRICTS

This map shows the new Senatorial Districts as set by the Missouri Appellate Apportionment Commission

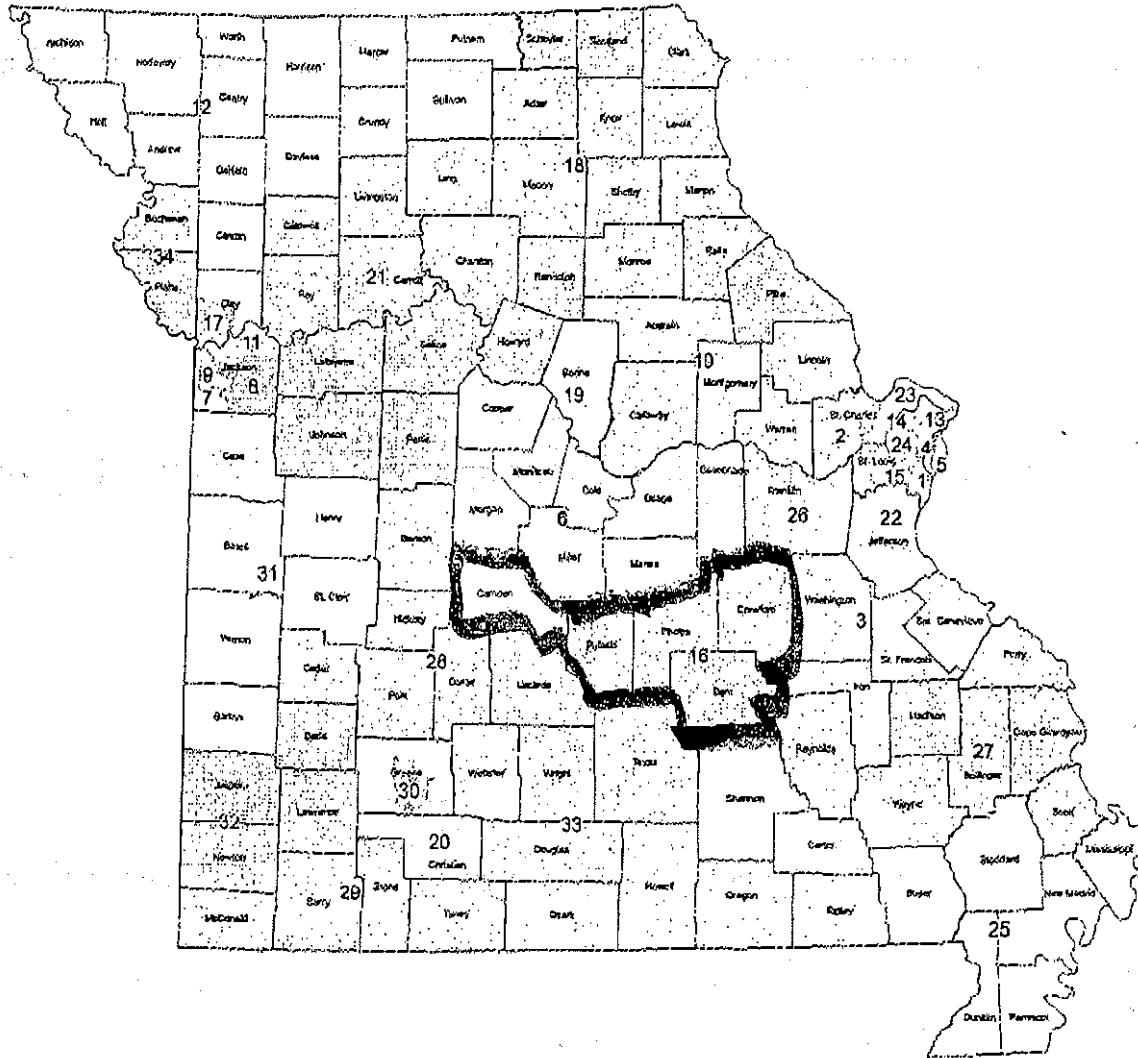
[Click here](#) for a closer view of the St. Louis area.
[Click here](#) for a closer view of the Kansas City area.

[Click here](#) for a PDF file of the state map (8.5 x 11 format).



[Return to Missouri State Senate Home Page](#)

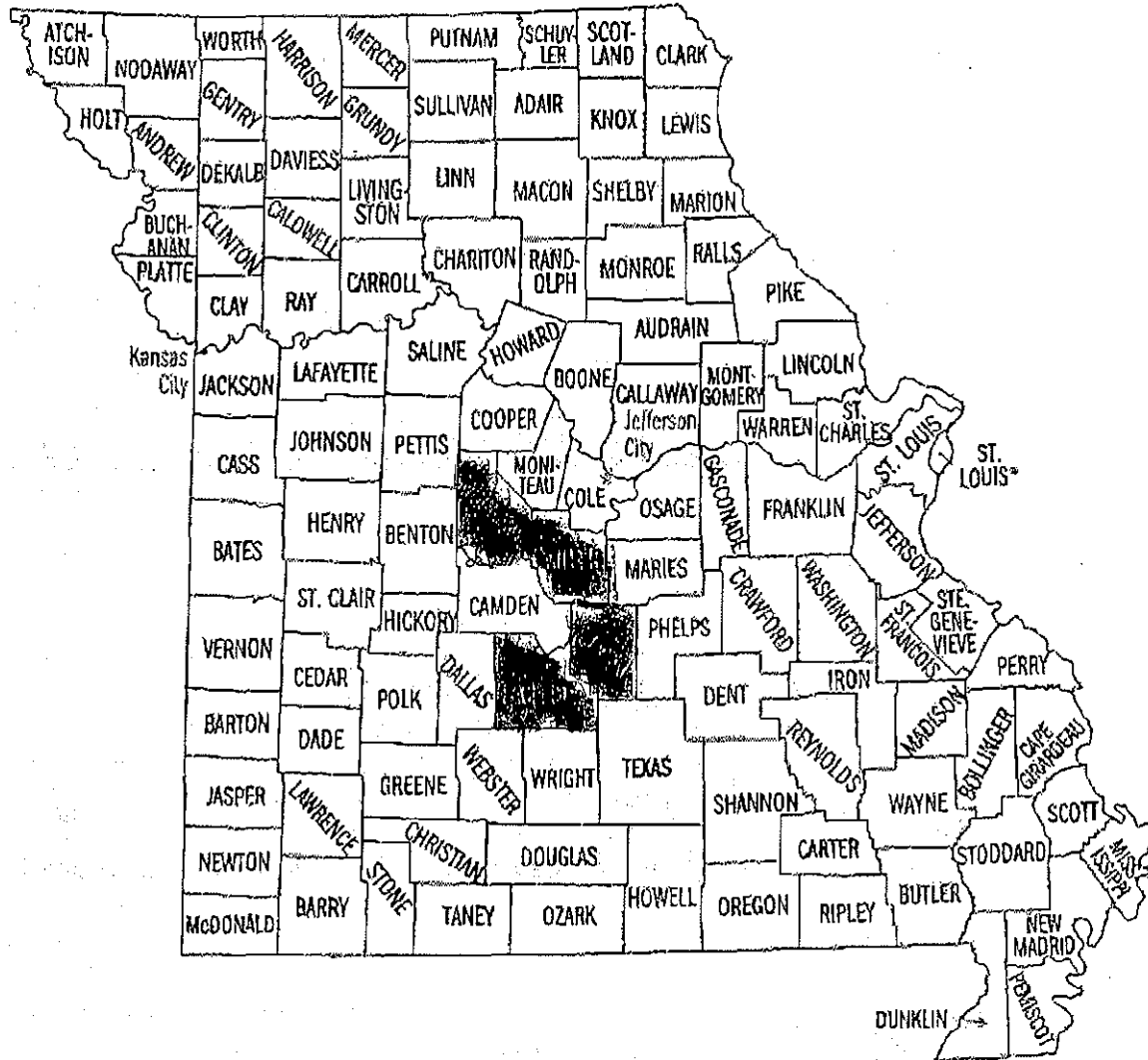
Missouri Senate Districts Senate Apportionment Tentative Plan 2012

