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BOARD OF APPORTIONMENT PUBLIC HEARING
FORT SMITH, ARKANSAS
August 17, 2021

CRIS M. BRASUELL, CCR
BUSHMAN COURT REPORTING

1 (Recording Begins)

2 JUSTICE DICKEY: Good evening and welcome
3 to this sixth hearing in redistricting.

4 I'm Betty Dickey and I am the coordinator
5 for the Board of Apportionment for
6 redistricting.

7 With me tonight are the brains behind the
8 redistricting. To my far left is Doug House
9 who's with the AG's office, Brad Nye who's also
10 with the attorney general's office.

11 To my right here, the far right, is Nick
12 Ortiz with the governor's office, Kevin Niehaus
13 who's with the secretary of state's office.

14 And Shelby Johnson who is the head of GIS,
15 Geographic Information Systems and who's
16 responsible for the maps and the charts that
17 you see before you tonight. Excuse me.

18 PBS is live streaming and videoing these
19 hearings. The purpose is to show you the
20 information we have, the charts, to tell you
21 what criteria we're using, the goals that we
22 have for redistricting, and then to ask you for
23 questions and comments via comment sheets or
24 throughout the room. And, if you will, take
25 one and make your critiques, comments,

1 suggestions, we'd appreciate it.

2 The legal basis for the criteria that you
3 see in front of you is Article 8 of our State
4 Constitution, the Voters Rights Amendment of
5 1965 as amended, the Equal Protection Clause of
6 the 14th Amendment.

7 We have set out nine criteria or goals
8 that we have. Very briefly, I'll go over them
9 with you. And whatever questions you may have
10 later, we have experts who can answer them.

11 The first is the one person one vote
12 balancing of each of the legislative districts
13 every ten years after the federal census so
14 that they are what's called substantially
15 equal, which is generally plus or minus five
16 percent deviation, unless there is an
17 impermissible violation of the other criteria.

18 There are a hundred House seats and each
19 district should be substantially 30,000 people;
20 35 Senate districts, and it should be about
21 86,000.

22 The second one involves Section 2 of the
23 Voters Rights Amendment prohibiting
24 discrimination based on race, color, or
25 language minority.

1 The third one, the Equal Protection Clause
2 of the 14th Amendment, limits redrawing
3 district boundaries strictly on the basis of
4 race.

5 The next four are geographic principles;
6 compactness or the eyeball test referring to
7 whether a district is round or square.

8 In 1812, Governor Gerry, the Massachusetts
9 governor, drew an area around Boston that
10 looked like a salamander, hence the word that
11 you hear so often today, gerrymandering.

12 The fifth one is contiguous, that is
13 touching common border, no island, no districts
14 that are islands.

15 The sixth one, the core of existing
16 districts, whole counties, whole cities, whole
17 precincts is our goal to minimize splitting the
18 political subdivisions. That is a goal that,
19 in some cases, we unfortunately can't reach.

20 The seventh one is communities of
21 interest. Those are commonalities, economical,
22 social, political, cultural, ethnic, or
23 religious interests.

24 Continuity of representation. And you ask
25 why we -- why we give incumbency consideration;

1 and it's because you have elected them. It is
2 the will of the voters and so we try to avoid
3 making incumbents run against each other.

4 If you look at the maps that are recently
5 drawn, you realize that may be impossible in
6 the red districts.

7 And the final one is to minimize
8 partisanship, no targeting nor giving
9 preferential treatment.

10 You can look at some of the old maps and
11 see some odd shapes where someone is drawn in
12 or out of a district.

13 Rucho versus The Common Cause is a 2019
14 case that discusses partisan gerrymandering.
15 And it now appears that, while it won't be
16 prosecuted in federal courts or it won't be
17 tried in federal court, it will be -- it does
18 not preclude state courts from hearing cases
19 based on partisanship.

20 Shelby's going to discuss the maps with
21 you and then we'll open it for questions.

22 MR. JOHNSON: Good evening.

23 I'm Shelby Johnson and I serve as the
24 geographic information officer or the State of
25 Arkansas. I work in the Arkansas Department of

1 Transformation and Shared Services and I have
2 the pleasure of leading the Arkansas Geographic
3 Information Systems Office.

4 For the last several weeks, we've been
5 conducting these public comment hearings around
6 Arkansas. And, prior to now, we have been
7 showing the public what were estimate data.

