



# WITNESS APPEARANCE FORM

October 21, 2021

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# **TESTIMONY BEFORE**

# COMMISSION FOR REAPPORTIONMENT

# OF THE

# MISSOURI STATE REPRESENTATIVE DISTRICTS

Presented by: Dr. Elbert A Walton Jr, AA, BA, MBA, JD

Chairman, Unified Democratic Township Organizations Former Missouri State Representative, District 61

Presented on October 21, 2021

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#### INTRODUCTION

Honorable Chairperson and Members of the Commission

I want to first thank you for the opportunity to address the Commission for Reapportionment of the Missouri State Representative Districts in reference to drafting a map for reapportionment of the Missouri State Representative Districts and particularly those districts that are currently situated within the City and County of St Louis.

My name is Elbert Walton. I serve as Chairperson of the Unified Democratic Township Organizations, a political action committee operating in North St Louis County, but which has operations in the city of St Louis as well. The organization includes several elected officials, including five state Representatives, as well as political activist in St Louis City and County. I am also a former member of the St Louis County Democratic Central Committee, from the Halls Ferry District, and a former 14-year Missouri State Representative, serving from 1979 to 1992, last elected from District 61, which was located in the city of St Louis at that time. As Chairperson of the Unified Democratic District Organizations, I am here in support of the drawing of a fair and equitable reapportionment plan for the Missouri State Representative Districts that will continue to provide African American voters of St Louis City and County the opportunity to elect Representatives of their choice to the Missouri State House of Representatives. Keeping in mind that Missouri also has a substantial black population in the Kansas City area, as well as Columbia and the bootheel, the principles discussed in this testimony are equally applicable to those areas of the state as well. Moreover, my testimony not only supports retention of districts in which black voters will have an opportunity to elect representatives of their choice but supports retention of the current number of state Representative districts situated within the city and county of St. Louis.

By way of background, I have been involved in advocating for fair and equitable reapportionment

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plans at the federal, state, and local level in Missouri for five decades, beginning within the 1980 census. I am the author of a dissertation entitled, "Separation from Power, A Study of African Americans Quest for Election to Public Offices in St Louis and Kansas City." One ofthe Chapters in the Dissertation specifically addressed reapportionment of multi-member legislative bodies and particularly the Missouri Legislature. This testimony is gleaned from that Chapter of the Dissertation.

It is my hope that I will be able to outline to you, the issues that must be considered by this

Commission in drafting a reapportionment plan for the State Representative Districts of St Louis City

and County that will not hamper the re-election chances of those incumbent State Representatives who

seek re-election to office after the adoption of a reapportionment plan nor deny African-American voters
the opportunity to elect representatives of their choice.

### LEGISLATIVE REAPPORTIONMENT

The Missouri State House of Representatives, under the state constitution, is a multi-member body. Each Representative is elected from a separate single-member geographical District. Under the US Constitution, as well as the state constitution on the subject, each District must contain a total population, as nearly equal in population to each of the other Districts, as practical. The Districts are also required to be compact and contiguous.

# **POPULATION SHIFTS**

Periodically, we have shifts in populations from District to District, due to relocation of people from one District to another or moving out of or into the District.

Furthermore, we have births and deaths, thus, some Districts' total population will increase in excess of the average required population per District, while other Districts' total population will decrease below the required average, over time. This then results in Districts substantially unequal to each other in total population per District. In order to remedy this problem, the Federal Constitution as

interpreted in <u>Reynolds v. Sims</u>, decided in 1964, and Missouri State Constitution, Article III, Section 7, respectively, provide that every ten years, following the decennial census, each District's boundaries shall be redrawn, and the population reapportioned among the Districts such that the Districts will be restored to as nearly equal total populationsper District as is practical.

# CURRENT ST LOUIS CITY AND COUNTY DISTRICT CONFIGURATION

I have reviewed the current configuration of state Representative districts for the state of Missouri, that were drawn after the 2010 census, the population for each district based on the 2020 census, the average population required per district based on the overall population of the state, and the racial breakdown of each of those districts.

# Predominantly Black Districts<sup>1</sup>

I note that currently, as configured after the 2010 census, there are seven majority black districts wholly in St Louis County, Districts 67, 68, 73, 74, 75, 83 and 85, and five majority black districts wholly in St Louis City, Districts 76, 77, 78, 79 and 84. Furthermore, there is one majority black district that is predominantly in St Louis County, but is also partially in the city of St. Louis, District 66.

# Number of State Representative Districts Wholly Within St Louis County

St Louis County has twenty-three state Representative districts totally within St Louis county, Districts 67, 68, 69, 70, 71, 72, 73, 74, 75, 85, 86, 87, 88, 89, 90, 92, 94, 95, 96, 97, 98, 99, and 100.

# Number of State Representative Districts Wholly Within St Louis City

St Louis City has eight state Representative districts located wholly within the city of St Louis, Districts 76, 77, 78, 79, 80, 81, 82 and 84.

# Number of State Representative Districts Partially Within St Louis County and St Louis City

There are four state Representative districts which are predominantly in St Louis County but are

<sup>&</sup>lt;sup>1</sup> There is one black State Representative elected in a 2% black district in St Louis County, District 98.



also partially in the city of St Louis, Districts 66, 83, 91 and 93.

# 2020 Census Requires Modification of Configuration From 2010 Census for St Louis County and St Louis City

Based on the overall increase in the population of the state, following the 2020 census, the average State Representative District will go from an average of 36,741 residents per district to 37,760 residents per district or an increase on the average of 1,019 residents per district. Under the 2020 census, the city of St Louis lost population while the county of St Louis gained population.

Based on its loss of population as well as the increase in the total population of the state, St Louis City's population went from allowing 8.7<sup>2</sup> state Representatives to 8.0 state Representatives to be based in the city. Thus, the city of St Louis has sufficient population to retain eight districts wholly contained within the city of St Louis; however, the city does not have any excess population to allow for any city residents to be included in any county state representative districts after reapportionment of the eight districts within the city of St. Louis.

Despite its increase in total population, based on the total population for the state and the average targeted size of a state Representative district, St Louis County went from having sufficient population for 27.2 state Representatives to population for 26.6 state Representatives, thus, one of the 27 state representative districts situated within St Louis County may have to be partially in either Jefferson or Franklin county.