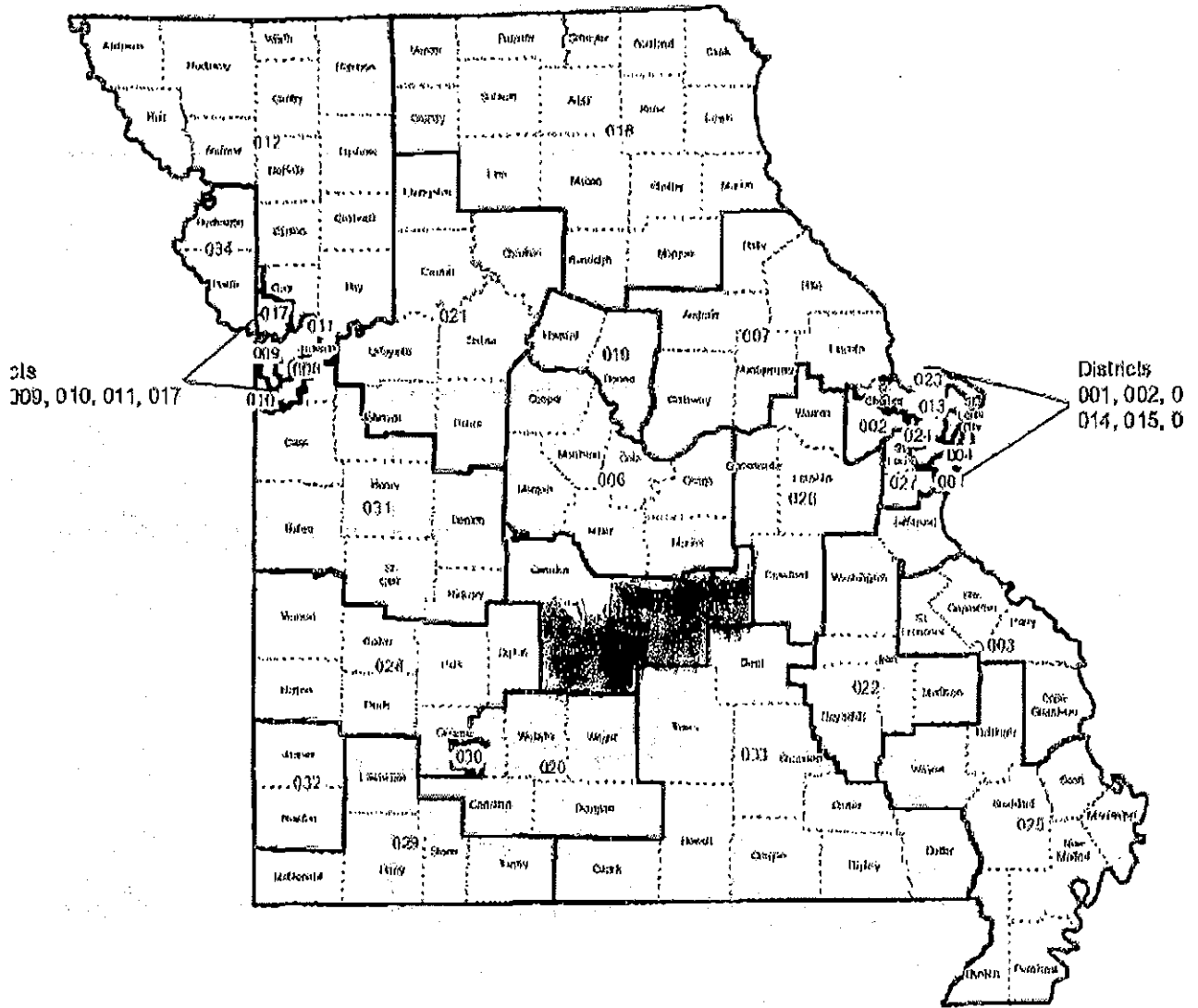


- Senate Plan
- U.S. Highways
- ⊠ Interslates



Office of Administration
February 2012





Office of Information Technology 0056 December 2011

Hesser, Matt

From: Kay Dickerson [REDACTED]
Sent: Friday, March 09, 2012 11:25 AM
To: Hesser, Matt
Subject: senate redistricting map

VOTE NO, PLEASE VOTE NO!!! Vote NO on the redistricting senate map. It is UNCONSTITUTIONAL. Go back & adopt the second Judicial Commission map that was CONSTITUTIONAL. Voting YES--will give away the Republican rights of liberty.