8 And, on Thursday of last week, at one
9 o'clock, the U.S. Census Bureau released the
10 2020 block level data that contains the
11 redistricting data file.

12 So Western Arkansas, upper end of the
13 Arkansas River Valley, we are now looking at
14 some analysis of actual 2020 numbers that we
15 have been able to compile over the weekend.

16 And the ink is fresh on these maps that
17 were printed just this morning; and I'm going
18 to walk you through some of those and explain a
19 few things about the information that we're
20 showing.

21 First map that we're going to look at,
22 which is on the large screen over there to your
23 left is our 2020 population change, by county,
24 over the ten years.

25 Now, the numbers on the map are not

1 reflecting population of a county. What it's
2 reflecting is how much the county changed over
3 the ten years.

4 I want to draw your eye to the counties
5 that are shaded in the darkest red colors.
6 Those counties are indicative of counties where
7 we had the greatest population decline.

8 Jefferson County tops that scale. And
9 over the nine, excuse me, ten-year period, from
10 April 1st of 2010 to April 1st of 2020,
11 Jefferson County declined by 10,175.
12 Mississippi County declined by 5,795.

13 You'll see that the colors shade into
14 lighter shades of red, and those are indicative
15 of counties that declined in population;
16 although, not as much. And then even light
17 shades of red such as Newton County to the
18 north and west declined by about 1,100 in
19 population.

20 Franklin County, here not too far away,
21 declined by just a little over 1,000 in
22 population.

23 Then the color shades into the lightest
24 color which is indicative of a county not
25 really growing or not really declining. They

1 fall somewhere in the middle. And you can see
2 that we have a good number of counties in
3 Arkansas where you would consider that
4 population to be relatively steady.

5 The color shades then transition into
6 shades of blue. And the lightest blues are
7 indicating that those counties had some growth.
8 And then, as the shades go toward the darkest
9 end of the scale, that indicates the greatest
10 growth.

11 Here in Sebastian County, Sebastian
12 County, over the ten-year period, had a growth
13 of a little over 2,000 in population.

14 Crawford County, just across the river,
15 declined in population at 1,815 in decline.

16 Then, to the north of there is Washington
17 and Benton County; and Benton County topped our
18 state in total growth across the last decade
19 growing to -- or growing by 62,994.

20 We're going to move next to the variance
21 analysis maps. And the first map that you see
22 is the House districts of Arkansas. These
23 lines represent the current boundaries for our
24 state House districts that we operate under
25 today. And we use the same color scheme to

1 indicate the variance above or below the
2 target.

3 Just a real quick explanation about
4 redistricting and its fundamental process, we
5 take our state population and divide that by
6 100 House districts. And that leaves us a
7 target of 30,115.

8 So each House district in Arkansas should
9 have about 30,115. And what this variance
10 analysis shows us is how much below or above
11 the House districts are from the target.

12 If they're extremely below or extremely
13 above, those are indicating to us that those
14 districts are currently illegal. They no
15 longer reflect one person one vote or equal
16 population.

17 Now, if we look at House District 10 in
18 Jefferson County, House District 10 declined by
19 about -- it's about 4,300 below the target.

20 If we look at far Northeast Arkansas in
21 Mississippi County or, excuse me, Clay County,
22 you'll see House District 56 is 2,700 below
23 that target.

24 And then, if you look just a little west
25 of Central Arkansas, you'll see House District

1 31. House District 31 has 7,573 population
2 above that target.

3 In far Northwest Arkansas, House District
4 91 tops the scale. That House district is
5 13,528 above the target.

6 Here in the River Valley, House District
7 79 is a little low, about 700 -- almost 700
8 below.

9 House District 76 is about on target.
10 It's a little above that target at 545 above
11 the 30,000 mark.

12 When we look back at our analysis, looking
13 at the 2019 estimate compared to the 2020
14 actual variance, what we've seen is, from our
15 estimate data, the districts that were trending
16 downward continue to trend downward. The
17 districts that were trending upward continued
18 to trend upward.

19 Next, we'll move to the Senate and we'll
20 look at the actual variances for the Senate.
21 Again, we used the same formula. We divide the
22 population of the state by 35 Senate seats.
23 And that arrives at a target for each Senate
24 seat of just a little over 86,000.

25 Here in the River Valley, we can see, for

1 example, Senate District 6 is about 6,300 below
2 the target. Senate District 9 needs to grow by
3 about 2,100. Senate District 8 needs to grow
4 by about 2,700.