#### SUGGESTED REAPPORTIONMENT

In 1983, the Supreme Court ruled in <u>Brown vs. Thomson</u> that state legislative and local districts could vary by as much as a ten percent range; however, the Missouri Constitution, Article III, Section 3,

<sup>&</sup>lt;sup>2</sup> It should be noted that the 2010 map unfairly "cracked" south St Louis city residents among three predominantly St Louis County based state Representative districts, Districts 83, 91 and 93, instead of creating one district that would have been 60% within the city of St Louis.

provides that the variation may not be more than three percentage points. Therefore, I suggest that districts with a substantial loss of population be drawn with only 36,627 residents instead of the 37,760 average number of residents required per district. To balance that off, some districts then will have to drawn over the average by 3% or with populations of 38,893 persons. I have examined several districts with that principle in mind and make the following suggestions for reapportionment of those districts.<sup>3</sup>

### DISTRICTS LOCATED IN CITY OF ST LOUIS

The city of St Louis' eight districts could be drawn with an average 37,697 persons per district which, though under the 37,760 average residents targeted for each district, is well within the 3% deviation allowed. However, in some instances, it will be necessary to reapportion some districts either over or under 3% of the targeted average district or with as low as 36,627 residents or as high as 38,893. In reapportioning those city districts, the boundary lines should be drawn to preserve the five predominantly black state legislative districts, 76, 77, 78, 79, and 84, to the extent possible. I suggest that the city districts be reapportioned in the following order:

# District 76

Under its current configuration, District 76 is 94% black and short a whopping 10,008 residents from the 37,760 average number of residents targeted for each district. If it is drawn 3% under the targeted average district size or with 36,627 persons, it would need 8,875 people. The first source of residents to be put into District 76 are those city residents who are currently in District 66, so that District 66 will be wholly in St Louis County after reapportionment of the House districts. I estimate approximately 3,875 city residents, who reside in District 66, can be removed from District 66 and put

<sup>&</sup>lt;sup>3</sup> It is to be noted that the commissioners have access to Maptitude software which easily facilitates the drafting of maps for reapportionment of the districts in that it shows not only the population of each district by block units but it also shows both the racial and partisan breakdown of that population as well, thus allowing for ease of assuring that each district is drawn in compliance with the guidelines set forth in the Missouri Constitution.

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into District 76. The remaining estimated 5,000 people to be put into District 76 would have to be from District 84 which is located to the south of District 76.

### District 84

Under District 84's current configuration, it is 52% black and short 4,303 residents from the 37,760 average number of residents targeted for each district. If it is drawn with 36,627 persons, instead, it would need 3,170 people. However, because it will be necessary to take about 5,000 people out of District 84 and put them into District 76, District 84 will actually need to add about 8,170 people to be brought up to 36,627 residents. It appears that the best district from which to get residents to add to District 84 is District 80 which is 22% black. However, I am not sure where those black people reside and thus the district may end up with its black population unavoidably reduced.

#### District 77

Under District 77's current configuration, it is 50% black and short 2,552 residents from the 37,760 average number of residents targeted for each district. If it is drawn with 36,627 persons, it would need 1,419 people. It appears that the only district from which to get residents to add to District 77 is District 79.

### District 79

Under District 79's current configuration, it is 53% black and short 1,422 residents from the 37,760 average number of residents targeted for each district. If it is drawn with 36,627 persons, it would need 289 people. However, since 1,419 people will be removed from District 79 and put into District 77, District 79 would be short 1,708 residents. The only district from which to get those 1,708 residents to add to District 79 is District 78.

# District 78

Under District 78's current configuration, it is 55% black and 619 residents above the 37,760

average number of residents targeted for each district. However, there will be a need to take 1,708 residents out of District 78 and add them to District 79. Thereafter District 78 will have 36,671 persons which will be within the 3% deviation from the targeted average district size allowed under the Missouri Constitution.

### District 80

Under District 80's current configuration, it is 23% black and has 36,097 residents. Since 8,170 people will be removed from District 80 and put into District 84, District 80 would then have only 27,927 people, and thus would need 10,000 residents added to the District to bring it near the targeted average number of residents for city districts. In that District 84 may end up minority black, the needed residents should be taken from District 81, which is 33% black, to create a 56% majority black district; and, moreover, avoid the cracking of black residents of south St Louis into two districts, and thus deny black voters the opportunity to elect a representative of their choice.

### District 81

District 81 is 33% black has 36,389 residents within that district. Since we propose that 10,000 of District 81's residents be removed from District 81 and reassigned to District 80, it would be necessary to add 10,000 people to District 81. We suggest that those city residents who are currently in District 93 be removed from District 93 and reassigned to District 81 and that any deficiency then be made up by reassigning voters from District 82 to District 81 to bring it within the 3% allowable deviation from the targeted average.

### District 82

District 82 is 9% black and has 36,256 residents within that district. We suggest that the city residents who are currently in Districts 83 and 91 be reassigned to District 82 to bring it within the 3% allowable deviation from the targeted average.



# Districts 83, 91 and 93

Districts 83, 91 and 93 are predominantly in St Louis county but each one of those Districts extend into the city of St Louis and thus include city residents within those districts. As noted above, Districts 83, 91 and 93 should be reconfigured to only encompass St Louis County residents, and those city residents, currently in Districts 83, 91 and 93, should be re-assigned wholly to city districts as set forth above.

### PREDOMINANTLY BLACK DISTRICTS LOCATED IN ST LOUIS COUNTY

In that my concern is primarily that black voters be provided the opportunity to elect representatives of their choice I shall only make suggestions as to the reapportionment of predominantly black districts of St Louis County. I suggest that they be reconfigured in the following order:

#### District 66

District 66, with is 83% black, currently includes residents from both the city and county of St Louis. Under its current configuration, it is short 3,201 residents from the 37,760 average number of residents targeted for each district. If it is drawn with 36,627 persons, instead, it would need only 2,068 people. With the loss of population in the city of St Louis, about 3,875 the city residents in District 66 will have to be removed from the district since they will be needed by a city representative. That then will increase the number of persons that must be added to District 66 to 5,943 in order to bring it into proper balance after reapportionment. It appears that the best district from which to get residents to add to District 66 is District 67, and that they should be taken from the area between Redman Road, Bellefontaine Rd, Parker Rd, and Lusher Rd.

### District 67

District 67, which is 77.3% black, has a population of 37,222, which is well within the allowable deviation from the target of 37,760, will be decreased upon removal of 5,943 residents and placing them

in District 66. It is suggested that those 5,943 persons be taken from District 69, which is 42% black, and added to District 67.

#### District 75

Under District 75's current configuration, it is 89% black, and short 4,504 residents from the 37,760 average number of residents targeted for each district. If it is drawn with 36,627 persons, instead, it would need only 3,371 people. It appears that the most practical and feasible district from which to get residents to add to District 75 is District 68.