The population decrease of 40,000 (that is less than ¼ of a senate seat) did NOT necessitate the loss of a senate district. ALL the republicans & democrat senators of St. Louis area submitted a map they had agreed to. Why was this map not even considered by the second bipartisan commission?

Voting yes would give a clear advantage to the democrats. We, the people, want our rights. DO NOT give the democrats an advantage in this Presidential election year.

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In 1790 at 1st congress, we had one member of House of Representatives for every 30,000 people –(one for every 5,000 voting citizens).

The size of the House was capped in 1920 at 435 members with a population of 90 million. By 2010 the population was 309 million. That is one representative per 710,345 people. If we had used that ration in 1790 we would have had only 4 representatives in the House. If we had used the old ratio from 1790 with the present population we would have had 10,300 representatives in the House. –Point: We have lost a great deal of representation and as of April 8, 1913 in the U.S. we made our Senators just more Representatives(by 17th amendment). DO NOT TAKE AWAY MORE OF OUR REPRESENTATION. WE ARE BEING TAXED WITHOUT REPRESENTATION MORE SO TODAY THAN IN 1790.

VOTE NO on Senate Redistricting map. If anything give us more representation not less. We are being taxed higher than in 1790. Where is our REPRESENTATION?????

Kay Dickerson

[REDACTED]
Lucerne MO 64655
[REDACTED]

Hesser, Matt

From: Reece and Nichols Kearney [REDACTED]
Sent: Friday, March 09, 2012 11:37 AM
To: Hesser, Matt
Subject: Redistricting

Dear Sir:

Please revert back to the previous plan, where more people are represented by their representative.

Thanks for your consideration.

Rue Lovett

Rue Lovett, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Kearney, Mo. 64060
[REDACTED]
[REDACTED]

Hesser, Matt

From: Doug Jones [REDACTED]
Sent: Friday, March 09, 2012 12:34 PM
To: Hesser, Matt
Subject: redistricting map

In spite of all the noise, I suggest you vote "yes" on the new redistricting map.

Doug Jones

Hesser, Matt

From: Robin Harris [REDACTED]
Sent: Friday, March 09, 2012 12:41 PM
To: Hesser, Matt
Subject: Proposed Senate Districts

Dear Sir,

I am very concerned about the proposed changes to the Senate Districts in my area. I live in a suburban area and most of my neighbors have similar values to one another which means our senator represents us well here in Senate District 7. Many political subdivisions can boast the same situation, regardless of their political affiliation.

The proposed change would mean my senator would live in a rural area nearly 40 miles from my home. While I do not doubt the ability nor the sincerity of what would be my new senator, I believe he would find it extremely difficult to represent a group of residents with such diverse needs and perspectives. It also seems he would suddenly have one of the largest senate districts by population which would dilute my representation as all senators have the same voting power.

I am asking you to reconsider the district lines which are awaiting final action and perhaps mirror the earlier suggested boundaries which were agreed upon by a majority of both republican and democrat legislators. This would prevent a situation where people like me would feel our representation in the Missouri Senate had been unfairly usurped by the current proposal.

Sincerely,
Robin Harris

[REDACTED]
Chesterfield, MO 63017

[REDACTED]

Hesser, Matt

From: frank hagaman [REDACTED]
Sent: Friday, March 09, 2012 12:56 PM
To: Hesser, Matt
Subject: Vote NO on redrawing lines UNCONSTITUTIONAL

Please do not re-draw the map I urge you to vote NO!

1. its Unconstitutional b/c it advantages urban regions over rural.

since rural districts are more populated on the redrawn map.

Populations are moving out of Urban Areas to the Suburban and rural areas!!

And this increases the Democratic vote!! Unfair and UnConstitutional!!!

Thanks

Emily Hagaman

Hesser, Matt

From: [REDACTED] on behalf of Paula Fugaro [REDACTED]
Sent: Friday, March 09, 2012 12:56 PM
To: Hesser, Matt
Subject: Senate redistricting

Please revert back to the second Judicial Commission map under consideration.

Thank you,
Paula Fugaro
Mexico, MO 65265

Hesser, Matt

From: Chandler, Thomas C [REDACTED]
Sent: Friday, March 09, 2012 1:01 PM
To: Hesser, Matt
Subject: May 9th Vote on Revised Senate District Map

Dear Mr. Hesser:

It has been brought to my attention that a vote is coming up May 9th for a revised senate district map that represents an unconstitutional change in district allocations. Since the map contains much lower populations in the urban districts, it produces more senators from the urban areas who will then have less attention to his/her constituents. This regional advantage is discriminatory and not permissible under the US Constitution. However, a previous, map version – the second Judicial Commission map – represents a constitutional and a more fair representation of what the districts should be, but a technicality kept it sidelined.

I therefore urge the commissioners to vote "no" and revert to the second Judicial Commission map with the technicality resolved. Based on what I have heard, this version is more likely to yield the right map than one that provides an advantage to either political party.

The citizens of the United States are already seeing a blatant ignorance of the US Constitution at the federal level – such as Obamacare. We citizens of Missouri expect our state not to follow that same route.

I thank you for your consideration of my request.

Sincerely,

Thomas C. Chandler

[REDACTED]
Florissant, MO 63031 [REDACTED]

Hesser, Matt

From: frank hagaman [REDACTED]
Sent: Friday, March 09, 2012 1:03 PM
To: Hesser, Matt
Subject: VOTE NO ON REDRAWING DIST. UNCONSTITUTIONAL

HELLO MATT,

I want to thank you for listening to tax paying Americans that live in Missouri! I do not understand the reason to redraw lines only to make things more unfair and UNCONSTITUTIONAL !!!

Here is a list of thoughts We have!

**The map is unconstitutional because it advantages urban regions over rural regions in the state. Since the map contains much lower populations in the urban districts, it produces more senators from the urban areas. This regional advantage is discriminatory and not permissible under the U.S. Constitution.

**Since the rural senate districts are more populated on the redrawn map, that means there are more constituents for a senator to service and therefore less attention to his/her constituents.

**The populations are moving out of the urban areas to the suburban and rural areas, so to overpopulate those rural districts will only exacerbate the population differences in a short number of years. The map redrawing happens once every ten years after the census and seeks to make all the districts as equally populated as possible.

