



ARKANSAS BOARD OF APPORTIONMENT

May 24, 2021 Meeting Minutes

The Arkansas Board of Apportionment convened on Monday, May 24, 2021, at the Old Supreme Court Room of the Arkansas State Capitol in Little Rock, Arkansas. Public notice of this meeting was provided to media on Friday, May 21, 2021 and posted on the Board's calendar of events at: <http://arkansasredistricting.org/events-calendar/>.

Arkansas PBS streamed the meeting on its ARCAN platform. A recording of the meeting can be accessed at the following link:

https://www.myarkansaspbs.org/arcan/events/archived_events_folder/arkansas_board_of_apportionment_meeting. A transcript of the meeting will be prepared by Cris Braswell, a court reporter with Bushman Court Reporting.

The Board's Chairman, Governor Asa Hutchinson called the meeting to order at 3:30 p.m. All three members of the Board were in attendance, which includes Attorney General Leslie Rutledge and Secretary of State John Thurston.

The following members of the public were also in attendance: Michael Thornton of Disability Rights Arkansas; Christian Adcock of Disability Rights Arkansas; Amy Thomlinson of Community of Champions; and Jacelyn Treadwell of Community of Champions.

Governor Asa Hutchinson kicked off the meeting by introducing the members of the Board, the Board's Court Reporter Cris Braswell, and acknowledged the members of the public who were in attendance.

Governor Hutchinson then explained that the Board of Apportionment is only tasked with drawing state legislative districts and noted that the Arkansas General Assembly will be drawing the State's congressional districts to the United States House of Representatives.

Governor Hutchinson noted the Board is awaiting redistricting data from the United States Census Bureau. Governor Hutchinson then explained the meeting agenda and introduced Mr. Shelby Johnson, the Director of the Arkansas Geographic Information Systems (GIS) Office, who would later give a presentation on the Board's work in the 2011 redistricting cycle and the State's preparations for the 2020 Census.

Governor Hutchinson presented two action items for the Board. First, Governor Hutchinson presented a letter from the Board to the Arkansas Supreme Court advising the Court of the delay of redistricting data, advising the Court of Arkansas Supreme Court precedent on this issue, and advise the Court of the timeline the Board anticipates for the redistricting of the Arkansas General Assembly. The letter advised the Court the Board intends to draw districts by December 31, 2021.

Governor Hutchinson then presented a letter from the Board to the Honorable Gina Raimondo, Secretary of the United States Department of Commerce advising Secretary Raimondo of the Board's statutory and constitutional responsibilities, explain the burdens the Census Bureau's delay has placed on the Board, and request the Census Bureau release redistricting data before September 30, 2021.

Governor Hutchinson opened the floor for Attorney General Leslie Rutledge and Secretary of State John Thurston to make comments. Attorney General Rutledge emphasized the Board intends to work collaboratively in this effort and invited the public to contact the members of the Board so that public comments are received.

Attorney General Rutledge highlighted this public input along with input from the Board's experts will help ensure the districts drawn by the Board will meet constitutional qualifications and requirements. More specifically, the Board seeks to ensure districts are contiguous, consistent, and in compliance with the Fourteenth Amendment of the United States Constitution.

Secretary of State Thurston provided some history on the deadline the Arkansas Constitution places on the Board to draw districts by February 1 following the decennial census and noted the State has failed to meet that deadline for many decades. Secretary of State Thurston invited the Arkansas General Assembly to review this deadline in the next legislative session. Secretary Thurston reiterated the burden this delay places on the Board and on Arkansas counties as they seek to prepare for elections.

Governor Hutchinson turned the floor to Director Shelby Johnson for his presentation. Director Johnson mentioned his office's partnership with the Census Bureau. In 2013, his office collected congressional, state house, and state senate district data and provided it to the Census Bureau, which were incorporated in the geography files for the 2020 Census. Director Johnson noted his office's work with mapping municipal and administrative boundaries to reflect municipal incorporations and annexations as well as mapping school districts so that both sets of mapping data could be used by the Census Bureau in the 2020 Census.

Director Johnson then noted his office's review of residential addresses so the Census Bureau would have accurate addresses to send census questionnaires to Arkansas residents. Director Johnson highlighted his office's collaboration with the Secretary of State's office to review election precinct lines to ensure they are up to date for redistricting purposes.

Director Johnson presented a typical timeline for a decennial census. Director Johnson also gave an overview of the 2011 Board of Apportionment's timeline, which began with the State's receipt of redistricting data on February 10, 2011. That timeline continued with the Board's initial meeting on March 16, 2011, where the Board discussed employing a Redistricting Director to aid the staff the Board and the subsequent hiring of that Redistricting Director on April 6, 2011, at the Board's second meeting. That Director then traveled the State and held public meetings from May to July. The 2011 timeline concluded with the Board's adoption of the Governor's plan on July 29, 2011. Director Johnson noted the 2011 timeline spanned a total of 170 days.