### District 68

Under District 68's current configuration, it is 51% black, and short only 774 residents from the 37,760 average number of residents targeted for each district. However, there will be a need to take 4,504 residents out of District 68 and add them to District 75. If thereafter District 68 it is drawn with 36,627 persons, it would need 3,012 people. It appears that the best district from which to get residents to add to District 68 is District 69, since as noted above it is 42% black.

#### District 73

Under District 73's current configuration, it is short 4,062 residents from the 37,760 average number of residents targeted for each district. If it is drawn with 36,627 persons, instead, it would need only 2,929 people. It appears that the best district from which to get residents to add to District 73 is District 72, which is 21% black.

# District 74

Under District 74's current configuration, it is 61% black, and short 3,878 residents from the 37,760 average number of residents targeted for each district. If it is drawn with 36,627 persons, instead, it would need only 2,745 people. It appears that the best district from which to get residents to add to District 74 is District 69 in that it is 42% black.



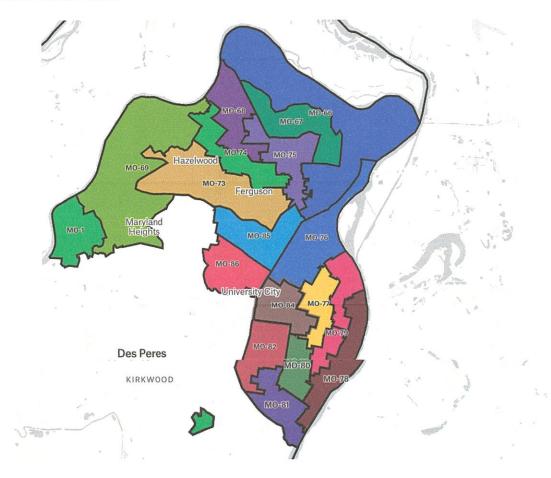
# **District 85**

Under District 85's current configuration, it is 60% black, and short 3,579 residents from the 37,760 average number of residents targeted for each district. If it is drawn with 36,627 persons, instead, it would need only 2,445 people. It appears that the best district from which to get residents to add to District 85 is District 72, which is 21% black.

# District 86

Under District 86's current configuration, it is 56% black, and short 2,803 residents from the 37,760 average number of residents targeted for each district. If it is drawn with 36,627 persons, instead, it would need only 1,670 people. It appears that the best district from which to get residents to add to District 86 is District 71, which is 17% black.

# PROPOSED MAP



# Analysis -Proposed Map- State House District Population by Race

				Cu	rrent M	[ap				
District No	Population	White	Black	Native	Asian	Pacific	Other	Bi- Racial	Latino	Total Non- White
66	34,559	12%	83%	0%	0%	0%	1%	3%	1%	88%
67	37,222	17%	77%	0%	1%	0%	1%	4%	1%	83%
68	36,986	40%	51%	0%	1%	0%	1%	6%	3%	60%
69	36,781	48%	42%	0%	2%	0%	2%	7%	4%	53%
73	33,698	27%	61%	0%	1%	0%	4%	6%	6%	74%
74	33,882	23%	71%	0%	0%	0%	1%	4%	2%	78%
75	33,256	7%	89%	0%	0%	0%	1%	3%	2%	93%
76	27,752	2%	94%	0%	0%	0%	1%	3%	1%	98%
77	35,208	35%	50%	0%	9%	0%	2%	5%	3%	66%
78	38,379	34%	55%	0%	2%	0%	3%	6%	6%	67%
79	36,338	37%	53%	0%	3%	0%	2%	5%	3%	64%
80	36,097	60%	23%	0%	6%	0%	3%	7%	7%	41%
81	36,389	47%	33%	1%	4%	0%	6%	9%	10%	55%
82	36,256	79%	9%	0%	2%	0%	2%	7%	5%	22%
84	33,457	35%	52%	0%	6%	0%	2%	6%	4%	66%
85	34,181	28%	60%	0%	2%	0%	4%	6%	6%	73%
86	34,957	32%	56%	0%	4%	0%	2%	5%	4%	69%
		•	· · · · · · · · · · · · · · · · · · ·	Pro	posed N	lap				
District No	Population	White	Black	Native	Asian	Pacific	Other	Bi- Racial	Latino	Total Non- White
66	36,953	16%	81%	1%	1%	0%	?	?	1%	84%
67	36,143	14%	82%	1%	1%	0%	?	?	2%	86%
68	37,299	42%	52%	2%	2%	0%	?	?	3%	59%
69	38,169	61%	19%	2%	13%	0%	?	?	4%	38%
73	36,258	25%	68%	2%	1%	0%	?	?	4%	75%
74	37,787	39%	54%	2%	2%	0%	?	?	3%	61%
75	37,395	14%	83%	1%	1%	0%	?	?	2%	87%
76	36,507	3%	96%	1%	0%	0%	?	?	1%	98%
77	36,731	26%	65%	1%	6%	0%	?	?	3%	75%
78	38,868	33%	55%	2%	3%	0%	?	?	8%	68%
79	36,580	35%	56%	2%	3%	0%	?	?	5%	66%
80	38,073	51%	29%	2%	8%	0%	?	?	10%	49%
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5%

4%

5%

3%

5%

26%

20%

60%

88%

84%

81

82

84

85

86

38,176

38,775

37,868

38,514

37,204

72%

80%

39%

14%

34%

15%

9%

43%

81%

55%



# **Analysis Proposed Map - Political Party Performance**

District No	Vote for Dem. President 2020	Vote for Rep. President 2020	Vote for Other President 2020
66	85%	14%	1%
67	86%	13%	1%
68	70%	28%	2%
69	60%	38%	2%
73	78%	20%	1%
74	70%	28%	2%
75	89%	10%	1%
76	95%	4%	1%
77	91%	8%	1%
78	84%	14%	2%
79	88%	10%	2%
80	83%	16%	2%
81	68%	29%	2%
82	71%	27%	2%
84	89%	10%	1%
85	88%	10%	2%
86	86%	13%	1%

# RACIAL EFFECT

I am attaching a statistical analysis based on race of the residents of each district that indicates that the changes set forth above for the Districts situated in St Louis City and County will comply with

the US Voting Rights Act, the US Constitution, and the Missouri Constitution.

### RACIALLY DISCRIMINATORY REAPPORTIONMENT

During this reapportionment process, District boundaries may be drawn in such a manner as to either minimize or maximize the number of Districts with a black voting majority and thus, in that voting tends to be polarized along racial lines, minimize or maximize the number of black persons who might be elected as members of the Missouri Senate. Historically, the reapportionment process, in many parts of the country, have often been under the control of an anti-black racially discriminatory majority; and, unfortunately, such racially discriminatory governmental bodies which are responsible for reapportioning the legislative branches and Districts have historically used the reapportionment process to minimize black voting strength and thus to minimize the number of black persons elected to office. In response to that tendency, the U.S. Constitution, the US Voting Rights Act, the federal courts, and now the Missouri Constitution provides guidelines for protection of "minority" voting rights.