**The senate map the judicial commission drew is fair in this regard and has only a deviation of 7.79% between the highest and lowest populated districts while the Democrat and Republican Commission has a larger deviation of 9.6%. The judges did a far better job than the Ds and Rs.

**Senate District 7 (Cunningham-Republican, Chesterfield) in St. Louis County which is up for election this year was arbitrarily moved across the state to a very urban, Democrat district in Kansas City that previously had an even number and was therefore not up for election. This appears purposeful to increase the Democrat vote in a very liberal area for the upcoming critical national and state elections not to mention provide an extra Democrat senator for the next two legislative sessions.

**That urban Kansas City Senator's District (#10-Jolie Justice) was flip flopped the opposite direction to a very rural area in the central eastern part of the state. These constituents of the new 10th will have no say in whom their senator is for two more legislative sessions and Sen. Justice will certainly not move to that area.

Hesser, Matt

From: Stanley Davis [REDACTED]
Sent: Friday, March 09, 2012 1:16 PM
To: Hesser, Matt

VOTE NO, VOTE NO. Vote NO on the redistricting senate map. It is UNCONSTITUTIONAL. Go back & adopt the second Judicial Commission map that was CONSTITUTIONAL.
Voting YES---will give away the Republican rights of liberty.

The population decrease of 40,000 (that is less than 1/4 of a senate seat) did NOT necessitate the loss of a senate district.

ALL the republicans & democrat senators of St. Louis area submitted a map they had agreed to.
Why was this map not even considered by the second bipartisan commission?

Voting yes would give a clear advantage to the democrats. We, the people, want our rights. DO NOT give the democrats an advantage in this Presidential election year.

The senate redistricting map is unconstitutional because it gives urban regions an advantage over the rural regions in the state. This regional advantage is discriminatory & not permissible under the U.S. Constitution. This would give MORE constituents for a senator to serve & less attention to constituents.

In 1790 at 1st congress, we had one member of House of Representatives for every 30,000 people --(one for every 5,000 voting citizens).

The size of the House was capped in 1920 at 435 members with a population of 90 million. By 2010 the population was 309 million. That is one representative per 710,345 people. If we had used that ration in 1790 we would have had only 4 representatives in the House. If we had used the old ratio from 1790 with the present population we would have had 10,300 representatives in the House. --Point: We have lost a great deal of representation and as of April 8, 1913 in the U.S. we made our Senators just more Representatives(by 17th amendment). DO NOT TAKE AWAY MORE OF OUR REPRESENTATION. WE ARE BEING TAXED WITHOUT REPRESENTATION MORE SO TODAY THAN IN 1790.

VOTE NO on Senate Redistricting map. If anything give us more representation not less. We are being taxed higher than in 1790. Where is our REPRESENTATION?????

S. Davis Putnam Co.

Hesser, Matt

From: Kara Suter [REDACTED]
Sent: Friday, March 09, 2012 1:17 PM
To: Hesser, Matt
Subject: Judicial Commission Map

Dear Mr. Hesser,

I am writing you today to request that you revert back to the second Judicial Commission map. The new redistricting gives much more influence to the more urban areas and away from rural Missouri. The individuals in these area need to be represented and not by the urban areas which are primarily Democratic.

Jane Cunningham is our current senator and we are very pleased with the job she has done for us. I would hate to see her district gone and my voice mean nothing because someone in St. Louis has more influence on what happens in this state. This new tentative state senate district map will take away our voice!

Thank you for your consideration in this matter.

Kara Suter
Chesterfield, MO

Hesser, Matt

From: Bob & Judy [REDACTED]
Sent: Friday, March 09, 2012 1:19 PM
To: Hesser, Matt
Subject: Redistricting

We ask that you revert back to the second Judicial Commission map.

thank you, Robert and Judy White, [REDACTED] St. Louis, MO 63129

Hesser, Matt

From: Marcus Record [REDACTED]
Sent: Friday, March 09, 2012 1:35 PM
To: Hesser, Matt
Cc: [REDACTED]
Subject: KEEP THE SECOND JUDICIAL COMMISSION MAP-URGENT

Dear Mr. Matt Hesser:

I am very concerned about the redistricting map! Our country desperately needs to get back to our conservative roots and have a Government of the People, By the People, and For the PEOPLE!!

I urge YOU, THE REPUBLICAN COMMISSION MEMBERS TO KEEP THE SECOND JUDICIAL COMMISSION MAP WHICH HELPS OUR FELLOW REPUBLICAN SENATE MEMBERS TO HAVE MORE EQUAL REPRESENTATION!

THIS IS NOT RIGHT TO HAVE 2 STRONG SENATE MEMBERS SUCH AS SEN. JIM LEMBKE AND JANE CUNNINGHAM LOSE THEIR SEATS IN THE SENATE! WE NEED TO DESPERATELY SAVE OUR COUNTRY AND STATE!!!!

Please vote to KEEP THE SECOND JUDICIAL COMMISSION MAP!

Sincerely,
Kathleen & Marcus Record

Hesser, Matt

From: Samuel Jones [REDACTED]
Sent: Friday, March 09, 2012 1:38 PM
To: Samuel Jones
Subject: Redistricting Senate Map Vote NO--Unconstitutional

VOTE NO, VOTE NO. Vote NO on the redistricting senate map. It is UNCONSTITUTIONAL. Go back & adopt the second Judicial Commission map that was CONSTITUTIONAL, & thrown out on a technicality,(fix it). WE are watching.

This is Injustice at it's best.

The advantages of urban regions over rural regions in the state are huge. Regional advantages are discriminatory.

The Judicial commission senate map drawn was more correct with a 7.79% deviation opposed to the Democrat & Republican commission where there was a 9.6 % deviation. The judges did a FAR Better job.

By moving the Senate Dist. 7 across the state to a very urban area, which is Democratic, & has an even number & therefore not up for election.

A purposeful action to increase the democrat vote in a very liberal area for the uncoming critical national state elections not to mention provide an extra democrat senator for the next two legislative sessions.

Dist. #10 will have no voice in their assignment of a senator for two more years.

VOTE NO, we are watching!! Get rid of this horrible injustice.

