BOARD OF APPORTIONMENT PUBLIC HEARING

HELENA, ARKANSAS

August 12, 2021
(Recording Begins)

JUDGE DICKEY: Thank you for masking up, social distancing and erring on the side of caution in this pandemic of the unvaccinated.

My name is Betty Dickey. I am coordinator for the Board of Apportionment. With me tonight are the people from the three different agencies.

From the governor's office, if I can find him, Eddie Joe Williams. From the secretary of state's office, Josh Bridges. From the attorney general's office, Brad Nye. I'll get it straight in the four hearings.

And with GIS, Geographic Information Systems, Shelby Johnson, who, along with Jonathan Durand, are responsible for the maps and the charts that we brought with us today.

PBS is live streaming and videoing these hearings. And we thank you for that.

We are already behind the curve on the time line. The Senate and House District maps were already completed at this time in 2011. The data is to be delivered starting about today, but not in a format that we can use until September the 30th. The Board's work is
to be completed by December the 31st.

The purpose of these hearings is to disseminate information about the process, along with these maps and charts and then ask for your questions and comments.

There are comment sheets throughout the different seating here and outside. We ask you, in addition to what you may say today on the record, to send those comments and suggestions in.

The legal basis for the criteria that you see somewhere -- we've moved it.

Article 8 of our State Constitution, the Voters Rights Amendment of 1965 as amended, the Equal Protection clause of the 14th Amendment. The first -- first hurdle is establishing how many seats per district.

Based on the 14th Amendment, the Equal Protection, one person, one vote, the balancing of these legislative districts every ten years after the Federal Census, so that they are substantially equal; that is a plus or minus deviation, unless there is an unimpermissible violation of the other criteria.

There are a hundred House seats that we
anticipate the population will need to on or about 30,000 people. And in the 35 Senate Districts, about 86,000 per district there.

Section 2 of the Voters Rights Amendment, as amended, prohibits discrimination on the basis of race, color, or language minority.

And the third criteria, the Equal Protection clause, limits redrawing district boundaries strictly on the basis of race.

The next four geographic principles start with compactness, or the eyeball test, referring to the shape of the district, there are no -- well, let me get to that later.

And the fifth one is contiguous; that is, a touch -- no touching or common border. There are no partial districts that are islands.

The core of the existing districts we strive for, as you ask, for whole counties, whole cities, whole precincts, that's our goal, to minimize splitting political subdivisions; that is, in some cases not achievable.

Communities of interest, the commonalities, economically, socially, politically, culturally, ethnic, or religious interests.
Number eight is the continuity of representation. You ask why do we try to avoid making incumbents run against each other; because the incumbents reflect the will of the voters.

It may, in some cases, not be permissible or not be -- we may not be able to avoid having incumbents run against each other.

The ninth and final one is to minimize partisanship, no targeting or giving preferential treatment to someone because of their political party.

Rucho versus the Common Cause was a 19 -- I mean, I'm sorry, a 2019 case that says that federal courts will not handle that. That doesn't preclude state courts from judging if there is a case based on partisanship.

Shelby will explain some of the maps and then we will open it to you for questions.

MR. JOHNSON: Good evening. My name is Shelby Johnson and I am from the Arkansas Geographic Information Systems Office. And we're a part of the Arkansas Department of Transformation and Shared Services.

We provide technical support to the
Arkansas Board of Apportionment. And we also play a statutory role in caretaking for the maps that represent the election geography of Arkansas.

That includes municipal wards, county justice of peace districts, school districts and school board zones, then, of course, our State House Districts, our State Senate Districts, and our Congressional Districts.

Each period in between the annual cen -- or the decennial censuses, we undertake the work to provide those kinds of changes to the Census Bureau.

So, for example, if a county election commission were to change precinct lines, we would furnish that change up to the Census Bureau. And then it would eventually be incorporated into the census geography.

We do the same thing for municipal boundaries. If a city does an annexation and that brings in new population to the city, we would also furnish that up to the Census Bureau so that, as the census occurs, that city can then have that population counted as being part of the city.
Unfortunately, in this decade, the pandemic has wreaked havoc on the delivery schedule of the census data.

In the 2010 decade, the census data was delivered to all of the states beginning in the early part of the year. And in that decade, in 2011, Arkansas received the block file in February of 2011. And then all of the redistricting work began to unfold.