# **VOTE DILUTION**

An article titled, "Minority Vote Dilution", includes an essay by Frank R. Parker in which he discusses racial gerrymandering in legislative reapportionment. He discussed several methods used during reapportionment to dilute the minority vote.

# SIXTY-FIVE PERCENT (65%) RULE

One of the concepts discussed by Parker in his essay is the 65% rule. Equalopportunity in the electoral process means that black voters are entitled to have an equal chance to elect African Americans to office to that of white citizens.

Ordinarily, equality would mean that Districts should be drawn that are at least50% black, wherever possible. However, analysis of census data reveals that the black population as a whole is about 5% younger than the white population.



Therefore, the black voting age population in a District will generally be 5% less than the white voting age population, given 50% parity of the races. Also, due tolower socio-economic characteristics, black people of voting age tend to be registered at a rate which is 5% lower than the voter registration rates of white voters; and furthermore, black registered voters tend to turnout to vote at approximately a 5% lower rate than white registered voters. Thus, to create a District in which the black voting strength is equal to that of white voters, the black population in a District must be adjusted upward by 15%. A District then must be 65% (50% plus 15%) black in order for the black voters to have an equal opportunity to elect a representative of their choice.

#### CRACKING AND PACKING

Another issue discussed by Parker were the practices of "cracking" and "packing" as vote dilution devices. As indicated above, a black majority of at least 65% in a District is necessary for black voters to elect a representative of their choice. However, a District with greater than a 65% majority is not required.

Therefore, it has been found that discriminatory reapportionment authorities will employvariants of one of two basic tactics in order to minimize black voting strength:

- (1) Cracking -- this is when District lines are drawn so that an area of concentrated minority population, which could constitute one or more majority blackDistricts, is divided among several predominantly white Districts, to assure that no black person can be elected in any of those Districts;<sup>4</sup> or
- (2) Packing -- this is when District lines are drawn so that an area of concentrated minority population, which could constitute two or more majority blackDistricts, is packed into a single majority black District, to assure that no more than one black person is elected to office.

<sup>&</sup>lt;sup>4</sup>There are six black State Representatives from the Jackson County-Kansas City area; however, only three of their districts have majority black populations, Districts 22, 26 and 27. Districts 23, 28 and 36 are majority white but with a substantial number of black constituents. It appears then that the black community in Kansas City was cracked when they drew the map based on the 2010 census.

The packing and cracking devices take variant forms with the same objective, to minimize the number of black representatives elected to office. Thus, we find discussed in U.S. Justice department documents various situations which the justice department believes is indicative of vote dilution.

### **VOTE DILUTION DEVICES**

John Dunne, Assistant U.S. Attorney General for Civil Rights, authored severalunpublished papers on this subject, and delivered speeches on the issue before various groups on the question of "reapportionment." U.S. Justice Department Regulations, 28 CFR 51, serves as the basis of his paper. Dunne sets forth the following as a list of reapportionment practices which are deemed to be vote dilution devices:

- 1. Altering District boundaries so as to put a black incumbent in the sameDistrict with a white incumbent where that white incumbent has advantages in campaign funds or a white voting majority,
- 2. Altering District boundaries so as to match a black incumbent in the same District as fellow black incumbent, while creating open Districts, in which no incumbent resides, with a white majority population, in order to assure that black incumbent legislators will not be re-elected and will instead be replaced by white legislators,
- 3. Altering District boundaries so as to carve up the constituency of a blackincumbent so as to prevent said constituency from re-electing said incumbent to office,
- 4. Reducing the percent of black voters in a District where the black votershave previously been able to elect candidates of their choice by only a very slim margin,
- 5. Maintaining the re-election chances of white incumbents by preserving the old District lines of such white incumbents to the greatest extent possible to prevent black voters from electing representatives of their choice,



- 6. Altering District boundaries to increase the number of white voters, in previously marginal or competitive Districts where, black voters were almost, but notquite, able to elect a preferred candidate,
- 7. Creating open Districts, where there is no incumbent, by drawing the boundaries of the District so that the black group will constitute an electoral minority,
- 8. Arbitrarily, capriciously, and discriminatively deviating from the reapportionment criteria that the commissioners claim they used in drawing the boundary lines, for example, crossing county or city boundary lines to pick up voters to create a white majority District while refusing to do so to create a black majority District,
- 9. Excluding black persons from the process of drawing the plan, or merely paying "lip service" to them by soliciting, but then ignoring, the black voter's input and then providing arbitrary, capricious, or discriminatory rationale for rejecting the black voter's reapportionment proposal.

### DISCRIMINATORY EFFECT

The result of cracking and packing of black voters is to deny black voters theopportunity to elect representatives of their choice in proportion to their numbers of the population as a whole.

### 14th AMENDMENT

The Fourteenth Amendment to the U.S. Constitution has been held to requirepopulations as nearly equal to each other as is possible in legislative Districts.

Therefore, on failure of the state or local legislative body, board, or commission, which has responsibility to adopt a reapportionment plan, a citizen can go into court and request the court to either order the legislative body, board, or commission to redraw the boundary lines, or on failure to do so, the court itself can redraw said lines to provide that each District has a population as nearly equal to each other District as is practical.

### 15th AMENDMENT

In addition, however, the court has found that in reapportioning said Districts, the reapportioning authority has to consider the effects of the Fifteenth Amendment and those statutory provisions passed by the U.S. Congress to enforce Amendment Fifteen. The 15th Amendment to the U.S. Constitution provides:

"The right of the citizens of the United states to vote shall not be denied or abridged by the United States or by any state on account of race, color or previous condition of servitude."

### **VOTING RIGHTS ACT**

The United State Supreme court has established the principle that practices which dilute the right to vote should be treated like practices which deny the right to vote altogether; and thus, any reapportionment plan which results in the cracking or packing of concentrations of black voters in such a manner as to deny the minority group its right to elect representatives of its choice is a violation of the U.S. Voting Rights Act. The courts have said then that the reapportioning authority's obligation is to draft a plan with Districts containing populations as nearly equal to each other asis practical, without diluting minority voting strength.

### STATUTORY PROVISIONS

Title 42 of the United States Code, Section 1971(a)(1), provides that anyone who is otherwise qualified to vote under state law is entitled to vote "without distinction of race, color or previous condition of servitude." Section 1971(b) of title 42 provides that it is illegal for officials or private citizens to interfere with a person's right to vote in any general or primary election. And Section 2 of the U.S. VotingRights Act of 1965, as amended in 1982, provides:

"(a) No voting qualification or prerequisite to voting or standard, practice, orprocedure shall be imposed or applied by any State or political subdivision in a manner which results in the denial or

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abridgment of the right of any citizen of the United States to vote on account of race or color,

(b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: Provided, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population."

