

# Exhibit R

# ‘We’ve already done that’: Missouri lawmakers show little enthusiasm for new congressional maps

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Members of the Missouri House review a proposed Congressional map during redistricting debate on Jan. 18, 2022 (photo courtesy of Tim Bommel/Missouri House Communications).

As Texas embarks on a [special legislative session](#) that includes revising that state's congressional districts to help Republicans, President Donald Trump is reportedly asking for Missouri to do the same.

The reaction among legislative leaders, however, is decidedly negative.

Asked by text about a [report from Punchbowl News](#) on a new redistricting effort, state Senate President Pro Tem Cindy O'Laughlin responded with a horror emoji.

"I know this is a topic being talked about in Washington," she added, "but no one has asked us to do anything about redistricting."

Punchbowl reported that U.S. Rep. Bob Onder of Lake St. Louis was at the White House on Tuesday and came away convinced Trump's advisors want Missouri to act.

"The president's team is serious about it," Onder said to Punchbowl.

Missouri has eight seats in the U.S. House, six held by Republicans and two held by Democrats — the same total and partisan division it has had since a seat was lost after the 2010 census.

Missouri Senate Minority Leader Doug Beck of Affton said Democrats would fight any effort to change district lines that were just redrawn three years ago.

"This originated out of the White House," Beck said. "This is a blatant power grab by an administration desperate to deflect from their cover up of the Epstein files and other things going on."

"We've already done that. To do it again would be out of character with the way Missouri operates."

#### **– Chad Perkins, speaker pro tem of the Missouri House**

The 435 seats in the U.S. House are allotted to the states every 10 years based on census results. When Missouri receives its allotment, the state Constitution mandates that lawmakers [revise district lines](#).

The last time lines were redrawn between censuses was in the 1960s, following the 1964 U.S. [Supreme Court decision](#) that districts had to be drawn as closely as possible in population to preserve equal representation, known as the one person, one vote decision.

In 2022, when the current districts were drawn, Republican leaders in the Missouri Senate had to [resort to little-used maneuvers](#) to outwit opponents within their caucus who wanted to break up the 5th District and push the partisan split to 7-1. The 5th District, which includes Kansas City and sections of Jackson and Clay counties, has been Democratic for decades.

U.S. Rep. Emanuel Cleaver, who has held the seat since 2005, was re-elected in November with 60% of the vote.

Splitting those votes into adjacent districts, while bringing in enough Republican votes to carry the district, isn't as certain as it may seem to aid the GOP, said state Sen. Mike Cierpiot, a Republican from Lee's Summit.

"There's a lot of Democrats in Jackson County," Cierpiot said, "and if it's a map that they promote that, once again, puts two or three of our Republican seats in play in a bad year, I would have trouble supporting that."

## Political questions

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The 2022 fight over redistricting came during a four-year period where hard-right conservatives in the state Senate [fought almost daily](#) with GOP leadership and its backers. This year, Republicans finally forged a truce that helped make their supermajority, holding two-thirds of the seats, far more effective in moving priority legislation.

The fight over redistricting was colored as much by personalities as policy, said U.S. Rep. Eric Burlison, a Republican from Springfield who won the 7th District seat in 2022.

Then-state Sen. Bill Eigel of St. Charles, leader of the insurgents, couldn't convince anyone that a 7-1 map was possible and safe for Republicans because of his personal conflicts with the leadership, Burlison said in an interview on Thursday with The Independent.

"It was more about people's personalities than what were the facts," said Burlison, a state senator at the time. "What was achievable in that session was marked by that."

The conflict was so bad that Eigel and Cierpiot nearly came to blows during a lunch break. It wasn't the only moment where violence was possible, Burlison said.

"There were multiple moments where it almost came close," he said.

In the Missouri House, where it is easier for leadership to shut down debate and quash factionalism, a top Republican leader said there's no reason to revisit the current map.

