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BOARD OF APPORTIONMENT PUBLIC HEARING
LITTLE ROCK, ARKANSAS
August 24, 2021

CRIS M. BRASUELL, CCR
BUSHMAN COURT REPORTING

1 (Recording Begins)

2 JUSTICE DICKEY: Good evening. Thank you
3 for masking up, social distancing and erring on
4 the side of caution in this pandemic of the
5 unvaccinated. Thank you for coming tonight.
6 My name is Betty Dickey and I am coordinator
7 for the Board of Apportionment for
8 Redistricting.

9 With me are the men who were doing the
10 hard work, to my far right is Brad Nye from the
11 AG's office, attorney general's office. Kevin
12 Niehaus from the secretary of state's office.
13 Doug House from the attorney general's office.

14 To my far left is Doug -- I'm sorry. Nick
15 Ortiz from the governor's office. And to my
16 immediate left is Shelby Johnson, who is the
17 head of Geographic Information Systems. I'll
18 get it straight someday.

19 And PBS is live streaming and videoing
20 these hearings, so you can watch them again on
21 MyArkansasPBS.org. The purpose of the hearings
22 is to give you the information as it relates to
23 the charts that have been prepared, 2019 and
24 now 2020, to ask for your comments.

25 And there were comment sheets as you

1 walked in, or we will provide comment sheets
2 for you where you can go online to the website
3 and make comments.

4 It's for you -- after Shelby explains some
5 maps and I talk to you momentarily about the
6 criteria, we ask you to make your comments or
7 ask your questions.

8 The legal basis for the criteria that you
9 see in front of you is Article 8 of our State
10 Constitution, the Voters Rights Amendment of
11 1965 is amended in the Equal Protection clause
12 of the 14th Amendment.

13 The first of the nine criteria, one
14 person, one vote is the balancing -- refers to
15 the balancing of each of the legislative
16 districts every ten years after the federal
17 census so that they're substantially equal,
18 which is a plus or minus deviation, unless
19 there is an impermissible violation of the
20 other criteria.

21 There are a hundred House seats, so the
22 district should be about 30,000 each.
23 Thirty-five Senate seats that should be about
24 86,000 per district.

25 Section 2, the second one, Section 2 of

1 the Voters Rights Amendment as not -- of 1965,
2 prohibits discrimination based on race, color,
3 or language minority.

4 The third one, Equal Protection Clause of
5 the 14th Amendment, limits redrawing district
6 boundaries strictly on the basis of race. The
7 next four referred to the geographic
8 principles; the fourth one, compactness, the
9 eyeball test refers to the shape of a district,
10 whether it's round or square.

11 In 1812, Governor Gerry of Massachusetts
12 drew the area around Boston so that it looked
13 like a salamander, hence the word
14 gerrymandering.

15 The fifth one is contiguous or contiguity
16 of having a common border, no partial districts
17 that are islands.

18 Six is a core of existing districts. We
19 -- our goal is whole counties, whole cities,
20 whole precincts to minimize splitting political
21 subdivisions. That is our goal; in some cases,
22 it is not possible.

23 The seventh one, communities of interest
24 that have commonalities, economical, social,
25 political, cultural, ethnic, or religious

1 interests.

2 The eighth one is continuity of
3 representation. You may ask why (inaudible)
4 pay deference to incumbents. Incumbents
5 reflect the will of the majority, the voters.
6 And we try to avoid making incumbents run
7 against each other. That again, as you look at
8 the maps and as Shelby explains them, you'll
9 understand that may not be possible this time.

10 The ninth one is to minimize partisanship,
11 no targeting nor giving preferential treatment.
12 Rucho versus The Common Cause of 2019 case, the
13 federal courts said partisan gerrymandering, a
14 political question that's not justiciable in
15 the federal courts.

16 They did not exclude state courts, so any
17 partisan litigation apparently will be in state
18 courts, your State Supreme Court.

19 Shelby's going to explain the maps and
20 then we'll open it for questions.

21 MR. JOHNSON: Good evening. It's a
22 delight to be here in Little Rock at the
23 University of Arkansas at Little Rock.

24 My name is Shelby Johnson and I'm in the
25 Arkansas Geographic Information Systems Office.

1 We're a part of the Arkansas Department of
2 Transformation and Shared Services. One of our
3 statutory roles is to record the election
4 geography of Arkansas.

5 We keep up with digital maps of election
6 precincts, school boards justice of peace
7 districts, the State House and Congressional
8 Districts, State Senate Districts and municipal
9 wards.

10 We did a lot of work over the last four or
11 five years in preparation for the census for
12 2020 and fed a lot of the geography into the
13 census so that, as population was counted, it
14 could be assigned to the correct jurisdictions.

15 On August the 12th, the Census Bureau
16 released what they've termed a legacy format of
17 the 2020 census data. And we immediately
18 downloaded the data for Arkansas and began to
19 process.

20 For the first several board hearings that
21 were held in Arkansas, we were only able to
22 show the public estimates or what we thought
23 was going to be the population differences or
24 population change among the House and Senate
25 Districts.

1 Last Tuesday evening, at our meeting in
2 the Fort Smith, we were able to share for the
3 first time the variances based on the 2020
4 maps.

5 So the first map I'm going to walk you
6 through is on the screen behind me showing our
7 population change by county across Arkansas
8 from the period of April 1st, 2010, April 1st,
9 2020. And the numbers that you see are not
10 indicative of total county population.

11 The numbers are expressing how much the
12 county changed in population, either up or
13 down, across that ten year period.

14 Here in Central Arkansas, was also modest
15 growth in several of the counties. Faulkner
16 County, for example, gained 10,261. And
17 Pulaski County, gained 16,377 across the ten
18 year period.

19 Those are two of the counties that are
20 shown in the darkest blue shade. The darkest
21 blue shade indicates to us that those counties
22 experienced the greatest growth. Then as the
23 scale turns in the lighter shades of blue,
24 those are showing counties where there was
25 growth, but not quite as much.

1 Then next on the scale, indicating
2 counties which grew modestly. The lightest
3 shades indicate counties where there was not
4 much population growth, nor a population
5 decline across the ten year period.

6 Those are shown in white. Then the color
7 scale transitions to shades of red. And as you
8 start at the lowest shade of red, that's
9 indicating that a county's population declined
10 a little bit.

11 As it gets to a darker shade of red, it
12 indicates the county declined more. And then
13 the darkest shades illustrating that the
14 counties had the greatest amount of population
15 decline.

16 So not too far away here from Central
17 Arkansas, in Jefferson County, was one of our
18 counties which had dramatic population decline
19 across the ten year period. And it declined
20 10,175 in the ten year span.

21 Farther to the west, you can see Yell
22 County, indicating a county where we had pretty
23 good population decline, 1,922.

24 We're going to move now from the county
25 maps and look at the House, the State House

1 Districts. And that'll be the next map that
2 we're looking at.

3 In the State House Districts, what we did,
4 we took the population data that was released
5 and we cast that data up against the current
6 design of our House Districts and we applied
7 the same color shading or same color scheme.

8 So the House Districts you see that are in
9 the darkest shades of red are indicative of
10 House Districts where the population is too
11 small. And the House Districts that are in the
12 shades of blue are indicating House Districts
13 where the population is too great.

14 What this tells us is tracking with the
15 national trends, our national trend is that, if
16 you're in a rural area, that rural area, it is
17 becoming more rural. And if you're in an urban
18 area, that urban area is tending to see
19 population growth.

20 Here in Central Arkansas, one of the
21 largest gains in terms of population would be
22 House District 31. House District 31, which is
23 mostly in Saline County, is -- has a population
24 that's 7,500 over the target population.

25 In Arkansas, what we do is we take our

1 current population, which is 3,115,024 people
2 and we divide that by 100 House Districts and
3 that yields a target just slightly over 30,000.
4 So each House District ought to have about
5 30,000.

6 Currently, today, the darkest shades of
7 blue, the darkest shades of red, those are
8 districts where their population is far above
9 that the 30,000 mark or far below. And those
10 districts in -- to put it in proper context,
11 are currently illegal.

12 We'll move next on to the Senate map in
13 the Senate Districts.

14 TONI MAGHREBLIAN: (Inaudible.)

15 MR. JOHNSON: If you would -- ma'am, if
16 you would hold, I'll wrap up with the Senate
17 really quick and then we'll move into public
18 comments.

19 The Senate, mostly the same thing that I
20 just explained. We put the same data against
21 the Senate Districts that we currently live
22 under. And the darker shades are indicative of
23 Senate Districts that need to grow. They need
24 to get geographically larger to gain additional
25 population.

1 And, at the opposite end, the darkest
2 shades of blue represent districts which need
3 to shrink or share that population with it --
4 with the neighboring areas so that all of the
5 districts can come up to become more equal.

6 Our target population calculation for the
7 35 Senate seats is the same three million
8 population figure divided by the 35 Senate
9 seats. And so each Senate District ought to
10 have about 86,044 persons in it.

11 And currently you can see more than half
12 of our Senate Districts are very far out of
13 balance.

14 So with that, that's a very quick tour of
15 the maps that we are able to show for now,
16 which are representing the change and shift in
17 Arkansas's population.

18 And I'll turn it back over to Justice
19 Dickey to receive public comments.

20 JUSTICE DICKEY: Now, would you like to
21 step -- there's a microphone at the end of each
22 aisle. You want to step up and ask your
23 question or make your comment. Anyone?

24 TONI MAGHREBLIAN: (Inaudible.)

25 JUSTICE DICKEY: If you'll step down so

1 that everyone can hear you. And turn the
2 microphone on if it's not. Is it on?

3 TONI MAGHREBLIAN: Hello?

4 JUSTICE DICKY: Now.

5 TONI MAGHREBLIAN: Testing. Hey. Yeah.

6 JUSTICE DICKY: If you will, state your
7 name. And I assume you're from Pulaski County
8 in this District. If you're not, please tell
9 us.

10 TONI MAGHREBLIAN: My name is Toni
11 Maghreblian. I live in Chenal Valley, part of
12 Little Rock.

13 My question is, the whole illegal --

14 JUSTICE DICKY: If you'll step up. Put
15 --

16 TONI MAGHREBLIAN: Hello.

17 JUSTICE DICKY: Okay.

18 TONI MAGHREBLIAN: I'm going to give you
19 COVID, I'm afraid, now.

20 I -- my name is Toni Maghreblian,
21 M-e-g-h-r-e-b-l-i-a-n, in case anybody cares.
22 I live in West Little Rock. And I have a
23 question about what it means, illegal.

24 I mean, is anyone going to jail for that?
25 Because that's what illegal means, you know?

1 JUSTICE DICKY: You understand? Okay.
2 Step up.

3 MR. JOHNSON: It just simply means that
4 the variation between the districts, each
5 district's population, it's too far out of
6 balance. The concept of one person, one vote.

7 And so that means that each House District
8 ought to have about 30,000. But in the context
9 with, for example, Senate District 31 in Saline
10 County that I mentioned, its population is
11 currently 30,000 -- 37,500.

12 TONI MAGHREBLIAN: Uh-huh.

13 MR. JOHNSON: And those numbers are
14 illustrated on the charts that you saw in the
15 foyer with the details.

16 It just means that that district is
17 underrepresented and then -- or
18 overrepresented. And then the opposite would
19 be true for a district where its population is
20 not large enough. So that -- it's --

21 TONI MAGHREBLIAN: Okay. I think that
22 you're saying that if you're in the blue,
23 they're overrepresented?

24 MR. JOHNSON: They have -- that district
25 has too much population.

1 TONI MAGHRELIAN: For one person? They
2 need more people? Is that what you mean? They
3 need more representation?

4 In the rural counties, it looks like
5 they're losing population --

6 MR. JOHNSON: That's correct.

7 TONI MAGHRELIAN: -- so they -- I would
8 assume that means they have less
9 representatives, you're going to have to cut
10 some of those people out.

11 MR. JOHNSON: Let me -- let me give you
12 another example. Senate District --

13 TONI MAGHRELIAN: That's --

14 MR. JOHNSON: Senate District 1 in the far
15 Northwest Arkansas is another really good
16 example. It's the one in the Senate that's the
17 most out of balance.

18 So currently it has -- if the target would
19 be 86,000 per district --

20 TONI MAGHRELIAN: Uh-huh.

21 MR. JOHNSON: -- Senate District 1 has
22 43,500 population above 86,000.

23 TONI MAGHRELIAN: I know. That's -- all
24 those people only have one person, while if you
25 live in, you know, Texarkana or Hope or

1 somewhere else, you have double the
2 representation --

3 MR. JOHNSON: That --

4 TONI MAGHRELIAN: -- on -- based on
5 percentage of how many people live there. Is
6 that -- is that what we're talking about?