### PROOF OF DISCRIMINATORY EFFECT

In a reapportionment court case, in order to prove a violation of the VotingRights Act, the plaintiffs must present evidence to the court of the following:

- 1. That African Americans are located in an area that is geographically compact and contains sufficient numbers of black Americans such that single member Districts with a black majority can be drawn.
- 2. That the number of Districts with black majorities actually drawn, by thereapportionment commission, is less than the maximum number of black majorityDistricts that could have been drawn.
- 3. That black voters are politically cohesive in the Districts being drawn, thatis, they tend to vote as a bloc, casting most of their votes for the same candidates foroffices.
- 4. That whites vote as a bloc, casting their ballots in such concentrations suchthat the candidates of choice for the black community are usually defeated.

### OTHER PROTECTED MINORITIES

The above principles apply to Hispanic and Native American populations as well.

# PARTISAN REAPPORTIONMENT

Similarly, historically, that same process has also been employed to minimize a particular political party's voting strength, within a district, and thus to minimize the number of legislators affiliated with a particular political party being elected to office in the legislative body as a whole. So far, no court has voided a reapportionment plan based on partisan gerrymandering of districts.

# CONCLUSION

In closing, I want to thank you for the opportunity to give testimony to this Honorable Commission. It is my hope and, if I may be so bold to say, the hopes of the African American citizens and voters of the State of Missouri, and specifically the City and County of St Louis, as well as Kansas City, that this Honorable Commission in considering District Reapportionment will keep the above principles in mind when drafting a plan for reapportionment of the Representative Districts in the state.



# WITNESS APPEARANCE FORM

October 21, 2021

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Individual: if testifying only on behalf of yourself, please complete	this section.		
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My name is Carole Bannes. I am 77 years old and I have lived and voted in St Charles County for the past 15 years. I do not have a "proposed map" for Missouri's State House Districts, but I do have some suggestions that I would like you to consider while drawing the districts that will serve our state for the next 10 years.

I want to state—unequivocally—that as a state, Missouri is in deep trouble. Our population is stagnant, our economic growth is pathetic, many of our people are hurting physically, emotionally, and economically. I have prepared a series of color-coded maps indicating various trends in each county in the state. They basically follow the "traffic light rule," that shades of green are the top level, yellow is the middle level, and shades of red are the bottom level. The US Census for 2010 and 2020, freely available online, served as the source of all statistics and numbers.

# [SLIDE 1] - POPULATION CHANGE

Between 2010 and 2020, Missouri's population grew by a paltry 2.77%. As shown on this map, nearly all of that growth has been in urban and suburban areas (shown in shades of green). Our border counties, which are mostly rural, have suffered greatly—with most losing population. Two counties, Ripley and Oregon, have lost more than 20% of their population! Fourteen counties have lost between 10% and 20%. When only  $\frac{1}{4}$  of a state's counties are growing at all,  $\frac{3}{4}$  of them are either stagnating or in deep trouble. We need representatives in those districts who will try to improve population growth, increase employment and education opportunities, and improve the living standards of those Missouri citizens.

# [SLIDE 2] - PER CAPITA INCOME

Missouri's median per capita income is \$30,810. Now that doesn't mean the average! The counties you see in shades of green here are at 90% or higher of the state's median. Yellow counties are between 80%-89% of state median, with their per capita being between \$24,600-\$27,700). Pink and Red counties range from \$17,300-\$27,700. Again, I want to draw your attention to the location of these colors. The bottom third are not in metropolitan areas, and they need help!

# [SLIDE 3] - POVERTY

As a state, Missouri has nearly 13% of its residents living in poverty. Again using the "traffic light" colors, this map shows which counties have lower rates of poverty (Green), which fall within the state average range (Yellow) and which counties have a higher percentage of residents living in poverty (Red). Again, I ask that you pay particular attention to the "blocks of red" and where they're located. You should also note that St Louis City, which falls in the "green" range for per capita income, falls in the "red" range when it comes to people in poverty—showing the great income disparity in the city.

# [SLIDE 4] - RACIAL DIVERSITY

It may surprise you to learn that Missouri is not, by and large, a racially diverse state. (Wait for laughter.) State-wide, nearly 80% of the population classify themselves "white alone." Of the other Census racial classifications, we are about 12% Black, 4% Latino, and 5% Asian, Native American, or of mixed race. This map shows that in the majority of our counties (Blue) more than 90% of the population consider themselves "white only." 31 counties (Yellow) are 75%-90% "white only," and only 5 counties (Magenta)

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are racially diverse, with 40%-75% of the residents considering themselves "white only." Note that the outlier on this map is Pulaski County, in the middle of the state, which just happens to have a large prison population—who can't vote.

The Missouri Constitution, as it stands today, gives you wide leeway when considering who to include in population count for House Districts. I am encouraging you to consider the following guidelines:

- Please INCLUDE every age group counted in the census. Under the current guidelines, you are
  allowed to "discount" people under the age of 18. I am encouraging you NOT to do that.
  Remember that the districts you draw will be in effect for 10 years, and more than two-thirds of
  those children will be ages 18-28 before there are new districts drawn. They are also, even though
  they can't yet vote, heavily affected by legislation, taxation, and social services.
- Please EXCLUDE prison populations. These are people who, by and large, are not Missouri
  citizens. None of them can vote now, and most will never be able to vote in the future. Although the
  census does not "break out" prison populations in counties, they can and do make that information
  available to the state. It can also be obtained from the Missouri Department of Corrections.
- When you're drawing lines, please don't pay much attention to election results and registered voters. You really shouldn't care who wins or loses a particular census block. You're representing the people, not the politicians. Should you try to keep neighborhoods together? Absolutely, because they tend to have common interests. But when any one party is assured of winning any given district, that representative tends be less responsive to his or her constituency...because they don't have to. Missouri's people feel ignored by elected officials who seldom, if ever, make themselves available in public meetings where residents can express their concerns and needs, as well as their opinions on legislation. Instead, these officials spend their time fund-raising for the next election. They meet with lobbyists and big donors, not with the "common folk." Just about the only time "average Joe or Josephine" hears from their Senator or Representative is during the few months before an election—when their mailboxes get stuffed and their airwaves inundated with propaganda telling them how absolutely terrible the opposition is.