In this decade, we're very much behind schedule. The actual raw data from the census was announced this afternoon at one o'clock. And we are now -- just now in the process of being able to retrieve that information and begin to process it so that it can be put to use.

So absent having the real numbers in advance, the only thing that we were able to do was to prepare estimate data to be able to illustrate the population change across our state, to be able to show that to both the public and also the Board of Apportionment.

I've got three maps that I'm going to walk you through this evening that are fairly quick to explain.
And the first map that you're seeing
screen is based on a product from the Census
Bureau called the American Community Survey.
The American Community Survey is a sampling of
population across the United States. And it
does not reflect an actual total or a real
household level census.

Instead, what the Census Bureau does is
they use a combination of mortality records,
births and deaths, and then existing
information that they've had on hand.

And they've tracked that and model that
from year to year, along with their sampling to
develop these estimates.

This map here shows counties in the
darkest shades of red are indicative of the
overall population change that has occurred for
the period between 2010 and 2019.

So, if you see that darker shade of red,
that's indicative of population decline. And,
as the scale or shades of red go toward lighter
colors, that indicates there has been some
population decline, but that population decline
isn't as much.

Trending to the middle -- middle hues or
middle colors indicates some loss, but not as much. The lightest colors indicate modest to no loss.

And then the map transitions to shades of blue, with the lighter blues indicating that a population gain -- population gain in a county.

And then the darkest shades of blue indication dramatic population gain.

So if you can let your eye drift toward Jefferson County, Jefferson County, Arkansas is exemplary of a county which has had quite substantial population loss across the nine years.

And if we look at that -- that population, I want to -- I believe that figure is up over 10,000 across the last decade.

And at the other end of the spectrum in far Northwest Arkansas is Benton County, where across the last nine years, that county has actually gained an additional 57,000 in population above its existing population.

The next maps that we're going to look at, pardon me, we took that same color scale and the estimate data, the American Community Survey estimate data, and ran that against the
current House Districts of our state.

And this map uses the same color scale, the darkest shades of red are indicative of House Districts where the total population in the House District has declined. And then at the other end of the -- of the scale, the darkest shades of blue are indicative of House Districts that have gained population and are at the other end where there is too much population in that district.

At both ends or at both extremes, what that tells us is that, in their current form, those districts are illegal. They have either too few persons represented or too many.

In a case where a district, a House District or a Senate District, doesn't have enough population, that means that it must geographically grow larger to reach out and grab additional population from its surrounding area.

And then, in the other vein, you have districts which have too much population. Those districts must contract or get geographically smaller in order to share that additional population with the surrounding
areas.

So in the House configuration, I believe the -- the district which has been -- has seen the most decline is House -- I want to say it's House District -- oh, I can't remember the number, but it's in the Marion, West Memphis area. And you can see that that House District is about 4,800 below what it needs to be and should be configured in such a way to bring it up to more substantially equal.

If you look in -- just a little to the left of Central Arkansas in Saline County, you'll see House District 31 there in the darker shade of blue. And it's indicative of a district where it's just got too much population and it needs to shrink by about 3,800 to become more inline or more in balance with its -- with its neighbors.

Moving again, we'll look now -- wrong direction. Senate Districts in the same scale or color palette. And what you see here, again, is the same trends.

And as we looked at these trends, they are indicating to us that, in Arkansas, rural areas are becoming less populated and more urban.
areas are becoming more populated. And that -- that trend is likely to be borne out in the 2020 figures once we begin to really analyze those and understand those.

In the Senate Districts you can see -- you got me? We may have a battery that died. Yeah. Bear with me. I think it's still on. How's that?

So in the Senate Districts what we see is similar. In Southern and Eastern Arkansas, you have districts that are going to need to grow larger in size in order to gain additional population.

And then you have the other districts that are in the darker shades of blue and they're going to need to shrink or contract in size in order to share that population with the surrounding areas.

One thing that I would like to point, and I think this is -- should -- should be obvious, but, for example, here in Eastern Arkansas, along the -- along the Mississippi River, it should be clear that, if a district is too small in population, that it -- you can't reach across the river and grab that population from
a neighboring state.

That means that a district in this part of Arkansas has to grow to the west or it has to grow to the north or grow to the south, for example.

That same -- same analogy is also true for the districts along the northern part of the state and the western part of the state.

