(Recording Begins)

JUSTICE DICKEY: -- commonalities that are economical, social, political, cultural, ethnic, or religious.

Eighth is a continuity of representation. You may ask why we try to avoid making incumbents run against each other, and that is another of our goals; because incumbency or incumbents represent the will of the voters. And, if possible, we'd like to avoid that.

And the final one is minimizing partisanship, no targeting nor giving preferential treatment to someone because of political parties.

Rucho versus a Common Cause where there was -- it says that the federal courts are not going to get involved in partisan gerrymandering. It's a political question with no credible way to define it and measure fairness in the political context. It does not preclude state courts.

And we anticipate, if there's any lawsuit that involves partisanship, that it will be tried in --

(Audio Interference)
MR. JOHNSON: (Inaudible) very pleased to be here in West Arkansas.

My name, again, is Shelby Johnson and I am in the Arkansas Geographic Information Systems Office, and we are a part of the Department of Transformation and Shared Services.

Statutorily, our office has a role to collect and archive the election geography of Arkansas. This includes county election precincts, county justice of peace districts, city wards, school board zones, and of course, our state House, state Senate districts and our congressional districts of Arkansas.

One of the things that we do is we roll that information each decade, each time that information changes, we roll that up to the Census Bureau and then it comes incorporated into the map files that are used to tabulate the decennial census at the various levels or various jurisdictions.

As Justice Dickey already mentioned, we are very far behind in the schedule in this cycle. The Census Bureau normally would have furnished the 2020 block level population date to the state back in February.
And, unfortunately, we still do not have that information. This prevents us from providing the technical support that we would normally provide to the Board of Apportionment. And so the only thing we're able to do, at this point in time, is to provide estimates.

The estimates that we are going to describe this evening are based off of a data product that is produced by the U.S. Census Bureau and is called the American Community Survey.

The American Community Survey is a sampling. It is not a complete census. And that sampling uses a combination of mortality records, such as birth and deaths, and some other sampling that takes place in each year. And those are used to forecast or estimate population in the United States.

What we have here, this first graphic, illustrates that information and it shows the population change between the period from 2010 to 2019.

I just want to take a couple of seconds and describe for you the colors so that, in case you're not able to see that in detail, the
darkest shades of red represent counties in Arkansas which have seen the largest population decline.

And then the scale moves to lighter shades of red then lightest colors which indicate counties that had modest or no population change.

And then the scale slides into shades of blue which indicate counties in Arkansas which have gained population.

The light shades indicate modest gain; and then, of course, the darker shades of blue indicate dramatic gain.

If you look at Jefferson County, which is in the lowest end of the scale, Jefferson County is projected -- or across that nine-year period, Jefferson County lost over 10,000 in population.

And then, at the other end of the scale, you contrast that with Benton County in far Northwest Arkansas, gained the greatest population, estimated at over 57,000.

As where, in this part of the state, you can see Miller County had minimal population loss. But, if we look at some of the others,
Sevier, held fairly well. But then, when we look at Hempstead, Nevada, Columbia, Fayetteville, River, all of those counties had some population decline over the last nine years.

Ouachita and Union County, in this part of the state, had the greatest amount of decline across the nine years.

The next thing we'll do is move to -- what we were able to do is -- (audio interference) -- election decline in those house districts but potentially not as much.

The middle shades, the lightest colors, indicate little to no change. And then the (inaudible) turns to shades of blue indicating districts in the house where population has gained over the last nine years.

In the house, one of the largest districts that lost the greatest amount of population would be House District 50 in Eastern Arkansas and House District 55 in Northeastern Arkansas. Both of those lost nearly 5,000 in population.

And then the opposite end of that spectrum, just a little east and south of the central Arkansas, House District 31 gained
5,800 as an estimate.

So you can see that this all paints a portrait of dramatic change in Arkansas' population.

It bears mentioning that population follows opportunity, follows jobs, it follows where there's opportunity. So this indicates that the districts in the state are going to be seeing some fairly dramatic changes.

We cast that same analysis onto the Senate districts. Here, this map shows the estimated change across the last nine years for the Senate districts. Again, the darkest colors of red indicate greatest loss in that district and then the darkest at the other end of the spectrum.

The darkest shades of blue indicate greatest population gain.

And one of the things that you might be wondering is how does that affect the districts going forward.

I'll briefly describe that just by saying that, if a district is below population, then it must expand geographically. It must get more population by reaching out north, south,
east, or west, to grab additional territory to
gain population so that that area that's low
comes up to more equal with its neighbors.