7 MR. JOHNSON: Yeah. The short of it is
8 that, in a district that has fewer population
9 than it should, their vote is outsized --

10 TONI MAGHRELIAN: Uh-huh.

11 MR. JOHNSON: -- compared to a district
12 where the population is too great.

13 TONI MAGHRELIAN: Kind of like our
14 country, when Wyoming has as much say as
15 California.

16 UNIDENTIFIED SPEAKER: She doesn't
17 understand --

18 JUSTICE DICKY: No.

19 UNIDENTIFIED SPEAKER: That's before
20 redistricting.

21 JUSTICE DICKY: I know it.

22 (Indiscernible Crosstalk)

23 SYDNEY RUSH: Good evening. Can you hear
24 me? Good evening. I just have --

25 JUSTICE DICKY: If you will, state your

1 name and where you're from. If you can step
2 down and get closer to the mic, that may help.

3 SYDNEY RUSH: Yes, ma'am. Good evening.
4 My name is Sydney Rush, I'm from North Little
5 Rock.

6 And I just was curious about how you're
7 going to ensure that minority areas are
8 continued to be rep -- continue to be
9 represented, especially considering, you know,
10 in Pulaski County, there are certain seats that
11 are kind of insinuated to be, you know,
12 minority seats.

13 And so I just wanted to kind of ask about
14 that and ensure that, you know, those seats
15 will be continued -- it will continue to
16 represent the populations that live there.

17 JUSTICE DICKEY: I think if I can refer
18 you to -- to -- of the criteria --

19 SYDNEY RUSH: Yes, ma'am.

20 JUSTICE DICKEY: -- and what's important
21 to us as far as it goals, the second and third.

22 Yeah, the population per district has to
23 be substantially equal. That's the first. So
24 we have -- every ten years, you have to redraw
25 the district lines based on a substantially

1 equal population.

2 The second one, the second of the criteria
3 prohibits discrimination based on race, color,
4 or language minority. And yet you cannot draw
5 a district, as the third one points out, based
6 on the 14th Amendment, that is just because
7 it's a minority district.

8 So we preserve them, we balance it, but
9 you don't show preferential or discriminatory
10 treatment. Does that answer your question?

11 SYDNEY RUSH: Partially. I guess my main
12 consideration is that -- I meant -- I think my
13 main consideration or my main concern rather is
14 that current seats held by, you know, minority
15 representatives may be, you know, drawn larger
16 to encompass, you know, nonminority areas,
17 especially North Little Rock, specifically.

18 And so I just wanted to kind of see if
19 y'all had a plan in place to kind of deal with
20 that.

21 JUSTICE DICKY: Do you understand what
22 she said?

23 SYDNEY RUSH: Thank you.

24 JUSTICE DICKY: I don't think we can
25 understand what your question or your point is.

1 SYDNEY RUSH: Okay.

2 JUSTICE DICKY: If you can either
3 slightly remove your mask while you're talking,
4 it --

5 SYDNEY RUSH: Thank you. I'm -- I'm okay.
6 Thank you.

7 UNIDENTIFIED SPEAKER: I think what she's
8 asking (inaudible) --

9 JUSTICE DICKY: Well, you'll -- you'll
10 need to come to the microphone if you want to
11 interpret for her. And your name?

12 ROSE REIGNS: My name is Rose Reigns. I'm
13 from Jacksonville.

14 She was asking -- asking for more direct
15 verbiage, other than the generic criteria that
16 you guys have.

17 What are you directly doing to make sure
18 that these people are not being discriminated?

19 JUSTICE DICKY: Drawing the maps fairly
20 and transparently.

21 ROSE REIGNS: Okay. So well then, while
22 I'm here, I do have --

23 JUSTICE DICKY: Well --

24 ROSE REIGNS: -- other questions.

25 JUSTICE DICKY: -- there was someone

1 ahead of -- okay. If she doesn't mind, I
2 don't.

3 ROSE REIGNS: Okay.

4 JUSTICE DICKY: What --

5 ROSE REIGNS: So how will these meetings,
6 the questions asked and the comments being
7 made, directly impact what's happening here
8 with redistricting?

9 JUSTICE DICKY: Well, it --

10 ROSE REIGNS: Was I loud enough?

11 JUSTICE DICKY: You want to answer it?

12 REPRESENTATIVE HOUSE: Sure.

13 JUSTICE DICKY: I didn't hear the last
14 part of it.

15 REPRESENTATIVE HOUSE: Thank you. It's a
16 good question. How's this done.

17 I think there might have been some
18 misunderstanding, just to make sure nobody
19 misunderstands, these are not the current maps.

20 ROSE REIGNS: Right.

21 REPRESENTATIVE HOUSE: This is the
22 existing maps that were drawn ten years ago and
23 they have grown out of balance over ten years.
24 And I think there might have been a
25 misunderstanding about that.

1 The way we comply with the Voting Rights
2 Act is, number one, we have to make equal
3 populations among districts. We have a general
4 idea because we are all Arkansans, the governor
5 -- and we're working for the governor, the
6 secretary of state and the attorney general.

7 We have a general idea of where people
8 live. And so that is considered when the lines
9 are drawn.

10 The next thing that happens, if there
11 appears to be a population group that meets
12 minority status, whether they are black or
13 Hispanic or Marshallese or some other group,
14 Asian group, then that shows up in the census
15 data.

16 That information is then overlaid over the
17 maps to make sure that districts are the
18 appropriate size so that we have what is called
19 a minority/majority district.

20 You can see these districts even now today
21 from ten years ago. So we make sure that where
22 there is a sufficient concentrate -- in an area
23 of sufficient number and compacted enough to
24 form a district, then that district will be
25 detailed out in accordance with federal law,

1 the Voting Rights Act of 1965, as amended. And
2 that is the process.

3 Did I answer your question?

4 ROSE REIGNS: That directly answers that
5 question.

6 How are you guys held accountable to those
7 standards? What are the repercussions of these
8 illegal districts, as you guys call them?

9 REPRESENTATIVE HOUSE: The word illegal
10 means -- is not a legal word. Okay? This is
11 from the attorney general's office. It's not a
12 legal word.

13 But it's a representation to show how far
14 out of balance those districts have become in
15 the last ten years. That's why we are
16 redistricting, to bring them all into balance.

17 We follow the Voting Rights Act as best as
18 we know. We present that information to the
19 governor, the secretary of state, and the
20 attorney general.

21 They make the decision, not who the people
22 you see here. And they are there to ensure
23 that it's done, as Justice Dickey said, openly,
24 fairly, comply with all federal and state laws,
25 and is completely transparent.

1 If someone does not like that, they may
2 bring a lawsuit. And the books are full of
3 lawsuits all over the country where people have
4 been held to account for not doing the right
5 thing.

6 So their purpose, their intent, is to
7 comply with state and federal laws, transparent
8 and open. I hope I've given you an answer.

9 ROSE REIGNS: Yes. That works for that.
10 The --

11 REPRESENTATIVE HOUSE: Can you step a
12 little closer?

13 ROSE REIGNS: I'm sorry. I'm short.

14 So the question that I personally had of
15 what do our questions, what does these
16 meetings, what do the comments, how does that
17 affect this process?

18 REPRESENTATIVE HOUSE: The comments that
19 people make -- and I'll use an example.

20 Up in Baxter County, when we were in
21 Mountain Home the other day, a lady pointed to
22 a neighborhood in Baxter County, but her
23 representative lived 90 miles away. And she
24 says, it's not right because we go to the
25 Walmart in Baxter County in Harrison or

1 Mountain Home. We go to -- that's -- yeah,
2 Baxter County.

3 We go to the Walmart, we get to that
4 County Courthouse, we buy our cars, we get our
5 hair done, everything in Mountain Home. Yet,
6 our State Representative lives 90 miles away
7 because of gerrymandering that was done ten
8 years ago.

9 Those kind of comments are very important
10 to us as we collect information and present
11 that to the governor, the secretary of state
12 and the attorney general.

13 You mentioned you're from Jacksonville. I
14 live out your way. There's a part of the
15 district that I used to represent that extends
16 over into Jacksonville. It's a finger. It was
17 done to help somebody out ten years ago.

18 Those are the kinds of things that the
19 governor or the secretary of state and the
20 attorney general are alert to that are not
21 fair, that are not right, and are inconsistent
22 with all of these principles you see underneath
23 you.

24 ROSE REIGNS: So I will just go ahead and
25 say that you -- you mentioned the Jacksonville

1 finger, not me, so -- but -- so how can
2 somebody, say, for instance, that works a night
3 job, how can they get their questions and
4 comments heard?

5 REPRESENTATIVE HOUSE: Very good. Very
6 good. Justice Dickey?

7 ROSE REIGNS: And that's all of my
8 questions.

9 JUSTICE DICKEY: Thank you. Yes, ma'am.

10 UNIDENTIFIED SPEAKER: She just asked
11 something (inaudible) the website --

12 ROSE REIGNS: How can those questions and
13 comments be heard outside of this meetings?

14 JUSTICE DICKEY: Oh, you want the website?
15 ArkansasRedistricting.org.

16 ROSE REIGNS: Okay. What -- forward slash
17 -- is it on the main home screen?

18 (Indiscernible Crosstalk)

19 ROSE REIGNS: It's on the main home
20 screen? Okay.

21 JUSTICE DICKEY: Public comment.

22 ROSE REIGNS: All right. Thank you.

23 JUSTICE DICKEY: You're welcome.

24 Yes, ma'am. If you'll state your name.

25 REPRESENTATIVE ENNETT: Good after -- or

1 sorry, good evening. I want to thank the Board
2 of Apportionment for -- can you hear me?

3 JUSTICE DICKEY: Just step closer to the
4 microphone.

5 REPRESENTATIVE ENNETT: I don't want to
6 fall off.

7 JUSTICE DICKEY: I don't want you to fall
8 off either.

9 REPRESENTATIVE ENNETT: Good evening. Can
10 you hear me?

11 JUSTICE DICKEY: Good evening.

12 REPRESENTATIVE ENNETT: I want to thank
13 the Board of Apportionment for hosting these
14 forms throughout the state.

15 I am Representative Denise Ennett and I
16 represent District 36, which is parts of
17 downtown and Pulaski County.

18 And I have a couple questions to ask, so
19 please bear with me.

20 JUSTICE DICKEY: Okay.

21 REPRESENTATIVE ENNETT: When will the
22 Board of Apportionment begin drawing maps?

23 JUSTICE DICKEY: After the September
24 30th -- they have -- they have information now.
25 Thank you, Eddie Joe.

1 Information now that has to be formatted
2 and there -- but when the September 30th final
3 census figures are in. They don't expect
4 changes; but, if there are, then they start
5 drawing.

6 They may start drafting before, but they
7 can't start drawing until after September 30th.
8 Can't have any final maps drawn.

9 REPRESENTATIVE ENNETT: Okay.

10 My next question, what is your projected
11 timeline for drawing and finalizing the maps?

12 JUSTICE DICKEY: We hope to do this in
13 October. We hope to do it in a few weeks,
14 depending on how -- I mean, it -- and it's
15 challenging.

16 If you'll look at the dark red and the
17 dark blue, it's going to be very challenging
18 for all three entities to draw a map that's
19 fair to as -- and that meets these criteria, to
20 the extent that we can. So most of October.

21 Then the -- and I don't want to get ahead
22 of your questions, but then the three
23 principles, the governor, attorney general and
24 secretary of state vote. And then there is a
25 30-day waiting period or a 30-day period in

1 which there is some feedback.

2 We hope to be able to show those maps, to
3 show the final proposed map, hopefully through
4 PBS or some way to get that out all over the
5 state before that 30 days.

6 REPRESENTATIVE ENNETT: Okay. I think you
7 answered my next one. How long will the public
8 have to comment?

9 JUSTICE DICKEY: If you'll -- I know you
10 have to look at your papers, but --

11 REPRESENTATIVE ENNETT: I'm sorry.

12 JUSTICE DICKEY: -- if you'll face the
13 microphone.

14 REPRESENTATIVE ENNETT: Okay. How long
15 will the public have comment on these maps?
16 You mentioned 30 days.

17 JUSTICE DICKEY: The 30 days --

18 REPRESENTATIVE ENNETT: Okay.

19 JUSTICE DICKEY: -- yes.

20 REPRESENTATIVE ENNETT: When does the
21 Board of Apportionment expect to vote on
22 proposed maps?

23 JUSTICE DICKEY: Well, I can't -- I would
24 think soon after they've seen the map that the
25 three entities, that three different groups,

1 you know, agree on a map and give that to the
2 attorney general, secretary of state, and
3 governor.