Director Johnson reiterated the Census Bureau has informed his office that redistricting data will be sent by September 30, 2021 and that the Board is already three months behind schedule as a result. Director Johnson concluded his presentation by stating that his office will provide the state legislative districts drawn by the Board to the Census Bureau in 2023.

Governor Hutchinson emphasized the Board is behind schedule due to the Census Bureau's delay in releasing redistricting data and raised the urgency that will befall on the Board to act once that data is available.

Secretary of State Thurston asked Director Johnson whether the Redistricting Coordinator traveled the State before redistricting data was received. Director Johnson noted the Board received redistricting data from the Census Bureau in February and hired the Director in April. Secretary of State Thurston asked Director Johnson if there would be any value in tasking the Redistricting Director to tour the State before the State receives 2020 redistricting data. Director Johnson stated meeting between the Director and cities and counties would provide the Board with important local conditions and feedback that could aid in its redistricting duties.

Secretary of State Thurston asked Director Johnson to recall how many meetings the 2011 Board held across the state before adopting a final plan. Director Johnson stated the Redistricting Director held six major public meetings, three of which were held in Fort Smith, Little Rock, and Jonesboro. Director Johnson closed his remarks by mentioning the 2011 Board had opportunities to present draft maps to the public that may not be possible for the 2021 Board due to the ongoing delays.

Attorney General Rutledge asked Director Johnson if the maps were litigated before the maps were finalized and noted she did not recall there being preemptive suits in Arkansas in 2011. Director Johnson concurred with Attorney General Rutledge and stated he did not recall any such lawsuits in 2011.

Governor Hutchinson addressed the two letters that were presented to the Board. Attorney General made a motion to accept the letters. Secretary of State Thurston seconded the motion. The Board unanimously adopted the letters. Governor Hutchinson noted the letters will be signed by the end of the meeting.

Governor Hutchinson turned the Board's attention to the topic of a Redistricting Coordinator. Governor Hutchinson identified the following duties of the Redistricting Coordinator: to set up an office; to be trained; to engage in public meetings to gather public comment; as well as the presentation of the final plan adopted by the Board in public meetings across the State. Secretary Thurston concurred with Governor Hutchinson's description of the Redistricting Coordinator's duties and asked Director Johnson if a job description exists for the 2011 Board or if the job duties were set at the Board's will. Director Johnson stated that the duties were set by the will of the Board.

Secretary of State Thurston then asked how the Redistricting Coordinator will receive direction from the Board. Governor Hutchinson reiterated the Redistricting Coordinator answers to the Board as a whole, the Redistricting Coordinator will communicate with each office, and official duties will be set by a consensus of the Board. Attorney General Rutledge commented the Redistricting Coordinator must be technologically savvy in order to carry out his or her duties. Governor Hutchinson agreed and stated that hiring a Redistricting Coordinator sooner than later should allow that individual to be trained adequately.

Governor Hutchinson proposed the Board consider former Arkansas Supreme Court Chief Justice Betty Dickey for the position at a future meeting. Governor Hutchinson cited to her background in public service, her credentials, gravitas, wisdom, and judicial temperament as important qualities that would make her a ideal candidate to receive public input while holding

public meetings. Governor Hutchinson highlighted the Board's authority to hire a coordinator and experts through its appropriations and opened the floor for comments on the Redistricting Coordinator position and additional candidates.

Secretary of State Thurston encouraged the Board to move quickly to hire a Redistricting Coordinator and noted that could be done at the next meeting. Secretary of State Thurston also noted the Secretary of State's office will be maintaining the Board's website at the following domain: <http://arkansasredistricting.org/>. Secretary of State Thurston noted the website will be a great way for the public to contact the Board.

Governor Hutchinson proposed a goal of July 15, 2021 for the Board to hire a Redistricting Coordinator so he or she can set up an office and receive training prior to the State receiving redistricting data from the Census Bureau. Governor Hutchinson proposed holding the Board's second meeting on June 24, 2021 to interview Chief Justice Dickey in executive session. Secretary of State Thurston proposed the Board meet earlier in the month of June. Attorney General Rutledge concurred with Secretary of State Thurston's request for a meeting earlier in June to ensure the Redistricting Coordinator has adequate time to get up to speed and become acquainted with the software. Governor Hutchinson had no objection to holding the meeting earlier in June. Governor Hutchinson noted the offices will work to finalize the next meetings date and time while he coordinates with Chief Justice Dickey to discuss salary parameters and inform her of the time and place of the interview.

Attorney General Rutledge moved to introduce Director Shelby Johnson's presentation into the record. Governor Hutchinson seconded the motion. The presentation was subsequently entered into the record.

With no more business to attend to, Governor Asa Hutchinson adjourned the meeting at 4:01 p.m.