N. Jones , Unionville, MO

Hesser, Matt

From: Linda Shonk [REDACTED]
Sent: Friday, March 09, 2012 1:56 PM
To: Hesser, Matt
Subject: Drawing new lines

I am extremely upset that the person I voted for is now NOT going to be representing me. I believe this is a step in talking away my rights as a U.S. Citizen and also of the State of Missouri!

Linda Shonk

CAPITOL OFFICE
State Capitol, [REDACTED]
Jefferson City, MO 65101-6806
[REDACTED]
E-Mail:
[REDACTED]



COMMITTEES
Chairman:
Transportation
Co-Chair:
Joint Committee on Transportation Oversight
Member:
Utilities
Local Government
Tourism and Natural Resources
Interim Committee on Passenger Rail

DISTRICT ADDRESS
[REDACTED]
Springfield, MO 65810
[REDACTED]

MISSOURI HOUSE OF REPRESENTATIVES
CHARLIE DENISON

State Representative
District 135

March 9, 2012

2012 Senate Apportionment Commission

Doug Harpool, Chair
Mark Ellinger, Vice Chair
Nick Myers, Secretary

Dear Commissioners:

The public testimony before the 2011 Commission and the 2001 Commission unanimously favored keeping the city of Springfield, one of the largest municipalities in the state, intact within a single senatorial district. The disparity in Greene County and the way the county is broken up needs to be restructured.

I encourage you to make minimum changes to existing boundaries in Greene County, similar to those made in the previously proposed Commission maps, and keep the 30th District as compact as possible and equal in population to the surrounding district.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Charlie Denison".

Charlie Denison
State Representative
District 135

Hesser, Matt

From: Samuel Jones [REDACTED]
Sent: Friday, March 09, 2012 2:16 PM
Cc: Hesser, Matt; [REDACTED]
Subject: REdistricting senate map Oppose vote NO --Unconstitutional

Vote NO on the Senate Redistricting map. It is Unconstitutional. Go back to Judicial map that was thrown out on a technicality. Fix it. You can do it.
We are watching. Do what is right & fair to our people. This map shows discrimination & Injustice to our people.
N. Jones,, Unionville, MO

Hesser, Matt

From: Paul Hazelrigg [REDACTED]
Sent: Friday, March 09, 2012 2:19 PM
To: Hesser, Matt
Subject: re-districting

Please revert back to the 2nd Judicial Commission Map so that I may have an influence in the say I live in a rural area. Yours Truly, W. Paul Hazelrigg

Hesser, Matt

From: Mary Halter [REDACTED]
Sent: Friday, March 09, 2012 2:32 PM
To: Hesser, Matt
Subject: Senate Apportionment Commission -

Dear Mr. Hesser,

It is my understanding that you are a member of the bipartisan Senate Apportionment Commission and as one of the members you will help form the decision of how my district may be represented. I am requesting that you please vote to revert back to the second Judicial Commission map.

Sincerely,

Mary C. Halter
[REDACTED]
Manchester, MO 63011

Hesser, Matt

From: Tina Burns [REDACTED]
Sent: Friday, March 09, 2012 3:11 PM
To: Hesser, Matt; [REDACTED]
Subject: Redistricting!!!

Just another attack on "government for the people, by the people." No one is fooled any longer, we are calling a spade a spade, and this is just another ploy to strip people of the rights given to them under the Constitution of the United States!

You should vote 'NO' on the new commission map. You should push for approval of the judicial map as it was more fair to the St. Louis County area for representation. Only 40,000 of the population shifted in the St. Louis County area, yet the commission map is drawn to give the Democrats complete advantage in the next upcoming election. ♦ It gives the new District 7 an opportunity to vote out-of-turn and secure another Democrat Party senator. The new map moves a formerly KC area district to rural mid eastern Missouri and takes away their chance to elect a likely conservative senator this year.

What happened? Is this some act of vengeance against party members for being too conservative? Or against Prop. C? Or the China Hub debacle? Are the members you selected a bunch of marshmallows? I expect better results from my elected party officials.

It is bad enough to economically suffer under our current president, his czars, and the anti-business environmentalists in the U.S. Congress, but must we also divide among our group at this critical time?

Respectfully,

♦

--
Tina

Hesser, Matt

From: Carol Downen [REDACTED]
Sent: Friday, March 09, 2012 3:14 PM
To: Hesser, Matt; [REDACTED]
Subject: BETRAYAL: NO on the commission map

I cannot express enough my outrage for all this political garbage going on just like DC. Doesn't anyone have any integrity, moral judgement, compassion, courage to stand for what is right?. This is not running for Student Council

where the most popular or cutest wins, or is it? Use your God given brains 'cause you certainly aren't using your heart for anything but to stay alive. I thought this was a BI-partisan Senate Commission. Lies, Lies Lies. You politicians think the public is so stupid, like Pelosi, just pass it, they'll get over it. Don't insult me and millions more like me. This is not just your State or Country to rule as YOU think, WE THE PEOPLE are the rulers of this

blessed America and I don't mind dying for our God given rights. That is where we are heading, Obama wants nothing more than to turn this into a revolution in this country and you are helping by being so unfair.

Remember, you will meet the same people coming down the ladder, that you met going up the ladder only they won't be your friend anymore.

Get it together or get out!!!!!!

Hesser, Matt

From: Twilsdon [REDACTED]
Sent: Friday, March 09, 2012 3:21 PM
To: Hesser, Matt
Cc: [REDACTED]
Subject: Second Senate Reapportion Commission

Dear Republican Commissioners and Matt Hesser,

Having served on the First State House Commission Redistricting Commission, I was shocked to see the tentative new state senate map. St Louis City currently has 2 state senate districts and St. Louis County has 41/2 state senate districts. According to the St. Louis Post Dispatch dated 2/25/2011, the St Louis County Election Board and the data for the Missouri Republican Party, St Louis County lost 1.7% of its population or a total of **17,346**. In 2000 St Louis County's census population was 1,016,300 and in 2010 it is 998,954. Add this **17,346** to the loss of population 29,000 from the City of St. Louis and the total loss is only **46,346**. The average state senate seat is proposed to be 176,000 The St Louis area has lost only 1/3 of a state senate seat.

The 7th state senate district has a long history of distinguished state senators: Cliff Jones, Franc Flotron, John Loudon and the current state Senator Jane Cunningham, who was selected as 2010's Pachyderm State Legislator of the Year for passage of Proposition C repealing Obamacare.