Although this lies beyond the scope of your assignment, as a final consideration, I want to suggest that this state has WAY too many state House districts at 163. The average population per Representative in Missouri is about 38,000 people; the national average is about 60,000. Many of our representatives are elected from districts where fewer than 10,000 total votes are cast, and in the 2020 election, more than half of the districts had only one major party candidate. It's very difficult to make a small district competitive. Fewer, but larger, districts would make each representative more responsive and responsible to his or her constituents. Not to mention that we have extremely overcrowded House office spaces, and that lowering the number of districts to about 100 would save the state a minimum of \$2 million a year! I sincerely hope that some of the "activists" in this room take up this mantle and run with it to the electorate!

In closing, I want to acknowledge that you have been entrusted with a great responsibility. You can help determine whether Missouri goes forward into a successful future or remains stuck in the middle of the country and in the bottom quartile of too many statistics. I encourage you to work together to arrive at a solution that is more beneficial to Missouri's residents than to Missouri's politicians. Thank you for your service, and thank you for the opportunity to speak today.





# WITNESS APPEARANCE FORM

October 21, 2021

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October 21, 2021

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Margo McNeil		314-5	10-7677
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# Testimony to the House Redistricting Committee, Submitted by Margo McNeil, Thursday, October 21, 10am:

Good morning and thank you for the opportunity of presenting thoughts on redistricting in the State of Missouri.

My name is Margo McNeil. I live in the City of Hazelwood, in Northwest Township, in Hazelwood School District and in the North part of St Louis County. I am a proud North Countian who has lived in the area for 44 years. I love my community and I love its people. We work and play together well because we care about our community. We have unique needs and deserve adequate representation in the Missouri House of Representatives.

Currently, I serve on the Hazelwood School Board. Hazelwood School District (HSD) is the second largest school district in St Louis County and educates approximately 17,500 students. Hazelwood School District is a majority minority district which includes a majority of African American students as well as Caucasian students and students from 40 different countries. The boundaries of the school district contain parts of eight state representative and two state senate districts. We have four unique cities within our boundaries – Florissant, Hazelwood, Ferguson and Blackjack. This school district ties the region together and helps our children, our parents and our communities to flourish. The majority of the families struggle economically and many of our children qualify for Free and reduced lunches. Our families have challenges but they are determined and their children are successful.

In the drawing of the 2011 maps, a State Representative District from North St Louis County area and from the Hazelwood School District (HD80) was eliminated. That was HD 80. That was a blow to our area. In 2021, the state of Missouri gained population as did St Louis County where Hazelwood School District resides. Unfortunately, several North County State Rep districts again lost population, as did southeast and northeast & northwest Missouri. We recognize that State Representative and Senate district boundaries in North County may need to change some, however, it should not warrant the elimination of an entire district in the North County area, as happened in 2012.

So, In drawing the maps, please consider these suggestions:

- 1. Keep our cities whole and refrain from dividing them when possible.
- Start your map drawing process in North St Louis County and move straight south redrawing districts as you go. Since the population in the Southern parts of St Louis County increased, much of the shifting of boundaries will equalize as one gets to South County.
- 3. Whenever possible, make districts competitive. The residents of Competitive districts usually are able to choose between Representatives and hear from the candidates running more often, better learning the positions of those running. Elected officials will likely be more responsive to constituents in competitive districts. Therefore, look for those opportunities to make these districts more competitive.
- 4. Lastly, Count everyone!!. Children from 8 to 18 make up approximately 13% of the population and all in that age group will be voting before the 2031 maps go into effect. The fact is: Every person is a potential voter so, every person should count in determining the boundaries of the district.





# WITNESS APPEARANCE FORM

October 21, 2021

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# 2021 House Independent Bipartisan Citizens Commission

# WITNESS APPEARANCE FORM

October 21, 2021

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Business/Organization Name:  Jewish Community Relations Cov	100	Phone No	umber -3872
Home Address	ICH	01	110 00/2
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# Jewish Community Relations Council of St. Louis

My name is Cheryl Adelstein, and I am the Deputy Director of the Jewish Community Relations Council of St. Louis.

Guided by Jewish values, the JCRC advocates, educates, collaborates and mobilizes action on issues important to the Jewish community, which numbers 60,000 strong in St. Louis. We are committed to pursuing religious tolerance, civic discourse and social justice in St. Louis and beyond.

One important law Jewish law states, "Whoever destroys a soul, it is considered as if he destroyed an entire world. And whoever saves a life, it is considered as if he saved an entire world. (Mishnah Sanhedrin 4:9; Babylonian Talmud Tractate Sanhedrin 37a.)

What does that have to do with redistricting? Equity in redistricting is important for many reasons, and does in fact have the ability to save a life.

Let me explain. When we draw maps, we determine how we will be represented and how funds for schools, hospitals, and other essential services will be allocated. New maps will impact how resources are allocated for the next decade. The resources that come back to our communities depend on our representation in Jefferson City. If communities are underrepresented, access to healthcare can lag, food deserts occur, public health can suffer through pandemics such as Covid and gun violence. People can and do die.

No matter our skin color, ZIP code or religion, we want a transparent redistricting process we can trust, where communities remain whole and where voters have an equal voice.

Throughout Jewish history, broad communal participation in civic life has been of core importance. Rabbi Yitzchak taught that "a ruler is not to be appointed unless the community is first consulted" (Babylonian Talmud, B'rachot 55a). In Deuteronomy, we see the engagement of all the people, with their diverse backgrounds, positions, and genders, in the life of the community. It reads, "You stand this day, all of you, before the Eternal your God, you tribal heads, you elders, and you officials, all the men of Israel, you children, you women, even the stranger within your camp, from woodchopper to water drawer to enter into the covenant of the Eternal your God." (Deuteronomy 29:9-11)



Our modern-day Jewish responsibility to support the engagement of all people in the life and well-being of our community is no less significant.

Everyone must count in our maps. Missouri has counted everyone in state legislative maps since the 1800s because counting everyone is a core component of fair redistricting. Using anything other than total population as the population base for maps would be discriminatory, wrong, illegal and from my point of view, also immoral.

Our tradition teaches us that the process of choosing leaders is not a privilege but a collective responsibility. It is our duty to ensure that all eligible citizens are afforded the opportunity to vote and have their votes counted. We believe that voters pick our leaders, our leaders do not pick their voters.

I don't come here to ask for a mapping change to represent the St. Louis Jewish community. Our population is scattered throughout the region from St. Louis City, to the central corridor, to far west St. Louis County and out to St. Charles County and beyond. No district would give us a voice, nor should it. Districts should not be drawn that way.

I come here to voice the words of Rabbi Hillel, the prominent first century Jewish sage, who famously said, "If I am not for myself, who will be for me? If I am only for myself, what am !? And if not now, when?"