5 So it's at this point where I'd just
6 briefly like to explain the process.

7 What we say when we say a district needs
8 to grow is that it must reach out and grab
9 additional territory to gain in population to
10 become more equal with its neighbors.

11 So for districts that are far below the
12 threshold, those districts are going to expand
13 and get geographically larger. Districts that
14 are above the threshold will contract and get
15 geographically smaller so that they can share
16 that population with neighboring districts.

17 And you can see, in Northwest Arkansas,
18 Senate District 1 tops the scale. It's
19 currently 43,500 over the 86,000 target that it
20 needs to be at. So that's a great example of a
21 Senate district that will shrink and probably
22 shrink dramatically.

23 And then, if you look at Senate District
24 25, that's an example of a Senate district that
25 will need to increase its size, its geographic

1 size.

2 One of the things to bear in mind, and I
3 think this has been mentioned in some of our
4 earlier meetings, is that here, for example,
5 let's take Senate District 9 here in Western
6 Arkansas. It's about 2,100 below. And you
7 can't reach out and grab that population from
8 Oklahoma.

9 So Senate District 9 can only become equal
10 by going north, south, or east. And that gives
11 you an idea of how all of the districts in the
12 state may change.

13 It's a joy to be here in Western Arkansas.
14 Thank you for hosting us here. And I look
15 forward to hearing some of your public
16 comments.

17 JUSTICE DICKEY: Now we'd like to hear
18 from you, as far as your comments, suggestions.
19 There's a microphone on each side of the
20 podium. If you will, state your name and your
21 county or your district before you ask.

22 And we also, again, have the comment
23 sheets that we ask you to fill out, whether you
24 speak or not, if you have a suggestion.
25 Anyone?

1 REPRESENTATIVE GARNER: Thank you very
2 much and thank you for being here.

3 I'm Denise Garner and I'm state rep from
4 District 84 in Northwest Arkansas and I
5 appreciate y'all being here. (Inaudible)
6 Northwest Arkansas, we were still in session,
7 we couldn't get to that meeting, so thank you.

8 My question is, as I'm traveling around
9 Washington County, we're seeing huge growth
10 still. Benton County as well. Huge growth
11 still with apartments that, you know, we have
12 students at, families waiting. We've got folks
13 waiting to get housing to move into these
14 communities.

15 How do you take that into consideration?
16 That that growth is happening as we speak so
17 that this doesn't happen and so that we don't
18 have thousands of overage or shortage in the
19 next one or two years as opposed to waiting for
20 ten years?

21 JUSTICE DICKEY: Gentlemen?

22 MR. JOHNSON: Thank you for that.

23 I can speak just to the census numbers and
24 then I'll allow (inaudible) speak to the other
25 issues.

1 The census numbers were collected last
2 year in 2020. And those numbers do not change.
3 They are published as they are. And that --
4 our state statutes that guide the Board of
5 Apportionment use that census figure, this last
6 decennial census.

7 There are instances where you might be
8 able to design or craft a district that might
9 be a little below the variance but you -- you
10 can't do that across the board.

11 And so the census figures are reported and
12 the board can not change those census figures
13 in order to craft something that might account
14 for growth into the future.

15 JUSTICE DICKY: Mayor of Helena asked if
16 we couldn't just reject the census. And we
17 don't have that option. We -- and even though
18 it's a pandemic that it was taken in, we live
19 with this for the next ten years.

20 Who else has a comment?

21 JIM REYNOLDS: Hello. My name's Jim
22 Reynolds and I'm from Sebastian County.

23 One question I had, I know the deadline is
24 December 31st for the redistricting. Is there
25 -- are we going to take up to that time or is

1 there a possibility that we could do that
2 sooner and have that information out?

3 JUSTICE DICKY: We hope sooner. But the
4 -- the deadline is before December the 31st.

5 The drawing of the districts or redrawing
6 probably will start after September 30th. They
7 may have some ideas but -- but because there's
8 a change from the 2019 survey to this one that
9 came out today or that was drawn today, it's
10 more significant than we had anticipated.

11 And so the drawing will start in earnest
12 after the September 30th final results from the
13 census. But these are the raw data, as they've
14 told you.

15 Does that answer your question? I mean,
16 we hope that it's -- we'd like to have it by
17 October 31st, but that may be too ambitious.