4 So it shouldn't take very long, but I
5 can't predict how long they'll take.

6 REPRESENTATIVE ENNETT: Okay. One more
7 question.

8 JUSTICE DICKEY: Okay.

9 REPRESENTATIVE ENNETT: Is December the
10 31st a hard deadline for the Board of
11 Apportionment to complete its work?

12 JUSTICE DICKEY: Yes.

13 REPRESENTATIVE ENNETT: One more -- one
14 more question.

15 JUSTICE DICKEY: One more.

16 REPRESENTATIVE ENNETT: Okay. Does the
17 Board of Apportionment plan to have the
18 finalized map voted on by then, by December
19 31st?

20 JUSTICE DICKEY: The finalized map? Well
21 before then. I mean, it -- well before then,
22 and the 30 days pass before then.

23 REPRESENTATIVE ENNETT: Okay.

24 JUSTICE DICKEY: Everything ends then, so
25 yes.

1 REPRESENTATIVE ENNETT: Okay. Thank you.

2 JUSTICE DICKEY: Thank you.

3 GOLDIE GAINES: Good evening.

4 JUSTICE DICKEY: Good evening.

5 GOLDIE GAINES: My name is Goldie Gaines
6 and I'm from North Little Rock. I have a few
7 questions.

8 JUSTICE DICKEY: Okay.

9 GOLDIE GAINES: Generally speaking, what
10 are the most significant changes from the
11 existing maps that you anticipate, apart from
12 the reshuffling districts due to population
13 shifts?

14 JUSTICE DICKEY: What are the most
15 significant changes?

16 GOLDIE GAINES: Yes, apart from --

17 JUSTICE DICKEY: Apart from the population
18 shift?

19 GOLDIE GAINES: -- the reshuffling.
20 Uh-huh.

21 JUSTICE DICKEY: Do you want to answer
22 that? Is it --

23 MR. JOHNSON: What you would expect to
24 see, for example, in the rural areas where the
25 population has declined, the district must

1 become larger, geographically bigger, to reach
2 out and grab population from its neighbors.

3 So in rural areas, you would expect some
4 of the districts to become larger. And I think
5 one of the easy ways to explain that might be
6 to look at far Southeast Arkansas.

7 And that Senate District 26, for example,
8 it can't grow east across the Mississippi River
9 or it can't grow south into Louisiana. It can
10 only grow west or north to get additional
11 population. So that might be exemplary of that
12 circumstance.

13 In the urban areas where you have
14 districts that are too large or too great in
15 population, those districts will need to
16 contract. They'll get geographically smaller
17 in order to share that population with the
18 neighboring districts.

19 So those might be some examples of how you
20 might see the districts change based on their
21 current size.

22 JUSTICE DICKEY: Thank you.

23 GOLDIE GAINES: Okay. So are those the
24 significant changes from the existing map that
25 you anticipate in regards to the reshuffling or

1 redistricting?

2 JUSTICE DICKEY: Yes. There will be
3 larger districts, it appears, within the red
4 districts that have to expand geographically
5 and smaller in the blue.

6 GOLDIE GAINES: Okay.

7 Secondly, in the area of transparency,
8 Arkansas, has been hit hard by COVID-19
9 pandemic and cases are currently surging due to
10 the Delta variant.

11 In light of this, will there be an
12 opportunity for concerned citizens who cannot
13 attend in-person hearings to have their
14 questions and answers -- questions answered by
15 you?

16 JUSTICE DICKEY: Yes. I mean, it -- there
17 are comments and you can make those at the
18 ArkansasRedistricting.org, the website, or
19 SOS.Arkansas.gov.

20 You can add these comments given to us
21 tonight or mail them in. They will be posted
22 online. After the maps are drawn, there is
23 still -- and we get to show those to the
24 general public through a television broadcast,
25 hopefully PBS, then you get to make comments

1 again. Or if --

2 GOLDIE GAINES: Okay. Now, more specific
3 -- I'm sorry.

4 More specifically, the Hispanic community,
5 those that speak, you know, Hispanic, Latino,
6 will there be a process in place --

7 JUSTICE DICKY: Yes.

8 GOLDIE GAINES: -- for those that do not
9 speak English perhaps --

10 JUSTICE DICKY: Yes.

11 GOLDIE GAINES: -- to still be able to
12 submit --

13 JUSTICE DICKY: They are giving comments
14 in Spanish online. I don't have those here
15 tonight.

16 GOLDIE GAINES: Okay.

17 JUSTICE DICKY: They can read -- at the
18 -- read at the website, read that in Spanish.
19 That should be up tomorrow.

20 GOLDIE GAINES: Okay. So the Spanish will
21 be available tomorrow?

22 JUSTICE DICKY: Yes. So it -- that's
23 available for Hispanics.

24 GOLDIE GAINES: Okay.

25 My third question, how is this public

1 hearing going to affect your redistricting
2 process?

3 JUSTICE DICKY: How is the public hearing
4 going to affect the redistricting process?

5 GOLDIE GAINES: Yes.

6 JUSTICE DICKY: There are legitimate, and
7 most are legitimate, comments that to the
8 extent we recognize -- I mean, you live in
9 these areas. You know what the problems are.
10 You know where it's divided down the middle of
11 the street.

12 And for those of us who don't and who are
13 trying to do the redrawing, that's important
14 information where Senate in House lines that
15 could overlap, don't.

16 There are lots of opportunities to make
17 comments that help us fix problems that they
18 had ten years ago.

19 GOLDIE GAINES: Okay. So you would
20 definitely take in our -- our comments --

21 JUSTICE DICKY: So when we don't -- we
22 read them --

23 GOLDIE GAINES: Uh-huh.

24 JUSTICE DICKY: -- we publish them
25 online, we give them to the three principles or

1 the three voting groups, the three voting --
2 governor, attorney general and secretary of
3 state.

4 GOLDIE GAINES: Okay.

5 JUSTICE DICKY: We make them -- all of
6 that. So your comments are copied several
7 times for us and on the website.

8 GOLDIE GAINES: Okay.

9 And will you commit to making your
10 decision-making process public?

11 JUSTICE DICKY: I think we already have.
12 But if we don't, yes, we -- we commit to making
13 the decisions public. Now, the process --

14 GOLDIE GAINES: Yeah, now that's --

15 JUSTICE DICKY: -- as far as what we
16 think, you know, I don't know that we could
17 make all that available. But the process, yes.
18 The -- you know, the different maps, yes.

19 GOLDIE GAINES: Okay.

20 And then I want to move into the data. So
21 are you using total population, voting age
22 population, VAP, citizen voting age population,
23 CVAP, or something else, as your base
24 population metric?

25 UNIDENTIFIED SPEAKER: Total population.

1 JUSTICE DICKEY: Total. Total population.

2 GOLDIE GAINES: Total? Okay. Thank you.

3 And, lastly, how will incarcerated people
4 be counted? Will incarcerated people be
5 treated as residing where they were
6 incarcerated, where they previously lived, or
7 excluded from the redistricting?

8 JUSTICE DICKEY: You can answer that. I
9 know it, but you -- no, not you. Brad.

10 MR. NYE: Sure. And thank you for the
11 question.

12 GOLDIE GAINES: Uh-huh.

13 MR. NYE: So the Arkansas Constitution
14 sets out that we use Federal Census data
15 provided to draw the lines. And we do use
16 total population data.

17 To do what you are talking about, to
18 reallocate people away from congregant living
19 and type environments would have required a
20 statute change here in the state. And that's
21 not something that was done during the last
22 legislative session.

23 So we will be using total population data,
24 as required by current law.

25 GOLDIE GAINES: Okay. And for the

1 incarcerated, does that include them? Again,
2 regarding to them, how will people be counted?
3 We got that. So you said that you would use
4 the total population.

5 But will incarcerated people be treated as
6 residing where they're incarcerated or their
7 previous living address or will they be totally
8 excluded from the redistricting?

9 MR. NYE: No, under current Arkansas Law,
10 as it exists today, they are counted as where
11 they reside.

12 So where they are currently -- where they
13 were incarcerated as of April 1st, 2020, census
14 day.

15 GOLDIE GAINES: Okay. Thank you.

16 JUSTICE DICKEY: Thank you.

17 Yes, sir?

18 MICHAEL McCRAY: Good evening. Can you
19 hear me? Good evening.

20 JUSTICE DICKEY: Good evening.

21 MICHAEL McCRAY: This is more of a public
22 comment, as opposed to a question --

23 JUSTICE DICKEY: If you'll say your name
24 and get as close as you can to the mic, please.

25 MICHAEL McCRAY: Okay. Thank you.

1 My name is Michael McCray and I've lived
2 in the Pine Bluff community of Jefferson County
3 for over 40 years. And I believe we have a
4 serious problem with gerrymandering and
5 district maps and boundaries on both the state
6 and local levels.

7 JUSTICE DICKEY: Let me -- I'm sorry to
8 interrupt you again, but either your mic's
9 turned off or you're not close enough to it.

10 MICHAEL McCRAY: Can you hear me now?
11 Okay. Sorry.

12 Once again, my name is Michael McCray. I
13 have lived in the Pine Bluff community of
14 Jefferson County for over 40 years.

15 I believe we have a serious problem with
16 gerrymandering and district maps and boundaries
17 on both the state and local levels. I live in
18 the southern part of the city, which is on the
19 southeast part of the county.

20 Jefferson County has about 67,000
21 residents into its State Senate Districts. One
22 district has about 52,000 residents and the
23 remaining 15,000 of us have been drawn in
24 another State Senate District that goes all the
25 way south to Union County. As a result, we're

1 in a county that's not fairly represented.

2 Also, Pine Bluff is home to UAPB, SEARK,
3 the Pine Bluff Arsenal and the Port of Pine
4 Bluff, which is part of one Senate District.

5 On the other hand, the Jefferson County
6 Regional Hospital and Pine Bluff Airport is
7 under the boundaries of the other -- the other
8 senator who lives three counties away from us.
9 So, therefore, our county -- our community is
10 segregated by these district lines.

11 On the local level, we are -- we're
12 fighting to -- fighting for schools
13 consolidation and maintaining the resources for
14 Pine Bluff School Districts, but we have a
15 neighboring city who has a school district that
16 encroaches on our city maps.

17 So, from my point of view, we've kind of
18 got a mess of the maps all around. And I just
19 hope that you can do what you can with
20 whatever, I guess, this proceeding is and if
21 there's other for the local. These are my
22 concerns.

23 JUSTICE DICKEY: We -- will you either
24 give -- I'm sorry. Don't fall. Will you turn
25 that in as a comment, please? Thank you.

1 LAURIE EVANS: Hello. Can you hear me
2 okay?

3 JUSTICE DICKEY: Yes. Thank you.

4 LAURIE EVANS: Okay. Great. My name is
5 Laurie Evans, I'm representing Indivisible
6 Little Rock in Central Arkansas. I'm here
7 tonight, where a grass roots voting rights
8 advocates, an organization with over 2,000
9 members across Arkansas. And we do have
10 members in most of our states, 35 Senate and
11 100 House Districts.

12 I did just want to say thank you to all of
13 y'all for traveling across the state and
14 providing these public opportunities to
15 comment. I know y'all are probably tired of
16 traveling and thanks for being back here --

17 JUSTICE DICKEY: Thank you.

18 LAURIE EVANS: -- ending up here in
19 Central Arkansas. Appreciate that.

20 So what I'd like to do, if you don't mind,
21 I know a number of the things that I'm going to
22 mention have been mentioned before in your
23 criteria; but, of course, you know, the purpose
24 of these public meetings and the public
25 comments are to provide public paper trail and

1 documentation of the criteria that we all agree
2 on as Arkansas citizens. So I'm just going to
3 go ahead and mention those for the public
4 record.

5 Many of us at Indivisible have, of course,
6 been following these very helpful and
7 informative public meetings. We'd like to
8 state, for the record, some of the core
9 principles that years of precedent and court
10 decisions have set for the Arkansas
11 Redistricting process.

12 One, a redistricting process that ensures
13 no racial dilution or redistricting based on
14 racial gerrymandering, which of course has been
15 mentioned tonight a couple of times, district
16 map shapes that are compact and contiguous,
17 district boundaries that preserve, county, and
18 town boundaries whenever possible, new maps
19 that preserve the cores of existing districts
20 to avoid constant reshuffling. And that was
21 described very helpfully this evening as well.

22 And communities of interest are preserved
23 and not divided by district lines. Communities
24 of interest being any Arkansas neighborhood
25 that shares certain social, cultural, ethnic,

1 or religious connections.

2 We know this is a tall order with lots of
3 complicated considerations, but it's doable
4 with meaningful involvement, with meaningful
5 community involvement like the folks here
6 tonight, as well as the folks here watching.

7 The last principle is where we know you
8 especially need input from Arkansans as Justice
9 Dickey has asked and mentioned this evening.