"We do redistricting every 10 years," House Speaker Pro Tem Chad Perkins of Bowling Green said. "We've already done that. To do it again would be out of character with the way Missouri operates."

There may be some willingness to try a new redistricting effort. Cierpiot said he could support it if he is convinced Republicans would not lose seats in years favoring Democrats. But it could backfire, he said.

"Right now, in Missouri, we're in a Republican wonderland," Cierpiot said. "We've had decent years, and we haven't had an off year since probably 2008, but I'm old enough to remember those things do cycle through."

State Sen. Mary Elizabeth Coleman, a Republican from Arnold, enthusiastically backs the idea.

"We should have written a 7-1 map" in 2022, she said. "Our failure to do so almost cost the GOP the majority in Congress. I'm up for it."

It is encouraging, Beck said, that most Republican comments are opposed to the idea of redistricting again. But pressure could change that.

"I don't know how much they're gonna get pushed to change those views," he said. "I've watched these people say things before and then change their mind."

## **Constitutional issues**

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There are a lot of legal questions, involving both the federal and state constitutions, that will be played out in the courts in states that try to redraw lines set after the 2020 census, said Justin Levitt, a professor of law at Loyola Marymount University in Los Angeles.

Levitt, who monitors redistricting efforts nationwide and was deputy attorney general for civil rights at the end of President Barack Obama's administration, said a redistricting effort in Missouri would create legal issues over minority voter rights.

Both of Missouri's Democratic members of Congress, Cleaver and U.S. Rep. Wesley Bell of St. Louis, are Black.

To gain a seat, "you'd have to effectively target the minority communities of St. Louis and Kansas City," Levitt said.

It would also create problems because the stated goal is to increase Republican representation in Congress, he said.

"The Supreme Court has said with crystal clarity that excessive partisan gerrymandering is unconstitutional, that it is inconsistent with basic democratic principles," Levitt said. "It said that in the same breath that it also said that the federal courthouse doors are closed to adjudicating that claim, but just because the cops are not outside your door doesn't mean shoplifting is legal."

Missouri's constitution is silent on whether lawmakers have the power to redraw lines outside the 10-year cycle of the census. That silence, Levitt said, would have to be interpreted by the courts.

"Other states have construed that constitutional time in their own state constitutions to say, once every 10 years and no more frequently," he said.

## **Efforts elsewhere**

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With a 219-212 majority — four seats are vacant, including three previously held by Democrats — Republicans are worried that a small shift in voter sentiment could put them again in the minority.



Texas, with a 25-13 split in favor Republicans, is looking at possibly moving five seats to the Republican column, according to the Texas Tribune. It took a telephone call from Trump to Texas Gov. Gregg Abbott to get it on the special session agenda amid concerns that GOP voters [might be spread too thin](#).

In retaliation, California Gov. Gavin Newsome has threatened to redraw [that state's 52 districts](#), currently 43-9 in favor of Democrats, to counter the Texas move.

So did New Jersey Gov. Phil Murphy, who told reporters Monday that it's "too early" to make a definitive statement on the issue, the [New Jersey Globe reported](#), adding he would speak to other Democratic governors about redistricting.

With Missouri now involved, it is clear that Trump is looking everywhere he can for new GOP seats, Levitt said.

"They're casting a wide net," he said. "The president seems to be abundantly nervous, and it wouldn't surprise me that he is in desperation, looking wherever he can."

Congressional districts are already gerrymandered so the result isn't in question, Beck said. It is already hurting the country and redistricting between censuses makes it worse, he added.

U.S. Rep. Ann Wagner, who represents the 2nd District in eastern Missouri, received 54.5% of the vote in November and is the only member of Congress from either party in the state who did not win 60% or more of the vote.

"There's only a select few seats that are actually up for grabs ever. The other ones are safe," Beck said. "They've done this over time, and it's a shame. Now the politicians pick their voters, instead of the voters pick their politicians."

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