What you'll eventually see is that those districts that are too large in population will shrink and those districts that need to gain in population will have to grow.

These numbers that are printed on the maps that are on the screen are on the exhibits that you see here up at the front. And they're also out in the hallway.

And we'd invite you, when you have an opportunity, to go look at those exhibits and study those more.

And with that information in hand, I would like to turn it back over to Justice Dickey to receive your comments.

JUSTICE DICKEY: Thank you, Shelby. We only have one microphone it appears, so we --

UNIDENTIFIED SPEAKER: I think I have it
working now.

JUSTICE DICKEY: It's still on red, so it's weak.

We'd like to hear your comments, your suggestions, your questions. If you will, state your name and which county or, if you know, which district you're from. And we now ask you for your participation. Is it still working?

UNIDENTIFIED SPEAKER: (Inaudible.)

JUSTICE DICKEY: Yes, you'll need to come up here to use this microphone.

UNIDENTIFIED SPEAKER: I think it's going to die (inaudible) try that and see if it'll work.

Thank you. Thank y'all for coming today. I'm (inaudible) Clark Hall, the Phillips County judge and I would ask the commission (inaudible) --

JUSTICE DICKEY: It -- I'm sorry, Judge. It's died on you, I think.

UNIDENTIFIED SPEAKER: Looks like the battery's dead.

JUDGE HALL: (Inaudible) y'all keep in mind that Phillips County and (inaudible)
3,000, 4,000 population. We are still within the largest -- the largest county in -- in this area.

And we'd like to -- we're requesting the commission to remember that and try to keep us whole as a county. Our economic development, our economical opportunities with the Port Authority is interrelated to our population. And it lies south of us here in Helena.

And we need to make sure that we are whole in order to enhance our opportunities to create economic development and stabilize the population for this county.

If not doing so, we're going to continue to lose population. And in that, we're asking y'all to keep our House seat whole and keeping Phillips County as one -- in one district.

Thank y'all.

JUSTICE DICKEY: Thank you, Judge. Oh, and if you will, also write those down -- write your comment down and send it in.

JUDGE HALL: Yes, ma'am.

JUSTICE DICKEY: We'd appreciate that.

Who else would like to make another question or comment, suggestion? I'll just
come back where you are. Let me hold it for you.

ROBERT LAWSON: Okay. Yes, thank you.
Robert Lawson from Wynne, Arkansas in Cross County.
Specifically, I'm here to speak on behalf of everyone in Wynne and Cross County for District 49 and District 50.

Ten years ago, there was a clear gerrymander. Wynne was taken out of the rest of Cross County and put in another district. The rest of Cross County that does everything in Wynne, Arkansas, which is the county seat, we're separated. And we would just -- that -- that's a perfect example right there.

We would just ask that with, our State House, as well as the Senate as well, the Senate is fine, we are all together pretty much, but in the House, we would like to be made whole.

Wynne and Cross County go hand in hand and we would like to be in the same House District.

JUSTICE DICKEY: Thank you for that comment. That's -- and, again, I ask you to write those down and send that in.
Yes, sir? I'll hold it, if that's all right.

MAYOR KEVIN SMITH: Yeah.

JUSTICE DICKEY: If you'll state your name.

MAYOR KEVIN SMITH: I'm Kevin Smith, Mayor of Helena, West Helena. And good to see you again.

JUSTICE DICKEY: (Inaudible.)

MAYOR KEVIN SMITH: Welcome all of you.

I'm -- the -- the editor of the paper couldn't be here because he's covering something else, so it's a little bit like Petticoat Junction, I'm the reporter, I'm the Mayor, I'm a little bit of everything tonight, but I want to welcome you.

But my comment would be, and I know this is not what you're in charge of, you're in charge of taking that data and doing something with it.

But I think it -- and it's almost historical how bad the census was. And, as you go forward throughout the state, I think it's important to show and tell mayors, county judges and other officials and the public what
you can do to get a recount; because I've seen several censuses and been a part of these things and there's always been some kind of undercount in some poor areas.

That's some -- but -- but this -- this was, and I hate to use a word that's overused, but it was epically bad.

JUSTICE DICKEY: Are you talking about --

MAYOR KEVIN SMITH: The census.

JUSTICE DICKEY: This census?

MAYOR KEVIN SMITH: Yes, ma'am. And this data or the data that's used, according to the Constitution is supposed to be the census, and the data upon which this is based has got to be the worst data in the history of the -- of the -- of the Republic.