As Treasurer of the 7th State Senate Republican District Committee, when ethics laws allowed, gave over \$74,000 to Bill Stouffer's, Dan Clemons and Luann Ridgeway's senate campaigns as well as Governor Matt Blunt and Kenny Hulshof governor campaigns. In fact, over 60% of the Missouri Republican Party's funds come from the St. Louis area. Where would we be without Sam Fox, Tim Drury, and Steve and Kimmie Brauer?

The St Louis area provides over 54% of the GDP for Missouri and is the engine that helps fund the rest of the state. In the first state senate district redistricting hearings held at UMSL all state senators 4 Democrat and 5 Republican agreed on a senate map that had 2 senate districts in the city and 6 in the county, removing Brian Nieves' 26th district from St Louis County which is some 45,000 population and giving the Jane Cunningham's district some of Jefferson County which is allowed under the Missouri Constitution.

This map was approved by the Appellate Judge Commission. Unfortunately, the Appellate Judges did not know that out state the senate districts follow county lines. The second map corrected this error but they were given wrong information from the Solicitor General.

The new 7th was placed in Kansas City where I'm told, one of your commissioners, Trent Skaggs is planning to run which is illegal. This is the same commissioner on the our state house redistricting commission that came out with the spaghetti-fingered house map which was thrown out.

To lose 2 republican state senate districts from 4.5 would set St. Louis County back 30 years for a loss of only 17,346.

I urge you to vote NO on this tentative senate map as it is not compact, contiguous and the deviation is three times higher than the previous senate map.

Sincerely

Tom Wilsdon
Maryland Heights Township
[REDACTED]

Hesser, Matt

From: J MCDOWELL [REDACTED]
Sent: Friday, March 09, 2012 4:01 PM
To: Hesser, Matt
Subject: revert back to the second Judicial Commission map

Please revert back to the second Judicial Commission map.

Hesser, Matt

From: Linda Little [REDACTED]
Sent: Friday, March 09, 2012 4:11 PM
To: Hesser, Matt
Subject: Redistricting

Please revert back to the second judicial commission map.

Sincerely,

L. J. Little

Hesser, Matt

From: John Maupin [REDACTED]
Sent: Friday, March 09, 2012 4:16 PM
To: Hesser, Matt
Subject: Comments on Senate Apportionment Map

Matt – Will you please share my thoughts with the Senate Apportionment Commission?

Dear Members of the Senate Apportionment Commission:

I appreciate your service. I had the privilege to serve on the initial apportionment commission with Commissioner Harpool, so I know the challenges of trying to arrive at a map that can receive seven votes. We were not able to get it done. The fact that you were successful is an accomplishment that stands on its own merits.

Having acknowledged the completion of your assignment, I have several observations and comments I hope you will take into consideration before you vote to finalize a map.

First, I believe the inclusion of Ripley County into the 33rd District and Carter and Shannon counties into the 25th raises serious issues with the considerations of compactness and communities of interest. As you all can readily see, the proposed alignment simply doesn't pass the smell test. To paraphrase a deceased Supreme Court justice who admitted he couldn't define pornography but knew it when he saw it: I cannot define compactness, but I know it when I don't see it. I appreciate the general difficulty in approaching compactness given the constitutional strictures on drawing multi-county districts; but in this discrete circumstance, there is no reasonable explanation for this alignment – the population of Shannon and Carter combined is 14,706 while the population of Ripley is 14,100, so if those counties are exchanged the 33rd District would have 170,419 residents and the 25th District would have 170,425 residents. This swap would therefore result in a far more compact map and yield two districts with virtually identical populations, e.g. one man/one vote.

The issue of communities of interest also demands consideration. The simple truth is that the Ripley County residents strongly identify with the residents of Butler County. For reasons I cannot explain, I have received phone calls from three public service providers in Ripley County who apparently work closely with their counterparts in Butler County and were astounded that the proposed district alignment would separate them from what they perceive as their natural affiliation with the Bootheel. I think a big part of this is the fact that Ripley and Butler counties are in the same judicial circuit and many community services are supervised by the court. I would hope the Commission would make this straightforward and simple fix and thereby remove one of the most glaring constitutional challenges to the map.

Second, I am very concerned with the effect of the purely gratuitous renumbering of the current 10th District to the 7th District. I am certain you have all thought about this, but the impact is really quite serious. The incumbent senator in the 10th was reelected to a second term in 2010 from a highly urban area. The result of this map would cause her to represent a completely rural part of the state (my great great great grandparents moved into Shelby County in 1829, so I know a bit about this region) for the last two years of her term.

This scheme also allows the residents of the current 10th District to elect another senator to represent them in Jefferson City as the Senator from the 7th District. So, for the next two years, the residents of that portion of Kansas City will, de facto, have two senators while Monroe, Audrain, Callaway, Montgomery, Lincoln and Warren county residents will have no one for whom they have ever voted and with whom they have almost nothing in common. Rather than completely scramble the electoral landscape for no reason whatsoever, this problem can be easily fixed by keeping the current 10th District as the 10th District and numbering the new district as the 7th District. That way there will be an election for the senator from the new district this November without any shenanigans and without exposing the map to a credible one man/one vote challenge.

The renumbering of existing districts was a big issue for the first commission. The initial map presented by the Democratic commissioners would have switched the numbering of many districts (for example, that map would have swapped the 25th District and the 18th District), but the proponents always took the position that the map's numbering was something that could be repaired before a vote. Of course, we never got to that point, but I always took them at their word that the numbering would not be the breaking point to an agreement.

Finally, I was a big proponent of keeping the level of senatorial representation of the St. Louis region at its current level. Consequently, I am not a big fan of the proposed map. I think it is a huge mistake to reduce the level of representation for the part of the state that contributes a disproportionately large portion of Missouri's GDP and taxes and has set of unique challenges that are not easily appreciated by senators from the rural parts of the state. That disconnect is a simple fact of life; but Missouri will only prosper if the St. Louis region prospers. And having one less "champion" for this region will only harm the entire state. Moreover, the reduction in representation is simply not supported by the facts – the population of the St. Louis Metropolitan Area is 2,113,740 which clearly justifies the continuation of the current representation levels. While certain parts of St. Louis City and St. Louis County have lost population in the last decade, that loss has been more than compensated for by the growth of the adjacent counties.