10 Indivisible will continue asking our
11 members from across the state to share feedback
12 on their neighborhood's activities and
13 services, their cultural and historical
14 interests, their economic and environmental
15 interests, their area's needs and concerns, the
16 things that tie their community, your
17 neighborhood, together.

18 And we do appreciate a public commitment
19 from the Board of Apportionment to preserve
20 these neighborhoods that Arkansans are right
21 now describing to you through the public
22 comments. That's how they'll have an
23 opportunity to elect officials who will meet
24 their community's needs.

25 Everyone needs a real and meaningful

1 opportunity to elect candidates of their
2 choice. I think we all agree on that. We ask
3 that the Board set a goal that every Arkansas
4 voter has an equal opportunity to elect
5 officials who will represent their values and
6 their interests.

7 Unfortunately, as has been mentioned, past
8 redistricting practices have ended up creating
9 unequal voting power for minority groups. Map
10 lines have fragmented minority groups in our
11 state, for example.

12 As we know, and has been mentioned, about
13 Voting Rights Act bans the drawing of district
14 lines that water down the voting strength of
15 community's color, yet it's still been a
16 problem, and we're simply requesting that the
17 redistricting process in this decade do better.
18 Thank you very much, as you have addressed
19 that.

20 I do have some more written questions,
21 which for the time -- some of them have been
22 addressed. And for time, I will just submit
23 them -- some of them, rather than ask them all.

24 JUSTICE DICKY: Thank you.

25 LAURIE EVANS: What I might ask if you,

1 respectfully, is I know that there's many
2 Arkansans who are interested in this process
3 who haven't been able to make it to one of
4 these public meetings.

5 Is there -- are y'all -- is the Board or
6 staff responding to questions online that are
7 submitted in the public comments? Is that
8 something that can be requested that folks --
9 Arkansans can ask questions through the public
10 comment and then have them responded to?

11 JUSTICE DICKEY: I'm -- I'm not sure
12 whether they've been answered online. Most of
13 them are comments about futuristically in the
14 sense of asking that this be done, not
15 questions --

16 LAURIE EVANS: Right.

17 JUSTICE DICKEY: -- about how was it done
18 or --

19 LAURIE EVANS: Right.

20 JUSTICE DICKEY: -- how is it being -- I
21 mean, we -- we're showing you --

22 LAURIE EVANS: Perhaps that's something
23 that could be done. However, if -- I'm just
24 asking on behalf of other community members, if
25 they do have questions -- or if they do have

1 questions and couldn't make a meeting, is there
2 another means by which you would suggest that
3 they contact the Redistricting office?

4 JUSTICE DICKEY: The -- yes. The
5 ArkansasRedistricting.org.

6 LAURIE EVANS: Okay.

7 JUSTICE DICKEY: And those questions will
8 be sent to the person or the entity to respond.

9 That's been done, as far as where to send
10 the comment sheets; because, initially, we
11 didn't have the address on it, things like
12 that.

13 But I -- if it's a prolonged explanation
14 that -- that -- one person can't answer that.
15 So, you know, we can follow your suggestions.
16 I'm not sure we can answer complicated,
17 prolonged questions.

18 LAURIE EVANS: Gotcha. Okay. So is that
19 --

20 JUSTICE DICKEY: Can you answer that? Not
21 you.

22 UNIDENTIFIED SPEAKER: (Inaudible) to the
23 questions, but (inaudible).

24 JUSTICE DICKEY: We do have an e-mail
25 address too where --

1 LAURIE EVANS: Okay. That's great. Yeah.

2 JUSTICE DICKEY: And, of course, you --

3 you and I have corresponded --

4 LAURIE EVANS: Yes. Yes, ma'am.

5 JUSTICE DICKEY: -- more than once.

6 LAURIE EVANS: Yes, ma'am. And, I guess,
7 one thing I just -- I like the phone. So I now
8 have your direct -- the direct Redistricting
9 phone number. But the phone number that's on
10 the actual website is -- actually goes to the
11 secretary of state, so it might be -- I don't
12 -- I don't know if we want to update that or
13 not.

14 JUSTICE DICKEY: Something else to fix,
15 but --

16 LAURIE EVANS: But --

17 JUSTICE DICKEY: -- you found us.

18 LAURIE EVANS: Yes, ma'am.

19 JUSTICE DICKEY: And we've corresponded to
20 you, even for a couple hours today, so --

21 LAURIE EVANS: Yes, ma'am.

22 JUSTICE DICKEY: -- we're trying.

23 LAURIE EVANS: You are. You are, yes.

24 And then back -- yes. And I appreciate all of
25 the responses that you've given so far.

1 And, in fact, you've already answered many
2 of my questions, one of which is -- was with
3 regard to drawing the maps in October and then
4 there will be a 30-day period -- opportunity
5 for public feedback, what -- how -- how would
6 -- should we anticipate providing that feed
7 back? What will that process look like? We'll
8 only have 30 days, so we just want to be
9 prepared to communicate with our members what
10 -- what they need to be doing.

11 JUSTICE DICKY: You already have all the
12 resources as far as how to contact us. If --
13 when the map is agreed on by the principles and
14 that 30 -- and presented to you on PBS, I hope,
15 you'll have that 30 days to respond to any or
16 all of us.

17 LAURIE EVANS: So it'll just be like
18 direct e-mail or should they -- will they have
19 public comment forum still be up, should we --

20 JUSTICE DICKY: The forms you've been
21 using. I mean, you've managed to reach several
22 people. I -- I think you probably --

23 LAURIE EVANS: Okay.

24 JUSTICE DICKY: -- can find us.

25 LAURIE EVANS: Yeah. We'll -- we'll

1 follow -- okay. We'll --

2 JUSTICE DICKEY: But the -- that -- if it
3 -- if there's a specific place, when we showed
4 the map, we will tell you --

5 LAURIE EVANS: Yes, ma'am.

6 JUSTICE DICKEY: -- where and how.

7 LAURIE EVANS: Yes, ma'am. Because I'm --
8 I'm -- that's -- that's the -- that's the
9 process that we just want to be able to clearly
10 communicate to our members.

11 So I know I've taken a lot of time here,
12 so I think -- I think we'll just end it there.
13 And I'll just submit these --

14 JUSTICE DICKEY: If you'll sub --

15 LAURIE EVANS: -- in writing.

16 And I just wanted to thank you so much for
17 your public service. This is such an important
18 task. And I really appreciate you taking the
19 time.

20 JUSTICE DICKEY: Thank you, Ms. Evans.

21 Yes, ma'am?

22 DIANE CURRY: Good evening.

23 JUSTICE DICKEY: Good evening.

24 DIANE CURRY: Can y'all hear me okay?

25 JUSTICE DICKEY: If -- if you --

1 DIANE CURRY: I am --

2 JUSTICE DICKEY: -- if you'll state your
3 name.

4 DIANE CURRY: Okay.

5 JUSTICE DICKEY: But if you will either,
6 like you're doing, bring the microphone close
7 or take your mask down --

8 DIANE CURRY: Okay. Thank you.

9 JUSTICE DICKEY: -- temporarily.

10 DIANE CURRY: Good evening. I'm Diane
11 Curry with -- representing the State NAACP.
12 However, I am president of the Little Rock
13 branch NAACP.

14 Several things have already been answered
15 this evening, so I won't try to repeat --
16 request those.

17 One of the things that we would like to
18 know, has any consideration being given -- I
19 know you've done several hearings across the
20 state, to a majority/minority population --
21 majority/minority district, Congressional
22 District.

23 However, I know you -- you're not supposed
24 to give preferential treatment. However, in
25 view of a lot of the map changes that have

1 occurred, at least we would like for
2 considerations should be looked at on that.

3 The other thing we'd like to ask, how
4 would we submit citizen's map if we would like
5 to submit a map to the Apportionment Board or
6 to the entities?

7 JUSTICE DICKEY: I think that Ms. Evans
8 had asked about that earlier. And that's being
9 done as far as a way to access; am I correct,
10 as a way to -- as a way to submit your own map
11 of your own community.

12 You have to understand, you know, this is
13 a jigsaw puzzle of a hundred pieces for House
14 seats, 35 pieces for Senate seats, and nobody's
15 an island in this.

16 And, you know, you're welcome to submit
17 your plan for your community, but it has to
18 work with the others. And I know you know
19 that.

20 DIANE CURRY: Yes. We would have a
21 demographer to do that. I'm sure we would,
22 especially from the State National NAACP.

23 Also, I'd like to ask, in view of the fact
24 that we do have upcoming filings for
25 candidates, I believe, November. Is it

1 November? November. So I know the timeline
2 here seems to be very tight.

3 What thoughts have you all given to that
4 issue for filing? Because, otherwise, you may
5 not know what district that you're actually
6 filing in. That's something that is --

7 JUSTICE DICKY: (Inaudible.)

8 DIANE CURRY: -- a concern.

9 JUSTICE DICKY: What?

10 MR. NYE: Let me answer it.

11 JUSTICE DICKY: Okay.

12 MR. NYE: I'm sorry, I had a hard time
13 under -- are you asking about filing dates for
14 the --

15 DIANE CURRY: Yes.

16 MR. NYE: -- upcoming --

17 DIANE CURRY: Because -- yes. November, I
18 understand, is some of the filing dates for
19 various candidates.

20 So I know people are concerned because
21 that would change where people vote and all of
22 that as well, but I know that that would come
23 later.

24 MR. NYE: In 2022, the primary's going to
25 be in May, which will mean, the filing period

1 will take place February 22nd to March 1st --

2 DIANE CURRY: Okay.

3 MR. NYE: -- so we're lucky in the sense
4 that, you know, in the presidential years, the
5 Primary is in March and the filing period does
6 take place in November, like you mentioned.
7 But this year --

8 DIANE CURRY: Uh-huh.

9 MR. NYE: -- the Primary is going to be in
10 May, which means filing is in February --

11 DIANE CURRY: February, okay.

12 MR. NYE: -- which gives us a little bit
13 of time.

14 DIANE CURRY: Okay. All right. Thank you
15 so much for that clarity.

16 We'd just like to say, on behalf of the
17 NAACP, we are concerned with some of the things
18 that's happened previously in gerrymandering
19 from across the state. And we do want to
20 encourage the criteria to be followed. Thank
21 you.

22 JUSTICE DICKY: Thank you. That's why
23 that's listed as one of the concerns that we
24 have.

25 If you see that in any of the maps that

1 are drawn, let us know. We don't expect that.

2 Yes, ma'am?

3 RICHELLE BRITTAIN: Yes. My -- my name is
4 Richelle, R-i-c-h-e-l-l-e, Brittain,
5 B-r-i-t-t-a-i-n. I live in Jacksonville. I
6 happen to live in the same ward as Rose Reigns,
7 same ward of Jacksonville as Rose Reigns who
8 spoke earlier. I also happen to be a member
9 both in the -- just happen to be a member of
10 both Indivisible and the Jacksonville Branch
11 NAACP, the last two people who spoke spoke for
12 those organizations.

13 But I have -- I have a question
14 specifically about the last criteria, the
15 minimized partisanship, talking about, you
16 know, be aware of salamanders, you know --

17 JUSTICE DICKEY: Minimize the partisanship
18 --

19 RICHELLE BRITTAIN: -- yes, the
20 salamanders. We know that's --

21 JUSTICE DICKEY: -- the -- not draw maps
22 in favor of Republicans or Democrats.

23 RICHELLE BRITTAIN: Yeah. Because, I
24 mean, we know -- because, I mean, you know, we
25 know ten years -- we know -- we know the

1 parties do that. Ten years ago the Democrats
2 tried to do that and it backfired on them. Now
3 it's Republicans running it. But, it's, you
4 know --

5 JUSTICE DICKEY: Well --

6 RICHELLE BRITTAIN: -- it tends to happen
7 whether you do it -- whether -- what you do.
8 And I would like to hear specifically -- and,
9 of course, I said, I'm in -- live in the same
10 area as Rose Reigns.

11 So y'all brought up the Jacksonville
12 finger. And that's -- you know, it says avoid
13 little fingers. We want to know -- you know,
14 we want to know specifically what strategies
15 you intend to use to carry out that last
16 criteria so there's no gerry -- so there is --
17 so to avoid gerrymandering, especially in a
18 part -- especially, you know, when dealing with
19 a partisan Board of Apportionment.

20 We, you know --

21 JUSTICE DICKEY: You want to know about
22 how we're going to avoid partisan
23 gerrymandering?

24 RICHELLE BRITTAIN: Yes.

25 JUSTICE DICKEY: Well, I quoted you on the

1 ninth point, the -- a case called Rucho versus
2 the Common Cause, a 2019 case.