And I say that as an office that coordinated closely with the U.S. Census Bureau. But between COVID, the politics coming out of Washington, D.C., the timing that was last -- well, as y'all pointed out, y'all are late because of that.

All the other issues y'all already know about. It really is an historically bad census. So we're always under represented and
that's pretty typical of rural areas, especially in poor areas; but nothing as bad as what we have this time. It -- it wasn't even close.

So while that's not your job to count people, it -- I do think you should make available, and I'll put this in my comments --

JUSTICE DICKEY: Yes.

MAYOR KEVIN SMITH: -- make available to the public and elected officials what options you have if you feel severely undercounted, what are your options to -- to do something about that and to remedy that.

That's my only comment is to include that. And maybe you already are because I -- this is my only one I've been to, so you might already being doing that.

But like I said, I know you're taking the numbers you've been given, that's your job, but point out to the folks that these numbers represent the census and the census was unbelievably bad.

JUSTICE DICKEY: I understand.

MAYOR KEVIN SMITH: It was terrible. And the public needs to understand that.
Their power's being diminished because of this. All those things we told them when we told them to go do the census now coming home to roost. But we made it very difficult to count people.

JUSTICE DICKEY: I understand.

MAYOR KEVIN SMITH: And now, you know, the whole state's going to suffer, not just our little areas and stuff. Thank you.

JUSTICE DICKEY: Thank you, Kevin, Mayor Smith.

We -- just one moment, please. Do -- do you want to respond to that, as far as the legal -- our legal possibilities? I'll hold it.

This is Brad Nye, who is with the AG's office. He is -- he is one of the attorneys who may be able to respond.

MR. NYE: Well, no pressure, right? Mayor, I -- Mayor, I appreciate the comments and -- and I would agree. You know, there are some -- some concerns with the response rate that we got to the census through the Census Bureau.

But, as you astutely pointed out, the
Arkansas Constitution limits us to using the data that we get from the U.S. Census Bureau. Any remedy for a recount would have to come from -- from the fed. And I don't know that there's an appetite in Washington right now for that to happen.

Be happy to look into that a little bit more; but, as far as what we know, the information that we have is the information that we're going to have to use.

JUSTICE DICKEY: Thank you.

MAYOR KEVIN SMITH: In the past, there have been options (inaudible). It would be nice to know what they are (inaudible).

JUSTICE DICKEY: Yes, sir. You had a question?

JAMES VALLEY: Not really a question as much as a comment. And I guess it's a request. Of course, my name is James Valley. I'm not elected to anything, but I do take the garbage out at my house.

What I'd like for the Board of Apportionment to hear me say and everybody else to say, is I want them to start on the eastern part of the state with District No. 1 and to
adjust and tweak along the eastern border before you start trying to accommodate districts that will suck up more people.

For example, in Benton County in Northwest Arkansas, let's make them last like they were last time. They're number 90 through 94 or 95. Otherwise, we'll lose more districts than we have to lose over here. So let's start over here first.

Secondly, as the two gentlemen before me have spoken, we should try to keep counties whole to the extent that we can. And Phillips County needs to be whole, Cross County probably needs to be whole as well.

Thirdly, on the Senate, Crittenden County is whole, but we'd rather in Phillips County that Phillips County be whole in the Senate seat that we had; because in the previous census that we filed suit about, Phillips County was -- had -- had a greater participation than we do with Crittenden County.

And there's quite a bit of distinction between what goes on in Crittenden County and what's goes on down this way, because the
Crittenden County proximity to Memphis. And we'd like to have access to a State Senate seat that we don't really have by being divided between Crittenden County and Jefferson County, which both of those are much larger than we are.

So we'd like for them to factor in the smaller counties, the interest that we have and the need that we have to have a representative that is truly rural.

Because we got a guy out of Crittenden County, he's a fine person. And we got a lady out of Jefferson County, she's a fine person. But they're urban type folk. And we're not urban. And we need somebody like us. And that's my comment and request.

JUSTICE DICKEY: Thank you, Mr. Valley. Does one of you want to -- just one moment. Want to respond to that as far as the -- I think you understand that we are limited by the Equal Protection Clause of the 14th Amendment to make these districts all population-wise equal or substantially equal.