Now is the time to stand up against gerrymandering. District lines should be drawn to empower communities, encourage competition, and produce an overall outcome that reflects our great, diverse, and ever-changing state.

Thank you for this opportunity to have our voice heard.

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# 2021 House Independent Bipartisan Citizens Commission

# WITNESS APPEARANCE FORM

October 21, 2021

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Individual: if testifying only on behalf of yourself, please complete	this section.	
Witness Name Leroy John Judd		Phone Number 314-852-1700
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St. Louis	State M	Zip.Code   63/28
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## 2021 House Independent Bipartisan Citizens Commission

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October 21, 2021

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		314-355-7152
Nancy Thompson Home Address		211-232-1132
Home Address 26 18 Margarette Ave.  City  St Louis		
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## 2021 House Independent Bipartisan Citizens Commission

## WITNESS APPEARANCE FORM

October 21, 2021

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# TESTIMONY FOR HOUSE REDISTRICTING COMMISSION HEARING OCT. 21, 2021 Submitted by Jean Dugan

Good morning. I'm Jean Dugan, Executive Director of the League of Women Voters of Missouri. The League is a nonpartisan grassroots organization founded in 1919 to educate and empower voters. I appreciate this opportunity to share input on your work to draw new House districts maps.

As League members testified in hearings in Springfield and Kansas City, we believe both legislative redistricting commissions must use total population data from the 2020 Census. League members want fair maps that include all of us.

The 2020 Census shows 1.38 million minors in Missouri, which is 22.4 percent of the state's population. The Supreme Court in Evenwel v. Abbott reaffirmed that the interests of all people living in the United States should hold equal weight and yield comparable influence in the democratic process. Legislators are elected to serve all residents, not just those eligible to vote.

This summer, I used Districtr mapping software to draw more than a dozen communities of interest in the St. Louis Metro area. I was impressed by this tool and the demographic data available.

Please look at the maps that academics at Washington University and Tufts develop using input from residents across the state. Those maps will meet all the required criteria and likely still show an advantage for Republicans in most districts, but I believe they will be more fair than current maps using the efficiency gap and other metrics.

I found some odd lines in several current district maps that I believe were drawn to create safe seats either to keep a specific officeholder in the district he or she preferred or to leave out a possible challenger. Drawing maps based on the address of individuals who are serving or might want to run takes power away from voters. Current law limits legislative terms to eight years, but new district maps will be in place for 10 years.

I also found that many current House district lines don't follow other political boundaries. The Republican Director for the St. Louis County Board of Elections Rick Stream has pointed out that dozens of different ballots are needed at some of the 1,260 precincts. That makes it challenging for any election official to make sure a voter gets the correct ballot. I encourage you to work to prioritize keeping communities together and not divided. That means paying attention to existing boundaries for school districts, fire districts, city wards and county council districts.



On a personal note, I served six years on the board for the Webster Groves School District. Most district families are in House District 91, but I live in a western sliver of the city that was put in House District 90 along with residents of Glendale and Kirkwood. The current lines encourage the District 90 representative to prioritize the needs of the larger Kirkwood community over the few constituents who live in Webster Groves.

My handout has a star showing where my husband and I live and raised our two sons. The western border of the census block matches the line for the Webster Groves School District, so that would have been a better choice for the legislative district line.

Fair maps can and should be drawn based on common interests and not partisan politics. As you draw maps that will impact Missouri government for the next 10 years, please use a transparent process that allows ample time for analysis and public comment.

Thank you.



The orange star shows where I live in Webster Groves. It's hard to tell why these district lines were drawn this way. Census blocks shown in blue don't cross into the Kirkwood School District.



Jean Dugan handout for House Redistricting Commissioners



# 2021 House Independent Bipartisan Citizens Commission WITNESS APPEARANCE FORM

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My Personal Story re voting

First, thank you for holding public hearings throughout our state.

When I was a child, my dad took me to help him vote in a booth behind a curtain. I couldn't wait to vote myself.

Fast forward many years: I was elected to University City's City Council where in public hearings I listened to individuals explain what they wanted the Council to approve. Sometimes their messages helped me to modify my previously thought -out position.

Fast forward again: my husband and I moved into a senior community called Laclede Groves where approximately 400 people reside in independent living. To help us decide to move here, the pr person had pointed out that we could vote right here in their auditorium. Then this changed. I next got signatures from 200 residents to sign a petition to bring back our voting in our building. This was refused despite all of my efforts to refute. them.

Next I helped residents to understand the voting propositions plus used my approved ability to change their addresses to Laclede Groves if they had just moved in.

Loving our country and having taught about American politics, I on my own, encouraged people living in various parts of St. Louis County to vote for an excellent candidate for the U.S. House in 2 different elections. Due to partisan gerrymandering, neither could win their elections because many citizens were

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minorities or known as part of the opposite party from the incumbent, so the gerrymandered districts excluded them.

Fast forward one more time: as you know seniors are living longer and longer, so I see many residents now with wheelchairs, walkers, or canes. During the beginning of Covid 19, we all could vote easily by mail.

Then that process got harder, maybe to get some of us NOT to vote.

In conclusion, I encourage you to listen to people here wanting to have you draw districts reflecting fairness, competitiveness, plus with districts as equal in population as practicable, NOT just keep reelecting incumbents. Help us to protect our democracy where all citizens have the ability to vote fairly. Thank you.

From Stefany Brot (sbrotward1@gmail.com)