3 If you want to read that, R-u-c-h-o is the
4 case. And it deals with this issue that says
5 it should go to state courts because the states
6 can better understand -- well, it doesn't say
7 it has to go to state courts, it says federal
8 courts not handling. It doesn't --

9 RICHELLE BRITTAIN: Federal Court, yeah.
10 The Supreme Court says --

11 JUSTICE DICKY: So you see those fingers
12 or you see where they've drawn somebody in or
13 out of a district like they did ten years ago,
14 you call -- you call us out on it.

15 I don't think with the integrity of the
16 people I'm working with that you'll see that.

17 RICHELLE BRITTAIN: So -- so basically if
18 that needs to be brought during the state --
19 that there is --

20 JUSTICE DICKY: Any --

21 RICHELLE BRITTAIN: -- (inaudible) window,
22 that type --

23 JUSTICE DICKY: -- any litigation is --

24 RICHELLE BRITTAIN: -- that type of
25 illegality needs to be brought up during the

1 state challenge window? Because I think it's
2 like 30 -- I think after it's finalized, they
3 have like 30 days to go before the Arkansas
4 Supreme Court, if I -- if I remember the -- if
5 I remember the Constitutional provisions on
6 legislative districts for state, for the state
7 lawsuits as opposed to the federal Lawsuits.

8 Feds -- Feds are something totally
9 different. And that's what you were citing in
10 the Rucho case because the Supreme Court said
11 -- that's where the Supreme -- Supreme Court
12 basically said we can't do anything about it.
13 The US Supreme Court.

14 Arkansas Supreme Court -- sorry, you're
15 saying it's the Arkansas Supreme Court can?

16 JUSTICE DICKY: I'm saying that's where
17 the feds have said you file your lawsuits now,
18 in state court.

19 RICHELLE BRITTAIN: Well --

20 JUSTICE DICKY: And the state court --
21 the state's better able to see where those
22 fingers and drawing someone in or out of a
23 district --

24 RICHELLE BRITTAIN: Salamanders --
25 salamanders, gerrymanders, whatever.

1 JUSTICE DICKY: Gerrymandering,
2 gerrymandering, salamandering --

3 RICHELLE BRITTAIN: Yeah.

4 JUSTICE DICKY: I think in -- recently
5 they called it dummymandering. Any of the
6 above.

7 RICHELLE BRITTAIN: Whatever you call it.
8 Whatever. All right. Thank you.

9 JUSTICE DICKY: Thank you.
10 Yes, ma'am?

11 ANNA MCCLUNG: Good eve -- excuse me.
12 Good evening. My name's Anna McClung, I'm from
13 Lonoke.

14 And it's just kind of a follow-up to what
15 was being said. This is probably the simplest
16 you're going to get tonight.

17 With today's technology and you have such
18 incredible amount of data for -- through the
19 census of how many people, households, race, to
20 some extent, throughout the state, it would
21 seem to me that it would be quite
22 straightforward for a computer to come up with
23 a well-balanced potential map.

24 Because, I guess, my concern is --
25 everybody's concern is about objectivity. And

1 if I were to go in with no bias and draw a map,
2 you know, I don't know about these fingers and
3 that sort of thing, but I'm just going based
4 upon population, demographics, trying to get
5 equal representation, why would that not be at
6 least a starting point to go forward?

7 MR. JOHNSON: I would agree with you that
8 the technology today has that capability and
9 the software is very, very good.

10 There's one deficiency that the software
11 can't overcome. There's no way for the
12 software and data to indicate a community of
13 interest. And communities of interest are
14 people who affiliate together for common
15 reasons or certain parts of the community. And
16 the software just simply doesn't recognize
17 cultural differences and communities of
18 interest in the way that we, as humans, do.

19 UNIDENTIFIED SPEAKER: What?

20 ANNA McCLUNG: If I can give just a
21 follow-up. I mean, it would seem to me that
22 communities of interest are closely connected
23 in proximity.

24 And so I guess my thinking is, if you had
25 a potential layout of an objective map, at that

1 point, people can come in, oh, we need to make
2 sure it's moved across the street a little bit
3 or whatever.

4 But it would seem to me that that would
5 instill more trust by the people that it was
6 done in an objective manner.

7 JUSTICE DICKEY: To the extent that we can
8 comply with that, we try. It does not outweigh
9 the substantially equal population.

10 And communities of interest, some that are
11 rural, may not have the population and so they
12 are linked with cities. That's been done in
13 the past.

14 But, to answer your question, communities
15 of interest are very important. But they're
16 not more important than the first three of the
17 criteria you see in front of you.

18 ANNA McCLUNG: He's the one that brought
19 up community of interest.

20 What -- what I'm saying is I just seem
21 like -- we have the technology. We can -- we
22 can map streets and houses with a satellite
23 now. Why can't we do this in a very objective,
24 almost topographical manner and make this very
25 --

1 JUSTICE DICKY: You make it sound so
2 easy. It is not as easy, especially when
3 you're looking at the deeply red and deeply
4 blue districts.

5 (Indiscernible Crosstalk)

6 JUSTICE DICKY: Do you have any other
7 questions? If you --

8 ANNA McCLUNG: No. I appreciate -- I
9 thank you for trying.

10 JUSTICE DICKY: Thank you.

11 If you have a question, please come to the
12 microphone.

13 LATONY HONORABLE: Hi. I know there
14 haven't really been any --

15 JUSTICE DICKY: I'm sorry.

16 LATONYA HONORABLE: Can you hear me?

17 JUSTICE DICKY: Yes. Thank you.

18 LATONYA HONORABLE: Okay. You're welcome.
19 Thank you. My name is Latonya Austin
20 Honorable. And I have just a couple of
21 questions.

22 The first is you mentioned a 30-day wait
23 period after the plans are finalized. Do I
24 remember that correctly?

25 JUSTICE DICKY: The -- after the three

1 principles vote, there is a 30-day period for
2 yet another round of feedback or con -- or, you
3 know, concern.

4 LATONYA HONORABLE: During those 30 days,
5 will it be disclosed to the public how the
6 final plans were determined or what -- what led
7 to the final plans? How -- how we got there,
8 how we got to the final plans --

9 JUSTICE DICKEY: Well, other than these
10 criteria -- and some of them are in order of
11 importance.

12 I mean, the first -- obviously, the first
13 three. You're giving me a general question and
14 I can give you a general answer.

15 But specifically, what are you asking?

16 LATONYA HONORABLE: What is the -- what is
17 the substantive purpose of the 30-day wait
18 period? Will any comments that are provided or
19 given during those 30 days going to be used to
20 then modify the final plan or is it just
21 informative?

22 Or what is the actual substantive purpose
23 of the 30 days?

24 JUSTICE DICKEY: It -- It did last time.

25 (Indiscernible Crosstalk)

1 JUSTICE DICKY: It changed the way they
2 -- they -- the final map was drawn the last
3 time, so there's no reason to think it won't
4 this time.

5 If there is an error, something that needs
6 to be adjusted -- and the three principles
7 agree on that. And if you have that, if you
8 feed -- give us that feedback and we take it to
9 them and say, wait, we got it wrong here.

10 LATONYA HONORABLE: And so -- and let me
11 also say this.

12 I represent a group of people that are not
13 extremely knowledgeable about this entire
14 process and may not even know how to formulate
15 the right questions to get the answers that
16 they're truly looking for.

17 So your answer in terms of this changed --
18 you know, that 30-day wait period changed the
19 way the lines were drawn in 2010, when I asked
20 the question, what will be disclosed in terms
21 of how the lines were drawn, how will someone
22 know that it's drawn improperly or incorrectly
23 if the person doesn't know how you arrived at
24 the lines anyway? That's my question.

25 Other than the criteria, I mean, what --

1 what is it that will let someone know that the
2 lines are improper, such that the three
3 principles, as you call them, that would cause
4 them to go back and modify it? I mean, if it's
5 not a legal --

6 JUSTICE DICKEY: You want to answer that?

7 LATONYA HONORABLE: -- challenge in court,
8 what is it that one should bring up that says,
9 hey, these lines are drawn wrong?

10 JUSTICE DICKEY: Well, I think Shelby
11 mentioned -- you talked about one where the
12 Senate and House lines could have overlapped,
13 but there was a gap. You know, you want to --

14 LATONYA HONORABLE: Anyone from the panel
15 can answer. I'm -- I'm just curious.

16 JUSTICE DICKEY: Yeah. And --

17 MR. JOHNSON: One example would be, for
18 the public to evaluate, would be the
19 demographic reports and the variances. That'll
20 be a part of the -- part of the record that the
21 Board most likely would base some of their
22 decision making on, looking at the population,
23 the population variance among the districts.

24 Another example is looking at an instance
25 where, for example, and I'm just making this as

1 an example, but a city might have been split
2 and that split could have been avoided and not
3 created an egregious issue with the variance.
4 So that would be an example.

5 And the best way to know that is, when the
6 Board gets to the point that they're ready to
7 look at those final maps, one of our challenges
8 or one of our jobs will be to put that onto a
9 high quality base map that would have community
10 names, city names, the county lines, all of
11 those other things that you would want to see,
12 so that, as a member of the public, anyone
13 would look at and go, oh, they made this
14 mistake.

15 And that -- that would be another way that
16 the public would be able do to that, is by
17 looking at these better quality maps.

18 LATONYA HONORABLE: Thank you.

19 JUSTICE DICKEY: Yes, ma'am?

20 LATONYA HONORABLE: I do have another
21 question.

22 JUSTICE DICKEY: Okay.

23 LATONYA HONORABLE: And this is a
24 micro-question, so I ask for your -- a little
25 bit of indulgence. And it's a micro-question

1 only insofar as it addresses lines dealing with
2 municipalities.

3 So there aren't a lot of people that
4 really understand that the Board of
5 Apportionment is responsible for drawing the
6 federal lines, let alone knowing who's
7 responsible for drawing local lines and
8 redistricting in that way.

9 Is there someone who might be able to
10 share whether this Board or what body is
11 responsible for the drawing of local lines?

12 JUSTICE DICKEY: Yes.

13 (Indiscernible Crosstalk)

14 JUSTICE DICKEY: Or, Doug, you want to do
15 that?

16 The legislature does the Congressional --
17 the Federal Congressional seats. We do the
18 State House and Senate. And Doug will tell you
19 the rest of the --

20 LATONYA HONORABLE: Well, actually since
21 you're there, Justice Dickey, I -- and you're a
22 former Chief Justice; correct?

23 JUSTICE DICKEY: Yes.

24 LATONYA HONORABLE: Okay. So you might be
25 poised to answer this question, because the

1 question somewhat deals with the drawing of
2 judicial lines. I'm sure you're familiar with
3 Hunt Decree. Will any of this process --

4 JUSTICE DICKEY: Somewhat.

5 LATONYA HONORABLE: -- or any other
6 process similar to it affect the drawing of
7 those judicial districts?

8 JUSTICE DICKEY: I don't know.

9 LATONYA HONORABLE: Do you know who would
10 know?

11 JUSTICE DICKEY: This man loves reading
12 about it --

13 LATONYA HONORABLE: Okay.

14 JUSTICE DICKEY: -- much more than I.
15 So -- both of these men do --

16 LATONYA HONORABLE: I'll take all the
17 answers.

18 (Indiscernible Crosstalk)

19 REPRESENTATIVE HOUSE: Yes, Ms. Honorable.
20 The answer to your question about judicial
21 lines, there's a federal court case going on
22 right now in the -- in the District Court,
23 Little Rock, United States District Court, and
24 they're discussing that very issue now.

25 So I don't know the answer to your

1 question, but that's where the answer can be
2 found, when the court reaches its decision.

3 JUSTICE DICKY: Okay.

4 LATONYA HONORABLE: Are there any other
5 municipal lines that might be affected that are
6 not dictated by this body of individuals?

7 JUSTICE DICKY: Huh?

8 (Indiscernible Crosstalk)

9 JUSTICE DICKY: The City Councils? Draw
10 --

11 LATONYA HONORABLE: And -- and what body
12 of individuals determines the drawing of those
13 lines?

14 JUSTICE DICKY: The City Council. Those
15 -- those --

16 LATONYA HONORABLE: The City Council draws
17 its own lines? Okay. May I hear what you have
18 to say?

19 REPRESENTATIVE HOUSE: The City Councils
20 draw their -- their ward lines.

21 The County Boards of Election
22 Commissioners for each of the 75 counties draws
23 the justices of the peace lines. I think they
24 also draw the school board lines, school board
25 lines as well.

1 The Board of Apportionment, the governor,
2 secretary of state, and the attorney general do
3 not draw any of those lines.