And that forces these counties with less population to be grouped together. I mean,
that's a -- an unfortunate --

JAMES VALLEY: That I understand. I understand one man, one -- one vote, Baker versus Carr, all this case law. I'm a lawyer, so I understand that.

That's why I'm saying, start over here with your drawing because if you start at the larger area with your drawing, you're going to suck up more districts and won't have anything left by the time you get over here.

So if you start on the eastern border where Mississippi County's lost 10,000 people and Phillips County has lost the number its lost and all of that, if you start over here, then we'll lose fewer because of the plus and minus that you're allowed to have, plus or minus five either way.

JUSTICE DICKEY: Right.

JAMES VALLEY: The ten percent deviation.

JUSTICE DICKEY: You're right.

JAMES VALLEY: Yes, ma'am. I'm familiar with it, so --

JUSTICE DICKEY: Thank --

JAMES VALLEY: -- that's what I want, I want them to start with the keyboard, the
clicking on the eastern border by the river.

JUSTICE DICKEY: Okay. Thank you, Mr. Valley.

JAMES VALLEY: All right.

JUSTICE DICKEY: All right.

Yes, ma'am?

MADDIE ALLISON: Okay.

JUSTICE DICKEY: If you want to step out here and look toward that camera. I'm -- I'm going to hold it --

MADDIE ALLISON: Okay.

JUSTICE DICKEY: -- if that's okay.

MADDIE ALLISON: I'm Maddie Allison from Lee County. And I've been through so many -- I -- so many different things with this election and stuff and with the last census when we did the drawing of the lines.

A lot of the people don't get a chance to find out about how the lines are being drawn. And when the lines are drawed, were drawed the last time, they would have right down between -- a person live on that side of the street and a person live on this side of the street, we're in two different districts and two different wards. I'm talking about JP wards and -- and
city council and all that.

And it confused the people because they were not informed before election time that they had been changed. And that made them run from this polling place to that polling place and like that.

So I wanted to be in the beginning of this so I could understand how you all are going to do and drawing these lines when these counties and have lost people and then you're going to make them up from another one and pull them from there.

And are we going to take in account the race, gender, and all of that? And then we'd have gerrymandering going on. And that -- that can happen real easily.

So that's my question, is will we be allowed to understand how you make your -- how you do -- do the line?

JUSTICE DICKEY: We -- the reason for this meeting before is to show you what the criteria or the goals are, to give you some idea --

MADDIE ALLISON: Okay.

JUSTICE DICKEY: -- of the problems we face.
Now, eventually, when they start drawing, or we start drawing, then a proposed map will be shown to you.

MADDIE ALLISON: Okay.

JUSTICE DICKEY: So that -- then there is a 30 day period for input, so you have a chance to see. And, you -- you know, hold us to that. We're trying to avoid splitting up precincts, you know --

MADDIE ALLISON: Yeah.

JUSTICE DICKEY: -- to the extent we can, counties, cities.

MADDIE ALLISON: Well, I am the Democratic Central Committee Chairman. And I get a chance to go to Little Rock to be involved in all of this.

And I want to be sure that we are looking at it (inaudible) perspective rather than just small. I appreciate that.

JUSTICE DICKEY: Thank you. And please add that comment.

Who else? Anyone else? Do any of you --

JEROME TURNER: (Inaudible.)

JUSTICE DICKEY: I'm sorry. Yes, sir. See if I can get to you. I'm sorry. If you
will turn, because the camera's going to turn.

JEROME TURNER: I don't like cameras that way.

JUSTICE Dickey: (Inaudible.)

JEROME TURNER: I'm Jerome Turner and I'm the Phillips County, also a Democratic Chairman. And I support the effort that Mr. Valley had already offered up to you about starting on this side of the state, drawing some districts with us first before you go over there; because, if you go over there, you would run out when you get over here, you might cut us.

They might pick up another district on the other -- on the western side of the state and we'd lose districts on the eastern side of the state.

So please keep that in mind. I also support Sister Allison here from Lee County also, that if you would allow the citizens an opportunity to take a look at what you would propose before you put it into law. Thank you.

JUSTICE Dickey: Thank you.

Anyone else? Excuse me, Ms. Allison.

MADDIE ALLISON: (Inaudible.)
JUSTICE DICKEY: Sorry.

MAYOR KEVIN SMITH: I actually have a question. (Inaudible) legitimate question (inaudible) --

JUSTICE DICKEY: Mayor Smith, if you will turn and face the camera.