    In contrast, a district where the
population is above or dramatically high, that
district must contract. It will get smaller in
size to lose population and share that
population with its neighbors.

    Another thing that I'm -- have pointed out
in some of the other hearings is that, when we
look at a district like Senate District 11 here
in Southwest Arkansas and we see that it needs
to grow by about 3,800 in order to come up to
equality with its neighbors, that district can
not grow to the west into Oklahoma and it can
not grow to -- into Texas. And it also can not
grow into Louisiana as well.

    So that's a -- (audio interference).
    
    We look forward to hearing your public
comments.

    JUSTICE DICKEY: Thank you, Shelby.
    
    And now this is -- it's open for comments.
    
    There's a microphone on either side of me.
    
    As I said, there are comment sheets.
    
    If you speak on the microphone, if you
will, state your name and which county or
district you live in. All right.

SENATOR GARNER: How you doing? State
Senator Trent Garner from Union County,
District 27.

In (inaudible) tax numbers, how many
Senate seats do you anticipate in us losing in
South Arkansas? Basically, the bottom six or
seven Senate districts.

And how many House seats do you anticipate
we'll lose, everything south of that same kind
of (inaudible), just based on the pure numbers?

Looking at the math of it, and I'm just
trying to think what you anticipate we'll lose
in representation (inaudible).

JUSTICE DICKEY: Kevin, would you like to
answer that?

MR. NIEHAUS: It's hard to answer that
question without having the exact 2020 numbers.

Based on these 2019 numbers that we've
kind of all taken a look at, it kind of looks
as though three House seats from across the
state will probably move into Northwest
Arkansas; and one Senate seat.

So, depending on, you know, where those
seats are, you know, you just can potentially reconfigure based on which seats, you know, get moved up.

But, you know, Northwest Arkansas looks like three House seats, one Senate seat. Hard to say -- we don't know yet where those are coming from. But, you know, once -- yeah.

I can't say that those are coming from the south. It really just depends on when we get the numbers and when we start fiddling with the map, so...

JUSTICE DICKEY: Thank you.

Anyone else? Questions or comments or suggestions?

BLAKE MONTGOMERY: Blake Montgomery, Hope, Hempstead County.

Will there be additional public meetings once you do have the real numbers that we can comment on? Thank you.

JUSTICE DICKEY: This is our fourth of eight meetings before we get the census figures. We hope, after we have started the process of drawing or redrawing the maps, to be able to either present them to you either through PBS or in other public venues.
They will be posted online. So you'll have an opportunity for input again after we start the drawing process.

Anyone else?

SYLVIA BROWN:  Good afternoon. Sylvia Brown, Fulton, Hempstead County.

I wanted to ask about the actual data release and if that would show where the population gained and lost as far as the census tracks, I guess, that would perhaps identify how that data release showed where the population loss and gained.

And, also, will there be a redistricting simulation on the website to additionally encourage and support community participation?

JUSTICE DICKEY:  Shelby?

MR. JOHNSON:  Yes, ma'am.

The Census Bureau assigns population at the lowest level which is known as the block level. That block level population that -- lay persons tend to think of that as a city block but it is not. That's just the terminology they use.

A census block can be bounded by any kind of physical feature that you see on the
landscape. For example, roads, railroads, rivers and streams, and lakes. Those all fall in the boundaries of blocks.

And then layered on top of that are the administrative geographies of cities, county boundaries, school district boundaries, civil divisions or townships.

And those administrator geographies are layered on top of that. All of that composed together forms the census blocks. And those will allow you to see local level population trends, population gains, population declines.

So, hopefully, that answers your first question.

JUSTICE Dickey: You mind repeating your second question again?

SYLVIA BROWN: (Inaudible) Senate races to allow the public to (inaudible).

JUSTICE Dickey: As I said earlier, we hope to be able to present that after we've had your input and start drawing that too, to show that. Does that answer --

SYLVIA BROWN: (Inaudible.)

MR. Johnson: There are a number of tools that are online that would allow users to run
scenarios.

However, the board, at this time, is relying on desktop software. And that desktop software is the software where they're doing their work and their analysis. And I don't think that, at this point in time, the board has inclination to be able to put out fully interactive simulations online.

Rather, instead, would be potentially drafts of what they are attempting to produce.

JUSTICE DICKEY: Any other questions or suggestions?