4 LATONYA HONORABLE: Okay. Thank you.

5 REPRESENTATIVE HOUSE: Yes, ma'am.

6 JUSTICE DICKEY: Thank you.

7 Yes, ma'am?

8 CLARICE BAY: Hi. My name's Clarice Abdul
9 Bay, I live in Pulaski County.

10 I have a couple of questions to ask.
11 Latonya touched on it, but I wanted to go into
12 a little more detail with a question.

13 Will you explain --

14 JUSTICE DICKEY: If you will speak into
15 the microphone, everyone can hear you.

16 CLARICE BAY: Okay. Can you hear me?
17 Will you explain which public comments you did
18 or did not factor into your proposed maps and
19 why?

20 JUSTICE DICKEY: If you'll speak into the
21 microphone. I can't understand you.

22 CLARICE BAY: Okay. Can you hear me?

23 JUSTICE DICKEY: Yes. Now, I can.

24 CLARICE BAY: All right.

25 Will you -- well, first, will you commit

1 to making your decision-making process public;
2 and, to be more specific, will you explain
3 which public comments you did or did not factor
4 into your proposed maps and why?

5 JUSTICE DICKEY: Will, we take the
6 thousand comments that we've gotten and -- and
7 tell you which ones you we did and did not use?

8 CLARICE BAY: Well --

9 JUSTICE DICKEY: Why don't you go online
10 and read those comments and pick out the ones
11 you think that we ought to respond to, because
12 some of them are just, I like it like it is or
13 change it or -- you know, there are multiple
14 comments that we factor into it as far as
15 things that should be changed. And they've
16 mentioned some of those as far as not drawing
17 -- splitting up a precinct.

18 CLARICE BAY: Okay.

19 JUSTICE DICKEY: Splitting up a --

20 CLARICE BAY: To me, if you have to read a
21 thousand comments, then you have to read a
22 thousand comments --

23 JUSTICE DICKEY: Oh, we've read them.

24 CLARICE BAY: Right.

25 JUSTICE DICKEY: But do we --

1 CLARICE BAY: But my question --

2 JUSTICE DICKEY: -- ever respond to them

3 --

4 CLARICE BAY: My question was --

5 JUSTICE DICKEY: -- no.

6 CLARICE BAY: -- will you explain which
7 public comments you did or did not factor into
8 your proposed maps and why?

9 And I mean the ones that make sense to
10 you. That's what I mean. So if you have to
11 read a thousand of them and pick those out,
12 then will you do that?

13 JUSTICE DICKEY: And -- if we have time
14 drawing the maps, maybe.

15 CLARICE BAY: No, it's not about -- okay.
16 Thank you for that.

17 JUSTICE DICKEY: You're welcome.

18 CLARICE BAY: I'm -- I'm -- I'm filing it.

19 JUSTICE DICKEY: Is there another
20 question?

21 CLARICE BAY: There is another question.
22 And I don't understand the energy, but I'm
23 going to ask this question anyway.

24 There was a question asked about
25 incarceration and people being counted. And my

1 question is, in regards to the prison county,
2 you stated that the Board of Apportionment, and
3 I think this gentleman here --

4 JUSTICE DICKEY: Which one?

5 CLARICE BAY: -- will be counting
6 prisoners where they are incarcerated.

7 However, during the recent Committee of
8 Government Affairs, it appeared that they were
9 looking into doing it differently in the
10 accordance with the red book that they are
11 using. Are you aware of that?

12 JUSTICE DICKEY: Who answered the
13 question? Doug, is that -- did you answer that
14 before?

15 REPRESENTATIVE HOUSE: Thank you. It's an
16 interesting question for this reason. The
17 Census Bureau does the counting, not the Board
18 of Apportionment.

19 The Census Bureau counts people where they
20 reside. If they reside at a college campus,
21 they are counted there. If they reside in a
22 hospital or nursing home, they are counted
23 there. If they reside in a correctional
24 institution, be it juvenile, adult, men or
25 women, as the case may be, they are counted

1 there.

2 CLARICE BAY: Uh-huh.

3 REPRESENTATIVE HOUSE: Two states,
4 California and New York, have reallocated their
5 people in their institutions back to their
6 homes, if they have a home.

7 Other questions arise about what do you do
8 about the homeless, where are they reallocated
9 and those kinds of things.

10 Two or three other states have talked
11 about doing -- one other state, and I believe
12 it's Kansas, but don't hold me to that, did it
13 and decided to undo it because it became a
14 problem.

15 CLARICE BAY: Uh-huh.

16 REPRESENTATIVE HOUSE: Right now, the way
17 the Constitution says is that we allocate
18 districts based on population where people
19 reside.

20 CLARICE BAY: Uh-huh.

21 REPRESENTATIVE HOUSE: There was a bill
22 introduced several years ago by then
23 Representative Andrea Leigh, now the state
24 auditor, to reallocate the prisoners around the
25 state. The legislature declined to adopt it.

1 Another -- some proposals were bandied
2 about the last legislative session, the
3 legislature decided not to adopt it.

4 So when those people are placed in a
5 district, they will be placed in the district
6 where they live.

7 Now, that makes a difference sometimes
8 with the number of registered voters for that
9 particular district, but they are constituents
10 all the same.

11 I'm very proud of our Representatives and
12 Senators who represent prison populations
13 because they get inundated with hundreds and
14 hundreds of requests, demands, complaints, and
15 sort of things like that.

16 So just because they're elected, it's kind
17 of a tradeoff, they have fewer people voting
18 for them into office, but they have tremendous
19 workload because those people in prison are
20 constituents too.

21 CLARICE BAY: Okay.

22 REPRESENTATIVE HOUSE: Does that answer
23 your question?

24 CLARICE BAY: Yes. Thank you for
25 answering that question. And thank you for

1 being kind about it.

2 JUSTICE DICKEY: Yes? You go ahead. Yes,
3 ma'am.

4 RHONDA KIMBALL: Hi, my name is Rhonda
5 Kimball. Can you hear me? Rhonda Kimball.

6 JUSTICE DICKEY: Okay.

7 RHONDA KIMBALL: Can you hear me?

8 As we speak, they are voting on the John
9 Lewis Voting Rights Act. And part of that Act
10 is the accountability of states to submit their
11 plans to the Department of Justice. I know the
12 Department of Justice has rejected 13 such
13 plans.

14 Is Arkansas required to submit their plan
15 to the Department of Justice right now for
16 pre-clearance?

17 JUSTICE DICKEY: They're not. No.

18 RHONDA KIMBALL: They're not?

19 Now, you've mentioned several federal
20 regulations. I'm sure you're aware of what's
21 in that bill that pertains to redistricting.

22 So how far are you off the mark? Are you
23 in compliance with that? Are you taking that
24 -- that into consideration when it comes to
25 this Federal Act? Does that make sense?

1 JUSTICE DICKEY: Which Federal Act?

2 RHONDA KIMBALL: So they're going to have
3 requirements in that Federal Acts. How far are
4 we off the mark for -- with complying with that
5 Federal Act as far as redistricting?

6 JUSTICE DICKEY: What Federal -- which
7 Federal Act?

8 RHONDA KIMBALL: The John Lewis Voting
9 Rights Act and what's in that Act.

10 JUSTICE DICKEY: Doug, are you familiar
11 with that?

12 RHONDA KIMBALL: Pardon?

13 REPRESENTATIVE HOUSE: Ma'am,
14 clarification of your question, has that
15 particular Act -- and I've seen the bill. I
16 haven't seen an Act --

17 RHONDA KIMBALL: Bill, yeah, it's a bill.
18 I'm sorry, it's a bill.

19 REPRESENTATIVE HOUSE: It's a bill?

20 RHONDA KIMBALL: Uh-huh.

21 REPRESENTATIVE HOUSE: And has it become
22 an Act?

23 RHONDA KIMBALL: It has not. So I -- I --
24 I digress with that.

25 REPRESENTATIVE HOUSE: Okay.

1 RHONDA KIMBALL: It's a bill.

2 REPRESENTATIVE HOUSE: All right.

3 RHONDA KIMBALL: So how far are you off
4 the mark with what's in that bill?

5 REPRESENTATIVE HOUSE: Ma'am, we follow
6 the law as it exists. If the law changes, we
7 change as well.

8 RHONDA KIMBALL: Okay.

9 REPRESENTATIVE HOUSE: You -- you asked
10 about pre-clearance, that's Section 5 and 4 of
11 the Voting Rights Act.

12 Section 4 was declared unconstitutional
13 and that's selection of states that have to get
14 pre-clearance, that was declared
15 unconstitutional in a case called Shelby
16 County, Alabama --

17 RHONDA KIMBALL: Uh-huh.

18 REPRESENTATIVE HOUSE: That's the short
19 name and I forgot the rest of it. That was
20 declared unconstitutional a few years ago. No
21 state has pre-clearance anymore.

22 RHONDA KIMBALL: Okay. Okay.

23 So going back to what someone else asked
24 earlier, there is no other accountability
25 besides what happens at the state level;

1 correct?

2 JUSTICE DICKEY: Well, there are all kinds
3 of levels of --

4 RHONDA KIMBALL: I mean, except for the
5 three things you mentioned --

6 JUSTICE DICKEY: Yeah.

7 RHONDA KIMBALL: -- except for the things
8 that you mentioned that are now required.
9 Other than that, there's no other
10 accountability?

11 (Indiscernible Crosstalk)

12 JUSTICE DICKEY: That's not correct, he
13 says. And that's not -- there are all kinds of
14 laws that require accountability in one way or
15 another. We've mentioned some and, you know,
16 but the --

17 RHONDA KIMBALL: Okay. That's what --

18 JUSTICE DICKEY: That's not correct.

19 RHONDA KIMBALL: That's what I needed to
20 know. I was -- I was just interested in the --

21 JUSTICE DICKEY: The bill?

22 RHONDA KIMBALL: -- the noncompliance and
23 what's going on with the bill. And then how
24 far off the mark we will be and if we will have
25 to start over if that should become an Act.

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Thank you.

JUSTICE DICKEY: Yes, sir?

ALEXANDER JONES: My name's Alexander Jones. I'm from Little Rock. And I have a question about the document entitled House Districts 2020 Population Variance, which is published up there.

The Arkansas Board of Apportionment published this on August 17th, 2021. This is a table of all the districts ranked highest in population to lowest in population. The document includes a table, a column, marked status. And my questions have to do with that column.

This appears tied to percent deviation from the target number, which is 30,115. Deviations greater than ten percent, either higher or lower, are marked illegal. Questions have already arisen about that earlier in this comment period.

Deviations between five percent and ten percent appear to be labeled either excessively high or excessively low. The most interesting status to me though is not either illegal or excessive, but rather preferable.

1 Preferable appears to be labeled for
2 deviations for less than one percent, higher or
3 lower than the target of 30,115.

4 So my first question about these
5 categories is this. Who or what entity
6 designated these categories?

7 JUSTICE DICKEY: You can answer that.

8 MR. JOHNSON: That would be my office. In
9 preparing that table, we looked at -- you are
10 very intuitive. We did look at the percent
11 variance.

12 And so those are classes or categories
13 that we assigned based on that percent variance
14 that you observed in those charts.

15 ALEXANDER JONES: Then a second question.
16 Thank you.

17 How did you designate one category as
18 illegal? And by how, I mean, what source of
19 law?

20 MR. JOHNSON: The -- there is existing
21 precedent that suggests when the variances are
22 excessively high, outside of ten percent, those
23 have not held up in previous court cases.

24 ALEXANDER JONES: Which court case?

25 MR. JOHNSON: I -- I'm not --

1 JUSTICE DICKEY: He's not a lawyer.

2 MR. JOHNSON: I'm not the scholar on legal
3 court precedents here.

4 ALEXANDER JONES: Is it fair to assume
5 that the Board of Apportionment will adhere to
6 binding U.S. federal precedent on one man, one
7 vote?

8 JUSTICE DICKEY: The Board of
9 Apportionment should follow the federal
10 precedent, yes.

11 ALEXANDER JONES: Would it be fair to say
12 it is obligated to do so under law?

13 JUSTICE DICKEY: If it's in the -- if it
14 follows the Eighth Circuit, for sure. Any the
15 others, probably.

16 ALEXANDER JONES: Is -- what is the target
17 deviation being sought by the Board of
18 Apportionment?

19 JUSTICE DICKEY: The plus or minus five,
20 as -- as indicated, which is a ten percent
21 variation.

22 If it's -- if it's over ten percent, case
23 law indicates that it's not. That's not
24 acceptable unless there are -- the cases are --
25 can be explained for other reasons.