MAYOR KEVIN SMITH: And I -- I should probably know the answer, so I'm going to apologize in advance.

But, since we do have a lawyer here, when I was in the Senate in '92, the Supreme Court -- and you might know. But the Supreme Court, the U.S. Supreme Court had ruled that gerrymandering for super majority districts based on race was unconstitutional.

Then that was challenged, I think. Again, I'm not a lawyer. And I think then that was thrown out, you can't do that. And then I lost track.

So my question is, can you constitution -- are you allowed legally to concentrate racial groups demographically or any other demographic group in particular areas for the purposes of changing the outcome of political -- for gerrymandering?
And -- and I don't know the answer.

That's a legitimate question.

JUSTICE DICKEY: Yeah. I -- I will let
Brad answer that again. I'll even let you hold
it.

MR. NYE: Okay. Thank you, Justice.
Yeah, thank you, Mayor.

So gerrymandering generally is -- is a bad
word. I mean, what we're looking at doing is
trying to create as close to one person, one
vote as possible. That's our -- our number one
criteria. And then, as we are able to, we
factor in the other criteria that you see
listed there on the board.

As to -- as to racial minorities, you
know, there is such a thing and it's allowable
to have a minority/majority district. I think
we have 11 here in Arkansas still. But the
point of that district is not to dilute
anyone's vote.

The point of that is so that there is an
opportunity for someone chosen by that racial
minority that's a majority in that district to
have that representation in the legislature.

Political gerrymandering is still an
issue. The federal courts have said that they will not hear those issues anymore because it -- it's so hard to come up with criteria of -- of what political gerrymandering looks like.

There could arguably be a state claim for that sort of thing.

But really just in -- in a nutshell, what we were looking at is -- is raw data, trying to get as close to a zero on the standard deviation as we can. And then we'll factor in the other criteria as we're able to.

And that includes communities of like interests, whether that be a county like Wynne or, excuse me, Cross County, whether that be Phillips County, et cetera. Yes, sir.

JUSTICE DICKEY: If I -- if I may add just a little to it. You probably could gerrymander based on gender. I don't know that the courts have decided that yet, but you can't based on race.

And -- and you can't either have race be the only factor, as number three on the criteria points out.

You can't redraw the boundaries just on the basis of race, but you cannot discriminate
against minorities or -- based on race. That's
the second part of it.

And you can't gerrymander or be partisan
as far as your -- your political preference
either. And that, as -- as Brad and I had
said, you know, that'll be a state court matter
this year.

Gerrymander is word based on what Governor
Gerry of Boston drew when he drew a salamander,
Governor of Massachusetts, drew a salamander
around Boston. And it's gerrymandering, the
way we say it now.

And you beware of anything that you see
that's drawn that has either someone drawn in
or out of a district, as was done in -- in
2010. Beware of anything where you see a
finger or a -- an odd shape and ask about it.
You know, take us to task on that because it is
our intention to be transparent and -- and fair
to everyone and not discriminate based on any
of the, you know, anything except gender maybe.

And that -- I don't think that's been
decided in court yet.

Anything else, any other questions about
that? Yes, ma'am?
SHARON LAWSON: I don't know --

JUSTICE DICKEY: If you will, turn and -- turn and face the camera.

SHARON LAWSON: I have two questions and a comment.

JUSTICE DICKEY: Yes. State your name and where you're from.

SHARON LAWSON: My name is Sharon Lawson. I'm from Cross County. I am Chairman of the Election Commission in Cross County.

Can you tell me, will the population of the prison be counted in -- in effect for this? The prison in Forest City?

JUSTICE DICKEY: I'm going to go back --

SHARON LAWSON: The federal prison.

JUSTICE DICKEY: Do you have another question besides that?

SHARON LAWSON: I have a question about school districts. And I'm not sure that that's really your purview and would know about that.

JUSTICE DICKEY: No.

SHARON LAWSON: What -- you -- you don't know about --

JUSTICE DICKEY: Well, we don't --

SHARON LAWSON: -- the requirements for
redistricting for school districts?

JUSTICE DICKEY: Well, I'm going to ask the person who is more knowledgeable on that.

SHARON LAWSON: Okay.

JUSTICE DICKEY: Two questions. Yeah, I'll take the first one, I guess.