FRED WEITZEL: Good evening. Fred Weitzel from Sevier County.

Knowing that all models are wrong, some are useful, will -- this model is purely a planning process model. And will it be modified after the pure census data comes out and the final maps will reflect the pure data?

JUSTICE DICKEY: The simple answer to that is yes.

Other questions?

UNIDENTIFIED SPEAKER: Additional questions, in a typical timeline, what would have been the process and what adjustments are
being made to -- that process to be inclusive and transparent? And then, secondly, does this information impact and/or inform state legislative deliberations and local deliberations?

And then, lastly, transmission of info data to local bodies, when was the timeline on that?

MR. JOHNSON: I'll answer the question about history.

In the prior decade, in 2011, the Census Bureau delivered the 2010 block file to Arkansas on February the 10th. At that point, all of the various levels of redistricting could then begin.

And the Board of Apportionment worked from that period all the way up until about July. And, during that course of that time, they had the benefit of the data and then that board, at that time, held public comment hearings around the state. And they adopted the current districts that we live with now on about July 26th or 29th, I believe.

And so, for that cycle, they had about 170 days work that they used to adopt those
districts.

Contrast that with this time around, here we are in almost middle of August and the state has yet to receive the full 2020 block file.

Obviously, that compresses the timeline that they are under. And the Board has set the goal to have that work completed by December 31st.

So that's a quick answer on the history information.

JUSTICE DICKEY: Will you repeat your second question?

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. JOHNSON: So the -- once the Board receives the 2020 data, then they would be able to begin their work. And the timeline at which they would put -- publish out drafts, anything like that, I couldn't speculate on. That would be up to the Board on furnishing out those drafts that they might produce.

And then the other question I think you had asked, Kevin reminded me, was when might local data be available to cities, counties, school boards, et cetera.

One of our goals is to try to, as soon as
the information becomes available, we're going to try to get that information into the hands of county election commissions, people who are going to be working on school board zones, municipal wards, and et cetera.

And so we'll be coordinating those communications to those entities as soon as that information is available for use.

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. JOHNSON: So her question was, does it need to be modified in order to be able to be used by the public. And the answer is, yes, dramatic modification.

The raw data in its raw form is not able to be used by the layperson. So that raw data requires processing and it is processed into a geographic information system format.

That is why the Census Bureau's original timeline of September 30th for publication of the block level data, that data that's published at that point in time will be more searchable, more user friend, and will be in a form that public and others can be able to access on line.

The data that we're receiving currently on
the schedule is going to be the raw data that will be processed into a GIS form that can be used by the Board.

Once the data is received, the data is not changed. The numbers do not change. The demographic information, the race, ethnicity, et cetera, the age brackets, none of that data changes in any of that processing. It's just an effort to make it more user friendly for the public and others. Thank you.

JUSTICE DICKEY: Any other questions?

Yes, sir. Could you come to the microphone unless --

(Indiscernible Crosstalk)

UNIDENTIFIED SPEAKER: Yes. My question to you all is --

JUSTICE DICKEY: I'm sorry. Can you give us your name and which county or district you're from?

UNIDENTIFIED SPEAKER: Thank you. Yes. My name is Romarez Diddle (ph) and I am in Columbia County of this -- Magnolia.

My question to you all is I know that population and demographics make up -- is the driving force of redrawing districts.
I would like to know, what other factors are there in redrawing districts such as the kind of economies each different community has? Because I know Magnolia, for example, the chief thing that pulls Magnolia, pushes Magnolia to keep Magnolia stable, is Southern Arkansas University. So it's education.

Where as, with like El Dorado, it's oil. In Texarkana, it's really residential for commerce on the Texas side.

So I'd like to know, what other factors contribute to redrawing districts?

UNIDENTIFIED SPEAKER: Thank you. That's a good question. There has been discussion in the states, in the various states, for many, many years, about using other data like projected growth or projected loss. Economic date, growing industries, dying industries, and that sort of thing.

Under our State Constitution, we can only use the data that's provided by the United States Census Bureau in the ten year census. We're not allowed to -- the Board is not allowed to project what might happen or what might -- what might not happen in any
particular area. So that's under our Constitution.

And, once the data is released, the way the Constitution reads, that's what the Board has to use, is that data provided by the U.S. Census.

JUSTICE DICKEY: Does that answer your question?

UNIDENTIFIED SPEAKER: (Inaudible) with just numbers, numbers doesn't necessarily give you (inaudible) complete picture about the community. So (inaudible) the community -- the thing about the community (inaudible).