1 ALEXANDER JONES: Isn't it true that there
2 is federal precedent that is held less than ten
3 percent --

4 JUSTICE DICKY: That's correct.

5 ALEXANDER JONES: -- to have been
6 impermissible?

7 JUSTICE DICKY: That's why I said other
8 reasons. Yes.

9 ALEXANDER JONES: Doesn't preferable mean
10 best?

11 JUSTICE DICKY: Preferable is not best.
12 Preferable is a comparison.

13 ALEXANDER JONES: I read in
14 Merriam-Webster, it says, having greater value
15 or desirability.

16 JUSTICE DICKY: Okay. It's greater, not
17 greatest.

18 ALEXANDER JONES: What makes a lower
19 deviation preferable?

20 JUSTICE DICKY: What makes a lower
21 deviation preferable?

22 ALEXANDER JONES: Yes.

23 JUSTICE DICKY: Because it is more -- it
24 is closer to the words, the magic words of
25 substantially equal, which is the -- what

1 courts have said.

2 ALEXANDER JONES: And I know that this is
3 a bit more than a legal question; it's actually
4 a political question that is tempered by law.
5 But why is it better to have equal districts?

6 JUSTICE DICKEY: Well, that goes back to
7 the one person, one vote, so that your votes
8 aren't diluted.

9 It's a balancing -- it is a -- the right
10 -- the Equal Rights Amendment, the balancing
11 that my vote shouldn't count anymore or less,
12 but should be substantially equal to yours.
13 Same way with districts.

14 ALEXANDER JONES: I just have two more
15 questions, if you'll indulge me.

16 Would it be possible for the Board of
17 Apportionment to approve a map that apportions
18 each district within one percent of the target
19 number?

20 JUSTICE DICKEY: It's not -- it's remotely
21 possible. Anything is possible. But they're
22 held to substantially equal, which is by the
23 court decisions, plus or minus five percent.
24 Ten percent -- no more than ten, below or
25 above.

1 ALEXANDER JONES: And I think that you're
2 coming at this from a legal perspective, so I'd
3 like to ask the gentleman from GIS, is it
4 possible, based on computer science, to
5 equalize the districts within one percent?

6 MR. JOHNSON: Technically, yes. But doing
7 so would be at the expense of potentially
8 splitting a city or splitting an election
9 precinct or splitting a county. And those are
10 goals that you would try to avoid if you -- if
11 you -- if possible.

12 ALEXANDER JONES: And, turning back to the
13 Chief Justice, isn't it true that the one
14 percent amount is actually constitutionally
15 mandated in the federal context?

16 JUSTICE DICKEY: For the Congressional
17 seats, but not for -- not for the State's House
18 and Senate seats. They are call -- it's not --
19 it's substantially equal. And that is not one
20 percent.

21 ALEXANDER JONES: And I think --

22 JUSTICE DICKEY: That's not a one percent
23 mandate.

24 ALEXANDER JONES: And I think I know the
25 answer to this question, but will the Board of

1 Apportionment agree to ensure each district is
2 within the range it's document deems
3 preferable?

4 JUSTICE DICKY: What's the question?
5 Will the Board of --

6 ALEXANDER JONES: Very precise yes or no
7 question.

8 Would the Board of Apportionment agree to
9 ensure its districts each fall within one
10 percent, as defined by it, to be preferable?

11 JUSTICE DICKY: Each fall, once a year,
12 is that your question?

13 ALEXANDER JONES: No. Would be Board of
14 Apportionment agree to apportion each district
15 within one percent, as defined as preferable in
16 its own documents?

17 JUSTICE DICKY: I doubt it.

18 ALEXANDER JONES: Is that a no?

19 JUSTICE DICKY: I didn't say it's no.

20 ALEXANDER JONES: Same a question for the
21 Senate.

22 JUSTICE DICKY: Same answer.

23 ALEXANDER JONES: One percent population
24 deviation for the State Senate?

25 JUSTICE DICKY: Would they -- would they

1 assure us that it's one percent?

2 ALEXANDER JONES: Not us, the people of
3 Arkansas.

4 JUSTICE DICKEY: Well, us being the people
5 of Arkansas. No, I don't think so, but maybe.

6 ALEXANDER JONES: Thank you.

7 JUSTICE DICKEY: Yes, ma'am. Or yes, sir.

8 STEVEN: So, my name is Steven from
9 Pulaski County. So given that data can produce
10 an objective solution, I would like to just go
11 back to what the gentleman had mentioned about
12 community interest; because it sounds like that
13 may -- can be a subjective variable.

14 So, if you would, can you please expound
15 on that? How do you -- how would you calculate
16 that?

17 REPRESENTATIVE HOUSE: The analogy that I
18 like to draw, and this may take a minute, but
19 bear with me --

20 STEVEN: Yes, sir.

21 REPRESENTATIVE HOUSE: -- is in elementary
22 school attendance zone. So one elementary
23 school might be the Cardinals and the other
24 elementary school might be the Tigers.

25 Those two attendance zones were

1 representative of moms, dads, grandparents,
2 guardians that attend the same PTA meetings.
3 They send -- they're involved in the same civic
4 clubs like 4H or Boy Scouts or Girl Scouts.

5 So, for example, the Cardinals all
6 affiliate together. They potentially go to the
7 same houses of worship, et cetera. And then on
8 the other side of town would be the Tigers and
9 they would have a different group that they
10 affiliate through the same associations I
11 described.

12 Those are examples of community of
13 interest. And none of what I just described is
14 contained in the census data.

15 (Indiscernible Crosstalk)

16 UNIDENTIFIED SPEAKER: Okay. Well, then I
17 have follow-up to that. Oh, I'm sorry, go
18 ahead.

19 (Indiscernible Crosstalk)

20 UNIDENTIFIED SPEAKER: Okay. Well, you
21 know, this community of interest. I live in
22 Chenal Valley, West Little Rock. There's
23 50,000 people that live there, 30
24 neighborhoods. It's in Little Rock city
25 limits.

1 We are gerrymandered in with the Bigelow
2 and Perry and Maumelle and all of these little
3 towns that have really no interest, no common
4 interest with one of the largest growing areas
5 in Arkansas.

6 Why? Why are we gerrymandered in with
7 these little rural areas when we really should
8 be in Little Rock? Little Rock is the most
9 gerrymandered place in Arkansas.

10 And there's all these fingers and these
11 swirls and this guy from Maumelle, who
12 represents us, he represents this doughnut,
13 this half of the doughnut.

14 So I don't see why anybody in Little Rock
15 or West Little Rock has any sort of common
16 interest with all these little small towns that
17 are actually losing population.

18 Oh, and I have more thing. You said --

19 REPRESENTATIVE HOUSE: Can we answer one
20 question at a time?

21 UNIDENTIFIED SPEAKER: Okay. Sure.

22 REPRESENTATIVE HOUSE: The first question
23 you answered was why you're in with Bigelow.

24 UNIDENTIFIED SPEAKER: And I lived here
25 ten years ago and still --

1 REPRESENTATIVE HOUSE: I'm answering.

2 UNIDENTIFIED SPEAKER: -- we still should
3 not have been --

4 REPRESENTATIVE HOUSE: I'm answering.

5 UNIDENTIFIED SPEAKER: -- (inaudible) with
6 there.

7 REPRESENTATIVE HOUSE: The districts that
8 were drawn were drawn ten years ago. A lot has
9 changed out in West Little Rock in the last ten
10 years --

11 UNIDENTIFIED SPEAKER: Sir, I've lived
12 here --

13 REPRESENTATIVE HOUSE: Ma'am, I -- ma'am
14 --

15 UNIDENTIFIED SPEAKER: -- for 15 years.
16 It is not changed that much.

17 REPRESENTATIVE HOUSE: Ma'am, we can talk
18 one in a time. It's my turn.

19 When those districts were drawn, they were
20 drawn ten years ago. And the area has built up
21 considerably in the last ten years.

22 And whatever population is out there is in
23 that district. It's an unequal population, as
24 you can see from the maps.

25 That's going to change. The maps are

1 going to be redrawn. I don't know where your
2 district will be and no one up here knows where
3 it will be until they get the census data down
4 to the block level.

5 And some areas in very far West Pulaski
6 County will probably go over into Perry or may
7 go over into Perry or over into Saline or over
8 into rural areas.

9 It's population driven more than anything.
10 They're looking for 30,115 people per House
11 District and 86,000 and something for Senate
12 District. And those areas expand or contract
13 to reach that population goal, as the laws say,
14 for State Houses and state that is
15 substantially equal. That's the goal.

16 UNIDENTIFIED SPEAKER: There's a big
17 finger going up through Chenal Valley.

18 REPRESENTATIVE HOUSE: Ten years ago that
19 was drawn.

20 UNIDENTIFIED SPEAKER: Ten years ago there
21 was still 30,000 people that lived out there.

22 REPRESENTATIVE HOUSE: Yes, ma'am.

23 UNIDENTIFIED SPEAKER: There were not --
24 there were 30 neighborhoods --

25 REPRESENTATIVE HOUSE: That's why we do

1 the census and why we've redistrict every ten
2 years. That's the law.

3 UNIDENTIFIED SPEAKER: And then one more
4 thing I wanted to correct.

5 You said that the Supreme Court ruled
6 Section 5 unconstitutional. It was in Shelby
7 County. It was Section 4(a), it was 4(a), not
8 5. Five was the pre-clearance.

9 They did not rule pre-clearance as
10 unconstitutional. They ruled that the 40 years
11 of data that they had for apportionment, based
12 on the previous 4(a) was not unconstitutional.
13 And they -- and they pushed that to the
14 Congress to -- to deal with.

15 So, yeah, you can use -- you can have
16 pre-clearance. It's just Congress is going to
17 have to mandate it is what the Supreme Court
18 said.

19 (Indiscernible Crosstalk)

20 REPRESENTATIVE HOUSE: This is the law
21 now?

22 UNIDENTIFIED SPEAKER: Well, the law is --
23 that's why we have it going through Congress
24 right now with --

25 JUSTICE DICKY: Yes, ma'am?

1 WENDY NEWSOME: My name is -- actually --
2 yeah. My name is Wendy Newsome. I'm here in
3 Little Rock.

4 I have a question that might have already
5 been answered, but I kind of want to get a
6 little more clarification on it. What --

7 JUSTICE DICKEY: Speak up.

8 WENDY NEWSOME: What type of statistical
9 analysis will you be using to actually make
10 that counties bigger or smaller? Are we using
11 a chi-square or are we using a multifactoral
12 ANOVA? How is this going to work?

13 JUSTICE DICKEY: It's your turn.

14 MR. JOHNSON: It's a lot simpler than
15 that. It's just divide 3,115,024 by 100 and
16 then divide that same figure by 35, drive or
17 design each district so that each district is
18 roughly about 30,000, or roughly about 86,000.

19 WENDY NEWSOME: Okay. So almost kind of
20 like a chi-square, but how do you make sure
21 that is nonpreferential?

22 How do you make sure that your variables
23 that you have listed in number seven are taken
24 into consideration when you make those, when
25 you redraw the lines so it's not -- so it is

1 more random than we're going to pick from here
2 and we're going to pick from here?

3 How do you make it random and not biased?

4 MR. JOHNSON: Well, each -- each block
5 that's contained within the census data
6 receives a population assignment. Some blocks
7 contain zero population.

8 For example, an industrial park might have
9 not any population. A park might not have any
10 population. Other areas where we have high
11 density population, that block would carry the
12 total count at that -- at that area.

13 You would then grab or group clusters of
14 blocks together and you might do it at the
15 precinct level. And that would be all of the
16 population that's contained within that
17 precinct.

18 Blocks are nested in precincts. Precincts
19 are nested in counties. And then the counties
20 are nested within the state.

21 Each one of those unique levels carries a
22 population total. So as you're designing or
23 developing a district, you would grab groups of
24 those together. And a key -- a key practice in
25 that process would be to do it contiguously so

1 that you don't have areas that are separated by
2 another part.

3 And, as you continue to grab additional
4 blocks, the software totals that and then
5 expresses the statistics. And you continue
6 design and you continue design until you have a
7 district that is near that target population.

8 WENDY NEWSOME: What software will you be
9 using for that?

10 MR. JOHNSON: The -- the software is
11 called AutoBoundEDGE.

12 WENDY NEWSOME: What was that again? I
13 missed that.

14 MR. JOHNSON: I'm sorry. I didn't hear
15 you.

16 WENDY NEWSOME: Sorry. I missed what you
17 said.

18 JUSTICE DICKEY: She didn't hear you --

19 WENDY NEWSOME: What was the name of the
20 software package?

21 MR. JOHNSON: The software is called
22 AutoBoundEDGE.

23 WENDY NEWSOME: AutoBoundEDGE?

24 MR. JOHNSON: Yes.

25 WENDY NEWSOME: Okay. Okay. Thank you.

1 LATONYA HONORABLE: Latonya Austin
2 Honorable again. Just two questions.

3 When I looked up the members of the Board
4 of Apportionment, I do not see your faces or
5 names. I just want to be clear about your
6 specific role.