18 And then the three principals, governor,
19 secretary of state, and attorney general vote;
20 and then there's a 30-day period after that.

21 But we hope that you get to see it before
22 then.

23 Anyone else?

24 MAYOR MCGILL: Good afternoon.

25 JUSTICE DICKY: Good afternoon.

1 MAYOR MCGILL: Good to see you,
2 Representative House, Shelby. I think we were
3 successful in our census work. Thank you
4 (inaudible).

5 I'm George McGill, mayor of the city of
6 Fort Smith, Arkansas. Thank you for bringing
7 this opportunity to us so we can speak on it.
8 It's a very important issue --

9 JUSTICE DICKY: Thank you.

10 MAYOR MCGILL: -- for us.

11 I want you to keep in mind, when you begin
12 to draw those lines, understand Fort Smith and
13 our part of the state has been an intricate
14 part of the Third Congressional District for
15 decades. And we've been apart of that -- that
16 growth, that attraction attracted major
17 industries from all around the country to come
18 to this area.

19 And we've -- that has been our calling
20 card. That's been our marketing strategy, to
21 talk about what has been embraced in the Third
22 Congressional District.

23 In the Third Congressional District, we
24 talk about navigation with the Arkansas River.
25 In the Third Congressional District, we talk

1 about our military presence with the 118th
2 (inaudible) Power Wing (inaudible) just
3 recently big, big announcement --

4 JUSTICE DICKY: (inaudible)

5 MAYOR MCGILL: -- for us. When we were
6 ordered (inaudible) training mission, that's
7 huge.

8 In our presentation, we talked to them
9 about the Third Congressional District by Fort
10 Smith. The Third Congressional District and
11 all the things that are accessible and will be
12 accessible to that delegation when we move it
13 here.

14 When you talk about what's happening in
15 the western quarter of this state, that's from
16 Fort Smith to the Missouri line. And we have
17 been an intricate part of it and we hope that
18 you will consider that when you begin to draw
19 those lines.

20 When we communicate, we talk about what we
21 do together. So please consider those things
22 when you begin to draw those lines.

23 JUSTICE DICKY: Mayor, thank you. And I
24 know you know that we don't draw the lines for
25 the congressional districts. You know -- but

1 some of the other people here may not know. We
2 draw the state Senate and House lines. And --
3 and the legislature draws the congressional
4 districts, as you know.

5 MAYOR MCGILL: Okay. And, on that note,
6 let me say be careful with those lines as far
7 as (inaudible).

8 We've been able to put a great delegation
9 together. A very diverse delegation, a very
10 proactive delegation for this -- for our cities
11 and this region. And we've been -- we've been
12 sending people there that are taking on those
13 leadership roles.

14 So think about that. We want to continue
15 to have a diverse delegation. We don't want
16 anything to disrupt that.

17 JUSTICE DICKEY: Thank you.

18 MAYOR MCGILL: Thank you.

19 JUSTICE DICKEY: Please add your written
20 comments, as far as that.

21 Anyone else? Yes, sir?

22 JARRED REGO: My name is Jarred Rego and
23 I'm on the Fort Smith City Board of Directors
24 here in town. And forgive me if this was
25 answered in the first five minutes of the

1 meeting. We were wrapping up our board meeting
2 downtown --

3 JUSTICE DICKEY: I understand your --

4 JARRED REGO: -- and trying to get over
5 here.

6 But what's the sort of general explanation
7 as it stands presently for the difference
8 between a 2,055 person increase for Sebastian
9 County but reported figures for growth in Fort
10 Smith alone approaching 3,000, what's the sort
11 of explanation for that difference?

12 JUSTICE DICKEY: I'll let your expert --

13 MR. JOHNSON: Generally speaking, what
14 we've seen -- and it's been reported in the
15 news nationally. But, also, we've begun to
16 understand the same thing as we're now looking
17 at this data here in Arkansas, is that growth
18 follows opportunity.

19 And, for our rural areas of Arkansas,
20 we're continuing to see rural migration to
21 municipal migration. We continue to see our
22 cities are growing. We have pockets of the
23 state that have growth. And then our rural
24 areas are declining.

25 And so that's the general explanation and

1 that's consistent with what we're seeing
2 nationally as well.

3 JUSTICE DICKEY: Does that an -- does that
4 answer your question?

5 JARRED REGO: No.

6 JUSTICE DICKEY: That's what I was afraid
7 of. Okay.

8 JARRED REGO: I'm not trying to be
9 confrontational but how can you have about
10 2,992 or so as the increase for the city of
11 Fort Smith alone but barely over 2,000 for
12 Sebastian County. I don't understand that
13 discrepancy.