#### 2021 House Independent Bipartisan Citizens Commission

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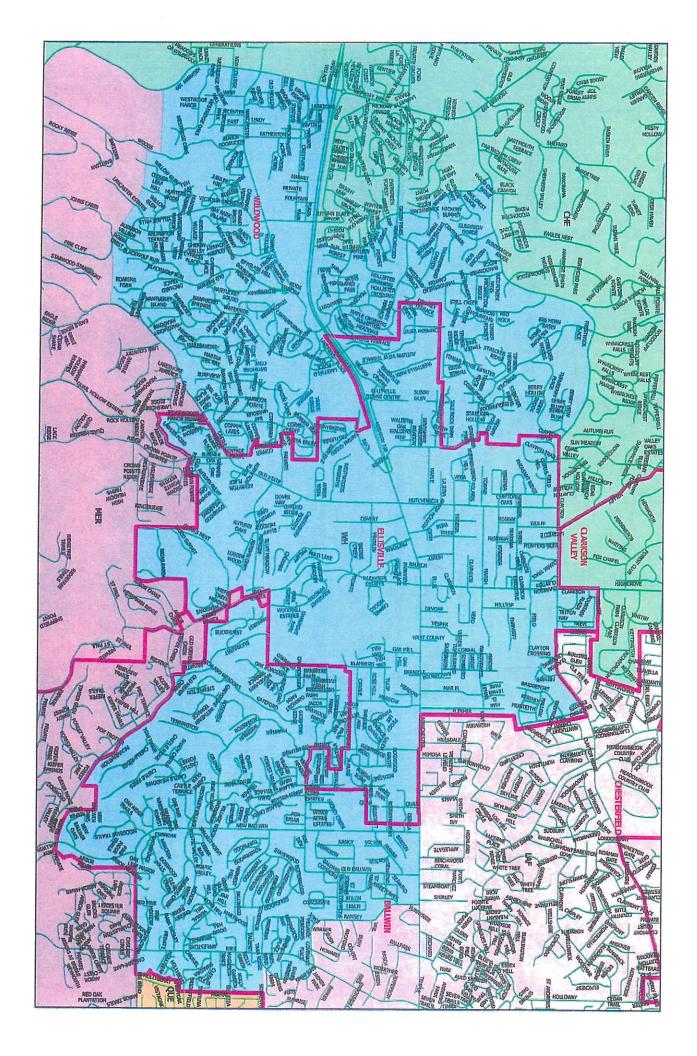




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#### 2021 House Independent Bipartisan Citizens Commission

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#### 2021 House Independent Bipartisan Citizens Commission

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#### Sierra Club Testimony - Spoken

My name is Ashton Kuehnel and I have been living in St. Louis City for the past six years. Today, I will be providing testimony on behalf of the Missouri Chapter of the Sierra Club. First, I want to thank each member of the commission for dedicating their time to travel across the state and listen to the residents of Missouri and for your important work on this team.

The Sierra Club, Missouri Chapter has 30,000 dues paying members and supporters across the state of Missouri. Our mission is to explore, enjoy, and protect the environment. Protecting our democracy is a vital part of that mission. The Missouri Sierra Club believes all Missourians deserve fair governance and the opportunity to advocate for their community. We need to have a democracy that works for all to ensure a thriving society where elected leaders make decisions that directly impacts the lives of the communities they represent. One pillar of a fair democracy is a fair, transparent and representative redistricting process and voting maps that empower our communities.

The first part of this, a fair and transparent process, requires public oversight and input. We urge the commission to hold more hearings in addition to these and the three in November. This will allow for more working Missourians, our rural communities', and young Missourians to be able to be involved in this crucial process. Additionally, this committee needs clear and transparent guidelines on how they will utilize public input into the decision-making process. Similar to what Commissioner Shang reccommend.

As a grassroots organizer, I talk to Missourians every day about the wants and needs of their communities. Specifically working at an environmental advocacy organization, I discuss environmental justice issues and the impacts of the climate crisis such as flooding, poor air quality, illegal dumping, and pollution. In the St. Louis region these issues are so pervasive and time and time again, I have noticed it is young people like me and people of color most concerned about these issues. My generation and the younger generations understand that we are facing a climate crisis and OUR GENERATIONS and our children are going to be the ones to face the consequences. ~ 27%

Although many may not be able to vote already, young people make up nearly a quarter of this state's population and will be driving many of the needed changes in this state to meet the economic, public health, and climate crises we are facing. Notions of not using total population when creating these maps are discriminatory, radical, and in a historical context, racist. Children also require resources - many of which are determined by the maps we are currently making -- and they deserve representation as much as adults...

Corporate donors, like those in the fossil fuel industry in Missouri, want gerrymandered lagge d districts to retain their power in our state government. Missouri is the 2nd most coal reliant state in the country and we are very far behind on the needed infrastructure



changes to meet this moment. Gerrymandered districts have enabled radical anti-environmental bills session after session, even though Missourians have consistently voted for and polled in favor of policies that are pro-clean energy, clean water & air, and accessible parks.

For example, the Missouri state park system, which attracts more than 18 million visitors annually to its state parks and historic sites, has a positive economic impact on the state and local communities. During the height of the pandemic, we saw droves of people traveling to our public parks to get fresh air and remain active. The Parks, Soil & Water Tax, which funds our parks,was last approved by Missouri voters by nearly 80%. Yet, every single year for the last four years we have had legislators try to sell our public lands to the highest bidder.

The Yale Climate Opinions Survey found that 69% of Missouri residents believe global warming will impact future generations. Another 72% of Missourians believe that we need to regulate CO2 as a pollutant. However, again we see politicians, on both sides of the aisle might I add, continuously receive LARGE donations from polluters such as Ameren and Spire then do their dirty work in Jefferson City. We see bills that attack clean energy proposals to the argument of "public domain" but other corporations are able to develop nearly wherever they want. There is CLEAR a divide between Missouri's priorities and values and the policies coming out of Jefferson City due to gerrymandering.

The Sierra Club will be continuing to engage Missourians across the state to ensure that they participate in this important process. We will continue working with local communities' to highlight communities of interest that need to be considered when creating fair district maps.

We need to provide young Missourians the tools to succeed and to be active in our democracy, they must be counted in the redistricting process. On a personal note, I'm likely the youngest person here and the fact that the fate of youth representation is being discussed without even trying to engage feedback from people younger than 18 is very troubling. Folks under the age of 18 may not be able to vote yet but they are impacted by the decisions made every day in Jefferson City. And kids as young as 8 will be registered voters before the next redistricting process. To discount their numbers in maps is a severe injustice to our communities. I urge you to think of communities' of interest impacted by environmental issues and all Missourians, despite age, when redistricting. Thank you.



#### 2021 House Independent Bipartisan Citizens Commission

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Witness Name  Tames Layton  Home Address  11054 Gareystone Estates Dr.  City  State  St. Louis  Business/Organization: if testifying on behalf of a business or organization, please cor		314-880-3600			
Home Address					
11054 Greystone Estates Dr.					
City	ate	Zip Code			
St. Louis	Mo	63146			
Business/Organization: if testifying on behalf of a business or organ	ization, please complete t	his section.			
Witness Name	Title				
Business/Organization Name:	Phone	Number			
Home Address					
City	ate	Zip Code			
Registered Lobbyist: if registered with the Missouri Ethics Commission	on and testifying on behal	f of a business,			
organization or government agency, please complete this section.					
Witness Name	Phone	Number			
Business, organization or government agency name as registered	d with the Ethics Comm	ission (Do not use			
acronyms).					
TECTINACNIV					
TESTIMONY					
Please briefly summarize the testimony to be presented.					
Do what it takes to prapprove a plan.					

INFORMATION PROVIDED IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

Leroy J. Judd 4769 Cactus Wren Ct. Saint Louis, MO 63128

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