In summary, I do not like the map and hope you do not vote to confirm it; but, if you decide that having a map is preferable to no map at all, I hope you will consider my comments and eliminate some of my objections.

Sincerely,

John W. Maupin

John W. Maupin

[REDACTED]
[REDACTED]
St. Louis (Clayton), MO 63105
[REDACTED]
[REDACTED]

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Hesser, Matt

From: Marjie Saiter [REDACTED]
Sent: Friday, March 09, 2012 4:19 PM
To: Hesser, Matt
Subject: Senate Map TAINTED

Dear Mr. Hesser:

From the view of voters and legislators, Republicans and Democrats, the tentative new Senate Redistricting map is a "Democrats' Dream". In email replies, I've discovered that one Republican Senate Map Commissioner has testified against the Second Judicial Map so of course he would vote yes for the tentative map. He is also Vice Chair over Republican delegates in this Commission, and his word carries a lot of weight to encourage others to vote YES.

The Vice Chair's reply to my concerns was that objectivity and voters are not the purpose of this map but strengthening the Republican Party. So my vote and views will not be represented under this tentative map. **This is TAINTING not just his vote, but the other 8 he could be persuading.**

I hope you are the person who will say this is wrong, ask the Commission to **back away** from the tentative map, and **revert back to the Second Judicial Map**. May you be strong and do what is **honorable**.

Sincerely,
Marjie Saiter

[REDACTED]
[REDACTED]
Edward D. Greim
[REDACTED]

March 9, 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:

I would like to thank the Commission for allowing me to provide testimony related to the constitutionality of the Tentative Senate Apportionment Plan (the "Plan") at the public hearing held yesterday, March 8, 2012. I hope that my testimony, and subsequent discussion, will be beneficial to the Commission as you work to complete the important public service with which you have been tasked.

I write now to provide additional information that is responsive to a few of the questions raised by certain Commissioners yesterday.

Larios v. Cox

As was noted at the hearing, *Larios v. Cox*, 300 F. Supp. 2d 1320, 1340 (N.D. Ga. 2004) *aff'd*, 542 U.S. 947 (2004), addressed an equal protection challenge similar to that brought by our clients in *Ehlen et al. v. Carnahan*, Case No. 12-cv-03122-FJG. *Larios* struck down Georgia's legislative apportionment plan because the plan's population deviations impermissibly favored certain geographical regions of the state:

The population deviations in the Georgia House and Senate Plans are not the result of an effort to further any legitimate, consistently applied state policy. Rather, we have found that the deviations were systematically and intentionally created (1) to allow rural southern Georgia and inner-city Atlanta to maintain their legislative influence even as their rate of population growth lags behind that of

the rest of the state; and (2) to protect Democratic incumbents. Neither of these explanations withstands Equal Protection scrutiny.

Id. at 1338 (emphasis added). Relying on the seminal case of *Reynolds v. Sims*, 377 U.S. 533 (1964), the *Larios* court found that “geographical interests do not fall within the category of legitimate considerations” that can justify population deviations (even if minor) among legislative districts. *Id.* at 13-43-44. As the court explained:

Rural and inner-city Atlanta voters in Georgia make up a smaller proportion of the population now than they did in the past, primarily because the suburban communities surrounding Atlanta have been growing at a faster rate. Manipulating the legislative districting map to allow rural Georgia and inner-city Atlanta to maintain the number of seats those areas used to have is tantamount to saying that the interests of rural and inner-city voters are simply more important than those of other citizens. Democratic governments are designed for the benefit of the people who live in the state now, not for the benefit of the people who lived there thirty or forty years ago. There are many ways to ensure that the views and desires of the citizens of rural Georgia are heard, but giving them more legislative influence than their population fairly warrants is a kind of electoral dead-hand control: it allows a minority to maintain political power more commensurate with the numbers it used to have than with the numbers it has today.

Id. at 1345. Simply put, “[a] state cannot dilute or debase the vote of certain citizens based merely on the fortuity of where in the state they reside any more than it can dilute citizen’s votes based upon their race, gender, or economic status.” *Id.* at 1347. Notably absent from *Larios* is any requirement that some specialized method be used to determine what districts are urban, suburban, and rural. And as I discussed yesterday, while some could argue that one or two districts that are not among the most severely overpopulated or underpopulated could be categorized as “urban” instead of “suburban,” or vice versa, the re-categorization of those districts does not change the pattern of discrimination with respect to the districts that most obviously deviate from the ideal population.

It is true that in *Larios*, the state conceded that it had apportioned legislative districts with the express purpose of “regional favoritism.” *Id.* at 1347. Although this concession undermined the state’s defense of the apportionment plan, it was not essential to the court’s holding. To the contrary, *Larios* makes clear that

unconstitutional regional discrimination can be found by simply examining the apportionment map (and supporting data) at issue. As the court noted, “[t]he numbers largely speak for themselves,” and discriminatory “intent” can be inferred from the “numbers” and district “shapes” alone. *See id.* at 1330. *Larios* found that “[a] look at the *actual plans* [] makes it *abundantly clear* that regional favoritism substantially drove the population deviations..... *Id.* at 1342 (emphasis added); *see also id.* at 1327 (“Both the explicit admissions for the defendant and the circumstantial evidence of the plans themselves leave no doubt that a deliberate and systematic policy” of regional favoritism influenced the plans); *id.* at 1329 (“A study of the patterns of deviation further illustrates how the population deviations were created.”).

As the *Ehlen* case moves forward and formal discovery begins, my clients will learn more about the specific intent and considerations that precipitated the Commission to draw the Plan’s district lines in the manner that they did. Through this process, we anticipate that we will discover explicit examples of “regional favoritism” impacting decision-making. Importantly, however, we do not believe that such evidence is required in order to succeed on the constitutional claims our clients have asserted. Like the court in *Larios*, we believe that the “actual plan” reveals a systematic and intentional effort to underpopulate urban, predominantly-Democratic, regions and overpopulate rural, predominantly-Republican regions. Such regional favoritism is blatantly unconstitutional.