14 MR. JOHNSON: Your decline, that balance,
15 is from rural areas. And so when you look at
16 that Fort Smith number, that's tied to your
17 municipal boundary that's inside the city of
18 Fort Smith.

19 But outside the city of Fort Smith, in the
20 rural areas, the county is where you would see
21 the decline.

22 JARRED REGO: Again, I -- you know, I
23 didn't get super high on the SAT on the math
24 but Fort Smith is in Sebastian County. So I
25 don't completely -- so I don't understand how

1 you could have a difference like that. But
2 that's just a comment, so thank you.

3 JUSTICE DICKEY: Other questions,
4 comments?

5 Yes, ma'am?

6 MIREYA REITH: Good evening. My name is
7 Mireya Reith. I'm the founding executive
8 director of Arkansas United. We're a nonprofit
9 that runs immigrant resource centers across
10 Arkansas; and we were very proud to cofound
11 Arkansas Counts that helped hard-to-come
12 communities in the last census.

13 So, on behalf of all of us, thank you for
14 your work and for getting (inaudible) today;
15 because that's what we all were attempting to.

16 So I have a few questions in regards to
17 processes. We're trying to make this
18 information digestible and also available to
19 our Hispanic community and immigrant community.

20 One, I was wondering, in regards to the
21 maps, if there's any disaggregated data related
22 to race or ethnicity so that we could
23 understand the growth of subpopulations within
24 the maps that you have. That would also help
25 in terms of us understanding the various

1 criteria that you outlined in communities of
2 interest and how they do in deed or are in deed
3 affected by the maps.

4 And then the other thing I wanted to ask
5 is, because these events are only in English,
6 that presents some challenges to many of our
7 immigrant communities from being able to come
8 and offer feedback.

9 I was wondering if these maps -- we double
10 checked before coming. We didn't see these
11 maps on the website and didn't know if these
12 would be posted in a way that we might be able
13 to share with Spanish-speaking audiences and
14 then whether there's opportunity for feedback
15 in other formats besides this public hearing;
16 where, again, we can help people who speak
17 other languages also be able to offer input.
18 Thank you.

19 JUSTICE DICKEY: Thank you. Shelby? I
20 think both of those questions -- for you.

21 MR. JOHNSON: Thank you for that question.

22 I had the opportunity this afternoon,
23 while I was driving, to request staff in the
24 office to do a little bit of analysis.

25 And I can report that our Hispanic

1 community across Arkansas has grown by about
2 70,000. I don't have the exact figure.

3 I can also report on your question
4 regarding the demographics and the desegregated
5 data, the 2020 block file contains all of the
6 demographic data; that is race, ethnicity,
7 voting age population, total population, at
8 the block level.

9 So those are the demographic data that you
10 could use to do further analysis. It was just
11 released on Thursday and we just simply have
12 not had the time yet to do all of that detailed
13 level analysis just yet.

14 Regarding the exhibits that you see here
15 this evening, those are not on the website. We
16 just finished them this morning. So we haven't
17 had an opportunity to do that yet but I think
18 that's part of the goal, is to try to get that
19 information out so that people can begin to
20 digest changes that are coming.

21 Hopefully, that answers your question.

22 MIREYA REITH: So opportunity to offer
23 some sort of comments that maybe, yeah, online
24 or other formats that we can make it accessible
25 to those that don't speak English?

1 MR. JOHNSON: The -- my colleague from the
2 secretary of state's office says the website is
3 at ArkansasRedistricting.Org. And that's where
4 the public can also furnish the board
5 additional comments.

6 And I don't know about the Spanish part,
7 Spanish language part. Not yet, he says.

8 MIREYA REITH: Thank you. And if there is
9 ways where we can collaborate with the state to
10 be able to make it accessible in other
11 languages, we (inaudible). Thank you so much.

12 JUSTICE DICKEY: We have that information
13 online. ArkansasRedistricting.Org, again.

14 But any other information you need is in
15 the comment, as far as how to reach us.

16 Anyone else? Are there other comments?

17 Thank you for coming. And we will be here
18 for a few minutes if you have any other
19 questions to ask.

20 This hearing is adjourned.

21 (End of Recording)

22 * * * * *