JUSTICE DICKEY: Well, those were addressed, to a certain extent, in the nine criteria. But Brad, do you -- okay. Doug?

REPRESENTATIVE HOUSE: Yes. When the census data comes, it breaks it down by race, breaks it down by age, households, ethnic groups, language groups. And all of that is compiled in the census.

Sometimes it has some economic data that comes up like income levels. That's one of the reasons that the census is supposed to be confidential, so people can open those things
freely.

Now, if it's not within the census though -- I think the data you're asking about, you can look at the blocks data and you can tell what kind of community this one is versus what kind of community this one is.

Let me use an easy example. Little Rock Air Force Base, that's going to show that there are a lot of military people on Little Rock Air Force Base. So you're going to see that kind of data reflected in the census but it won't address like outside industries or what industries are growing or what industries feed that economy such as the timber industry or the oil and gas industry. That's not included in the census itself.

JUSTICE DICKEY: Andres Rhodes from the governor's office is going to also -- okay.

MR. RHODES: So that's a good question. Again, my name is Andres from the governor's office.

What you're referring to, you kind of hit the nail on the head, is communities of interest.

So, as Representative House said, the data
that we have to utilize for drawing this (inaudible) comes from the census. And it's not that granular when it comes to which communities are similar to others.

That's when public comment is helpful; so this is why we're having these meetings.

But, as Representative House said, we have to go by the census data. So if it says, hey, x number of people live in this town and x number of people live in this town and that exceeds the number of people that can be in a House district, for example, but you may not be able to put them together.

That being said, again, it is very helpful that you all are here giving us public comment so we can take that back, when we're drawing the districts, once we have the data from the Census Bureau, and try to keep communities of interest together.

That's not always possible. Again, all of those factors that Justice Dickey went into in detail, those are as possible or when possible.

But the one thing that is a constitutional requirement is population. And so, again, the first thing that we're looking at is what did
the Census Bureau tell us about how many people reside in this particular place.

    And, as Shelby said, it's -- we're looking at census blocks and voter precincts then counties and then state population.

    Did that answer your question? Great.

    JUSTICE DICKEY: At Benton, last week, they asked us to prioritize those criteria. And it's population, as Andres says; and then the next two are the legal requirements that -- strong legal parts of it.

    And then the rest of it, as you were talking about, communities of interest and other factors that are brought into it.

    Other questions?

    MS. JACKSON: (Inaudible) Jackson from Craighead County. Okay. I know census does -- is responsible for the data. Only of the data that are houses that are counted, not for the ones that are not counted; because there are people who don't do census, what -- what goes with that?

    The ones that do not do census. So that means --

    JUSTICE DICKEY: Like in a pandemic?
MS. JACKSON: Places can lose representatives or Senate, so what happens then? When there aren't enough people in that area but it's just because census didn't count them.

MR. RHODES: So you're talking about an undercount by the Census Bureau; right? Okay.

So -- and this is the case for all 50 states. This is not unique to Arkansas. The states, when they're drawing districts, have to go by the Census Bureau.

There are few exceptions but they also draw from the Census Bureau, even if they have exceptions.

So, if the Census Bureau says 50 people live in this block, then for all intense and purposes, 50 people live in that block.

If there's an undercount, there are ways for cities to do a supplemental census. But there are additional things that you would have to talk to the U.S. Census Bureau about such as cost, logistics, things of that nature.

And it would have to occur reasonably quickly because we're going to have very little time to draw districts.

CRIS M. BRASUELL, CCR
BUSHMAN COURT REPORTING
I don't know if we got into the whole timeline of the last time. But the previous Board of Apportionment received data in February and they were finished by July. So they had an entire springtime to do this process. We're looking at it, just a handful of months.

That's why we're having these public comment periods on the front end, so that we can ensure that the public has adequate, A, notice of these meetings; but, B, also an opportunity to give public comment.

But, yes, to draw back to the question, if the Census Bureau says 50 people live there, 50 people live there.

JUSTICE DICKEY: Any other questions?

Thank you for your input, for coming tonight. You can reach us at the website online. Several ways you can talk to any of these people from the governor's office, secretary of state's office, or attorney general's office.

We will wait if you want to talk to us tonight.

Again, thank you for coming. The hearing
is adjourned.

(End of Recording)

* * * * * * *
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  
BUSHMAN COURT REPORTING