JUSTICE DICKEY: Okay. Y'all can share.

MR. NYE: Thank you for the question. As to the -- the first part regarding population of a prison. That is considered congregate housing under the rules and, yes, that does count toward total population count.

MR. JOHNSON: Regarding school districts, there are -- there are two -- two mechanisms by which school districts would become zoned or elect their school board members based on a -- on an election geography or zoning.

One is in the instance where we've had in Arkansas school district consolidation where a smaller district was consolidated into a larger district.

And the Arkansas Board of Education established some criteria where they said, we want that smaller district to still have an opportunity to have representation. So when
school districts in the past, recent past, have consolidated, those districts were then required to draw up zones and elect their members by zone.

The other trigger that is in the law is a threshold. And any time a school district in Arkansas, where the total population in the school district exceeds ten percent, that district then is required to draw up election zones for its school board.

UNIDENTIFIED SPEAKER: Ten percent of what?

MR. JOHNSON: Ten percent total minority population in the school district.

(Indiscernible Crosstalk)

JUSTICE DICKEY: He has another question? I think she does. Did someone have a --

(Indiscernible Crosstalk)

JUSTICE DICKEY: Okay. All right.

SHARON LAWSON: In my county, I have two school districts and one may drop below the minority number.

So will they fall back -- are they held responsible for the population change? They're not certain what they need to do.
JUSTICE DICKEY: Oh, sorry.

MR. NYE: I would need to look back at the statute. It's 6-13-631, I believe. And I believe that that statute says that, once a school district is drawn and elects by zones, then they would elect by zones into the future, regardless of whether that minority population fluctuates up and down. I believe that's correct.

JUSTICE DICKEY: Thank you.

Are there -- are there other questions, comments?

JUSTICE DICKEY: Oh, sorry, Mr. Valley.

JAMES VALLEY: Appreciate you walking to me. It's James Valley again.

I wanted to know if anybody here can tell us how many majority/minority State Representative Districts do we have now and how many majority/minority State Senate Districts do we have now in the State of Arkansas?

JUSTICE DICKEY: Yes, we have that information.

MR. JOHNSON: Yes, sir. You're taking us to task.

And I don't have that exact number in my
head, but I believe that we currently have four
minority/majority Senate Districts and I
believe we have 11 minority/majority House
Districts. Does that jive with your
remembrance?

(Indiscernible Crosstalk)

JAMES VALLEY: I was going to ask you one
question, (inaudible) deal with it later, but
how has that changed over the years?

That number, the majority/minority
districts you said backwards, but it's
majority/minority districts, has that number
decreased over the years? Because it came
about because of a lawsuit.

JUSTICE DICKEY: I think they lost one
this last ten years ago.

MR. JOHNSON: I -- I do not know the
answer as to how those have changed over time.
I don't know if you do or not.

JUSTICE DICKEY: They -- it's my
understanding there was one representative
district lost in the -- ten years ago. But the
-- the person that -- that loves and keeps
those facts is not available tonight.

Any other -- I think it -- I think it is.
We can get back to you with that information, if you --

JAMES VALLEY: (Inaudible.)

JUSTICE DICKY: -- if you'll just add it -- add that on a comment sheet so we can get your address, Mr. Valley.

Any other comments, questions, suggestions?

Well, thank you for being here and for participating. And if you have any follow-up, please send your comments in or give them to me tonight. And we hope to see you or talk to you or make this information available to you after we start drawing.

Thank you. The meeting's adjourned.

(End of Recording)

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CERTIFICATE

STATE OF ARKANSAS )
COUNTY OF PULASKI )

I, CRIS M. BRASUELL, Certified Court Reporter and Notary Public do hereby certify the proceedings which appear in the foregoing pages contain a true and correct record of the testimony given by said witness held to the best of my ability, along with all items of evidence admitted hereto.

I FURTHER CERTIFY, that I am not a relative or employee of any attorney or employed by the parties hereto, nor financially interested or otherwise, in the outcome of this action, and that I have no contract with any parties within this action that effects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties in the action.

WITNESS MY HAND AND SEAL this 4th day of October, 2021.

CRIS M. BRASUELL
CRIS M. BRASUELL, CCR
Arkansas State Supreme Court
Certified Court Reporter No. 742

My Commission Expires: August 16, 2031

CRIS M. BRASUELL, CCR
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