I also noted that several of the Commissioners stated on the record that they were certain that they did not “intend” to harm rural regions. However, that sort of specific intent is not required to establish an equal protection violation. As the Supreme Court has long recognized, “actions having foreseeable and anticipated disparate impact are relevant evidence to prove the ultimate fact, forbidden purpose.” *Columbus Bd. of Ed. v. Penick*, 443 U.S. 449, 464-65, 99 S. Ct. 2941, 2950, 61 L. Ed. 2d 666 (1979). The *Penick* court went on to conclude:

Adherence to a particular policy or practice, “with full knowledge of the predictable effects of such adherence upon racial imbalance in a school system is one factor among many others which may be considered by a court in determining whether an inference of segregative intent should be drawn.” *Ibid.* The District Court thus stayed well within the requirements of *Washington v. Davis* and *Arlington Heights*. *See Personnel Administrator of Massachusetts v. Feeney*, 442 U.S. 256, 279 n. 25, 99 S.Ct. 2282, 2296, 60 L.Ed.2d 870 (1979).

Penick, 443 U.S. at 464-65. As I testified yesterday, our allegation is not that the Commission members are harboring some malignant desire to harm rural

Missourians: it is enough that the Commission is aware of the effects of its plan and proceeds with the plan anyway.

Additionally, in discussing the *Larios* decision at the hearing yesterday, it was noted that the *Larios* court found it persuasive that “every single [Senate] district that was underpopulated by at least 4% was located either in rural Georgia south of I-20 or in inner-city Atlanta”—the regions intended to be benefited under the plan—and the “vast majority of the House districts fit the same pattern.” *Id.* at 1342. While the *Larios* court unquestionably found 4% deviation to be a helpful point of reference, the court did not hold that a 4% deviation serves as a constitutional benchmark or bright line. Notably, *any* deviation in population equality must be justified by legitimate, non-discriminatory reasons. *Id.* at 1341 (citing *Reynolds*, 377 U.S. at 577). Nonetheless, it is notable that, under the Plan, all but one of the districts underpopulated by at least 4% is predominantly urban, and every single district overpopulated by at least 4% is rural. Additionally, similar to the apportionment scheme at issue in *Larios*, the Plan has a maximum deviation of approximately 9.6%, which is evidence that “the plan[‘s] drafters pushed the deviation as close to the 10% line as they thought they could get away with, conceding the absence of an ‘honest and good faith effort’ to construct equal districts.” *Id.* at 1352.

Senatorial Residency Requirements

The Commissioners also asked several questions regarding the Missouri Constitution’s residency requirements for state senators as they relate to the redistricting process. As my clients have alleged in their lawsuit, under the Plan, the number assigned to District 10 in the urban core of Kansas City will be reassigned to a new district in east-central Missouri. As a result, voters residing in this “new” District 10 would be represented by the current senator for District 10, Senator Jolie Justus, who is a Kansas City resident who has no intention of moving her residence to the “new” District 10. As a result of this arbitrary, wholesale, cross-state reassignment of District 10, the residents of the “new” District 10 will be 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.

Some have suggested that this inequitable result will be avoided because Senator Justus will be disqualified from serving as the senator for the “new” District 10 because she will not meet the residency requirements of the Missouri Constitution. Accordingly, it has been suggested that a special election will be

immediately held in the “new” District 10 to elect a new senator. This analysis appears to be incorrect.

Two separate provisions of the Missouri Constitution address the residency of state senators. First, Art. III, Sec. 6 sets out the residency requirements in order to be elected to office as a senator:

Each senator shall be thirty years of age, and *next before the day of his election* shall have been a qualified voter of the state for three years and a resident of the district which he is chosen to represent for one year, if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken.

Second, Art. III, Sec. 13 provides that, after elected, a senator may not move his or her residence outside the district the senator was elected in: “If *any senator* or representative *remove his residence* from the district or county for which he was elected, his office shall thereby be vacated.”

Neither provision addresses the situation faced by Senator Justus, in which *her district* has effectively removed from her residence. Section 6 does not apply because Senator Justus was a resident of the “old” District 10 for one year prior to the day of her election, and Section 13 does not apply because she has not “remove[d]” her residence from District 10. As such, there is no constitutional residency requirement that would disqualify Senator Justus from representing the “new” District 10. This construction appears consistent with Senator Justus’ own understanding, as she has publicly expressed her intent to represent the “new” District 10. See Exhibits A-C.

Additionally, even if Senator Justus *was* somehow disqualified on the basis of her residency, it would require a two-thirds vote of the Missouri Senate to remove her from office and thereby create a “vacancy” for which a writ of election could issue. Mo. Const. Art. III, § 18; *see also Danforth v. Hickey*, 475 S.W.2d 617 (Mo. 1972 (“[S]tate legislative bodies are given the sole right to determine the qualifications of their members, and [] this is a continuing right, giving not only the right to decide whether a member shall be seated originally, but also whether the member becomes disqualified during his period of office and as a result vacates his office.”); Mo Const. Art. III, § 14 (“Writs of election to fill vacancies in either house of the general assembly shall be issued by the governor.”). Our clients have received no indication, let alone assurance, that two-thirds of the Missouri Senate intends to vote to expel Senator Justus from office. As a result, the harm faced by voters in the “new” District 10 is real and continuing.

Multi-District Counties

Finally, some Commissioners expressed their opinion that, under the Missouri Constitution, it would be impermissible to expand the "new" District 7 or District 9 beyond Jackson County into neighboring Cass County or Lafayette County, as our clients have suggested in their lawsuit. We respectfully disagree with this opinion. When reapportioning senate districts, the Missouri Constitution provides that "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." Mo. Const. Art. III, § 7. Thus, the Constitution expressly permits crossing county lines in order to add population to complete a district in a multi-district county (such as Jackson County). Likewise, there is no limitation as to the type of county (i.e. multi district) that may be expanded into. As currently drawn in the Plan, Districts 7, 8, 9, and 11 are wholly contained in Jackson County. Accordingly, the Commission could have expanded one such district into a neighboring county in order to alleviate the population deficiencies of those districts.

Conclusion

I thank the Commission again for accepting my clients' request for a hearing and allowing me an opportunity to address the constitutionality of the Plan. I appreciate the courtesy and attention that witnesses generally received from individual Commissioners who were in attendance, and in particular commend the Commission for promising to have public comments made available on the redistricting website. As Missouri citizens' preferences and objections become more fully known within the next few days, it is our sincere hope that the Commission will revisit its Plan and that an accommodation can be reached outside of litigation.

Respectfully,



Edward D. Greim