7 So, when you talk about the Board of
8 Apportionment, are you talking about yourselves
9 or are you talking about the principals that
10 you reference?

11 JUSTICE DICKEY: We're talking about the
12 people that we work for, represent. I don't
13 know if you were here when we first started.

14 LATONYA HONORABLE: I was.

15 JUSTICE DICKEY: I introduced myself. I
16 am a coordinator for the Board of
17 Apportionment. And with me are -- are men from
18 each of the three entities. The governor -- if
19 you want me to point them out again, I will.

20 LATONYA HONORABLE: No. I think more
21 specifically I'm asking, so whenever you talk
22 about a certain act being done by the Board of
23 Apportionment, are those acts being done by you
24 or are they being done by the three principal
25 members of the Board of Apportionment?

1 JUSTICE DICKEY: Well, the three
2 principles are also fulfilling the jobs that
3 were just described.

4 We are doing the hearings. We are taking
5 your comments and posting them online and
6 getting them back to the three entities, the
7 governor, secretary of state, and attorney
8 general.

9 We, as in these men and some other people,
10 will be working on drawing maps that will be
11 then ironed out, any problems that we see with
12 them, with input from you before, during, and
13 after, and then take those to the three
14 entities when we, you know, get the population
15 amount balanced and make sure that it -- that
16 it doesn't violate any of these criteria to the
17 extent that we can avoid it. I'm talking about
18 the -- the last six.

19 And then give that -- then give that to
20 those three and explain it to them and let them
21 vote.

22 Then come back to you or in a public
23 broadcast and say this is where we are and this
24 is what they've done and you have 30 days to
25 then add more input.

1 And then it has -- then it all has to end
2 by December 31st.

3 LATONYA HONORABLE: Okay. Thank you.

4 JUSTICE DICKEY: Thank you.

5 LATONYA HONORABLE: Last question. And,
6 I'm sorry, may I have your name on the end, the
7 gentleman at the far right, my far right?

8 JUDGE DICKEY: Doug --

9 REPRESENTATIVE HOUSE: My name is Douglas
10 House, H-o-o-u --

11 LATONYA HONORABLE: Oh, yeah. Okay.

12 REPRESENTATIVE HOUSE: I know you.

13 JUSTICE DICKEY: Former representative.

14 LATONYA HONORABLE: Okay. That's even
15 better because we now each other.

16 So here's the question. You referenced a
17 lawsuit in U.S. District Court as it relates to
18 the drawing of the judicial lines.

19 Were you referencing the lawsuit that was
20 filed in 2009 as it relates to the Court of
21 Appeals and Supreme Court lines?

22 REPRESENTATIVE HOUSE: (Inaudible.)

23 LATONYA HONORABLE: Do you know the name
24 of that lawsuit?

25 REPRESENTATIVE HOUSE: I was -- I was not

1 working for the attorney general in 2019.

2 (Inaudible.)

3 LATONYA HONORABLE: So that would be a no,
4 you don't know the name of the lawsuit? 2019,
5 I'm sorry. If I said '9, I meant 2019.

6 The reason I'm asking is because those --
7 so I'm trying to make sure -- you directed me
8 to a case. I'm looking for that case.

9 I am aware of a lawsuit that was filed in
10 District Court in 2019 that challenged those
11 judicial seats that were Court of Appeals seats
12 and Supreme Court seats.

13 I'm unaware of a lawsuit that discusses
14 the drawing of the lines for circuit court
15 judges, and there's a big difference.

16 So I'm asking you, since you referenced
17 the lawsuit, do you happen to know the parties
18 names of that lawsuit or, at the very least,
19 when it was filed?

20 MR. NYE: Ms. Honorable.

21 LATONYA HONORABLE: Yes.

22 MR. NYE: Brad -- Brad Nye with the
23 attorney general's office again.

24 LATONYA HONORABLE: Hi, Brad.

25 MR. NYE: The case I believe we are

1 referencing is -- is still pending in court. I
2 cannot discuss pending litigation.

3 High-level, it is -- Christian Ministry
4 Alliance is the plaintiff's name. And it deals
5 specifically with the drawing of Court of
6 Appeals seats.

7 LATONYA HONORABLE: Okay. That's all I
8 needed to know, so --

9 MR. NYE: Yes.

10 LATONYA HONORABLE: -- that doesn't
11 address my concern with the circuit court
12 lines, which was my original question.

13 But I appreciate that. That answers my
14 question. Thank you so much.

15 JUSTICE DICKY: Thank you.

16 Yes, ma'am?

17 TRACY SHAWN: Happy Tuesday, everybody. I
18 am Tracy Shawn (ph). And my question is just
19 simply around the staffing for those persons
20 collecting the data and recording it.

21 So do we have the same staff, team,
22 support staff, data team, and legal team
23 representing for this redistricting?

24 Do we have the same team in here, year,
25 GIS, you have the same? Did you have any

1 turnover? Have you had any turnover?

2 JUSTICE DICKY: Any turnover in what
3 staff? The redistricting?

4 TRACY SHAWN: The staff you use collecting
5 the data, using to report the data, using to
6 help through this process.

7 JUSTICE DICKY: I haven't been here that
8 long. I've only been here since June. And
9 these men have worked in state government for
10 several years.

11 But not -- not until June the 15th did we
12 start working on this.

13 TRACY SHAWN: Okay. (Inaudible.)

14 Also, the other staff members and other
15 persons that are assisting with the data
16 collecting, not just you all, but all the other
17 persons, do you have any turnover?

18 JUSTICE DICKY: Since --

19 TRACY SHAWN: Do you have any new -- since
20 when?

21 JUSTICE DICKY: You don't --

22 TRACY SHAWN: Since -- well, say, since --

23 UNIDENTIFIED SPEAKER: Turnover since
24 when?

25 TRACY SHAWN: Well, say, since May. May.

1 Can you hear me? May.

2 (Indiscernible Crosstalk)

3 JUSTICE DICKY: Yes, ma'am.

4 WENDY NEWSOME: All right. I'm back. I
5 was actually looking at the AutoBoundEDGE like
6 you were talking about.

7 JUSTICE DICKY: I can't hear you.

8 WENDY NEWSOME: Can you hear me now?

9 Okay.

10 JUSTICE DICKY: Barely.

11 WENDY NEWSOME: Barely?

12 I was taking a look at the AutoBoundEDGE
13 software package that you guys were talking
14 about. And one of the big things they tout
15 about it is demographics and political.

16 How big is political affiliations going to
17 be taken into consideration with redistricting
18 and using the software package?

19 JUSTICE DICKY: Political consideration.

20 MR. JOHNSON: That -- that's not on our
21 data. We're just looking at the demographics.

22 JUSTICE DICKY: In AutoBoundEDGE, just
23 looking at the demographics.

24 WENDY NEWSOME: So it won't be looking at
25 the political? It'll just the demographics of

1 the area?

2 JUSTICE DICKEY: Yeah. I mean, it -- yes.

3 Any other questions? We still have 15
4 more minutes.

5 (Indiscernible Crosstalk)

6 JUSTICE DICKEY: Yes.

7 (Indiscernible Crosstalk)

8 JUSTICE DICKEY: Well, there's been no
9 turnover since May.

10 Do you have another question? Okay. Yes,
11 ma'am?

12 CAROLINE BENNETT: Yes. My name is
13 Caroline Bennett.

14 My question is, when I hear red lining and
15 redistricting, it really kind of concerns me
16 because it's always the African-Americans that
17 kind of get left out or get the bad end of the
18 deal on most cases.

19 So are you all taking anything in
20 consideration when y'all doing this red lining
21 and all this stuff? Redistricting?

22 JUSTICE DICKEY: Is that a question?

23 CAROLINE BENNETT: Yes. Are y'all taking
24 in the communities and making sure that it's
25 being done equitably?

1 JUSTICE DICKEY: I think that's --

2 CAROLINE BENNETT: (Inaudible) --

3 JUSTICE DICKEY: I mean, that's what the
4 criteria sets out. And that's what we've said
5 over and over again. Yes.

6 CAROLINE BENNETT: You said, yes, you are
7 all taking that in consideration?

8 JUSTICE DICKEY: What is she --

9 (Indiscernible Crosstalk)

10 CAROLINE BENNETT: Oh, you said yes?

11 (Indiscernible Crosstalk)

12 ANNA McCLUNG: Anna McClung from Lonoke.
13 So just a follow-up about the AutoBoundEDGE
14 program that was mentioned, and so you just
15 said -- I understood you to say, it's just
16 going to be based upon demo -- was it the
17 population or demographics?

18 JUSTICE DICKEY: The program is based on
19 demographics, not --

20 ANNA McCLUNG: So that will include race?

21 JUSTICE DICKEY: That's part of the
22 demographics.

23 ANNA McCLUNG: Right. Right.

24 JUSTICE DICKEY: Political parties aren't.

25 ANNA McCLUNG: Right. Okay. I just

1 wanted to make sure; because you mentioned
2 before about making sure like mark -- different
3 race groups would be accounted for.

4 And I was just wanting to make sure that
5 that was what you were saying.

6 JUSTICE DICKEY: That's --

7 ANNA McCLUNG: Yeah.

8 JUSTICE DICKEY: Yes, that's correct.

9 ANNA McCLUNG: All right. Thank you.

10 JUSTICE DICKEY: Thank you.

11 Yes, sir? Yes, ma'am?

12 LAURIE EVANS: Hello, Laurie Evans again
13 from here. I live here in Little Rock.

14 You know, I don't -- I'm -- I -- I cannot
15 speak for many of the folks here who have
16 raised the -- the concerns that keep coming
17 back over and over again about, for example,
18 concerns over racial gerrymandering.

19 And, of course, you know, we hear that,
20 you know, you are affirming that, of course, it
21 is a criteria. And I know that you're
22 definitely -- that's a foremost -- one of the
23 -- one of the things that's foremost in your
24 mind.

25 What I think is -- perhaps, I wonder, if

1 there is any -- it just feels a little
2 nebulous, I guess. Like -- like how the
3 process is going to work with regard to
4 ensuring, once the maps are drawn, for example,
5 in October and they proposed and we get to that
6 30-day comment period, I wonder if it -- if
7 there is perhaps some information that could be
8 placed on the Board of Apportionment's website
9 that would perhaps walk citizens through the --
10 the actual procedure of how some of these
11 criteria are going to indeed be met with regard
12 to like, once you've got the map, how do you
13 ensure that there has been no gerrymandering
14 that's taken place?

15 Just to -- to just, you know, something
16 that would, you know, boost public trust in the
17 process.

18 JUSTICE DICKEY: Well, when we talk about
19 the eyeball test, you -- you recognize when
20 there's a weird shape or there's a finger or --
21 or you can look and see where they've drawn
22 around this elected woman's house, so that they
23 drew her out of her district and so she just
24 moved, you know, you'll see. You saw some of
25 those ten years ago, or 20.

1 I'm hoping. And I don't intend to be a
2 part of one where there is gerrymandering. If
3 so, then I'll have to say to you, okay, we
4 failed. You know, just because my word is not
5 worth anything if I can't be truthful.

6 And if that means calling it out, as far
7 as gerrymandering, I don't think you'll find
8 that.

9 LAURIE EVANS: And that sounds great. I
10 think what -- what folks are just asking for is
11 what is -- I mean, we can all sit here and say,
12 oh, we're going to -- I -- I believe you, you
13 know, that we're going to be able to eye -- do
14 the eyeball test.

15 But, once we've done that eyeball test,
16 you know, it -- it looks like it's that 30-day
17 period then that's the magic window for
18 ensuring that there is feedback, which can --
19 which is actionable and that we can see that
20 any changes would be made.

21 JUSTICE DICKEY: I -- I said that --

22 LAURIE EVANS: Thank you so much for
23 addressing that again.

24 JUSTICE DICKEY: Thank you.

25 Okay. Last question.

1 ALEXANDER JONES: I'll be -- I'll be more
2 brief this time.

3 JUSTICE DICKEY: Good.

4 ALEXANDER JONES: I have -- I have a
5 couple questions for you though.

6 First question, and I don't know who is
7 best to direct it, so --

8 JUSTICE DICKEY: Well, ask it and I'll
9 figure it out.

10 ALEXANDER JONES: Thanks.

11 What steps has the Board of Apportionment
12 and its agents taken to address differential
13 privacy as used by the U.S. Census Bureau?

14 JUSTICE DICKEY: None. What's the next
15 question?

16 ALEXANDER JONES: Do you intend to take
17 any steps to address differential privacy as
18 used in the Census Bureau?

19 JUSTICE DICKEY: No.

20 ALEXANDER JONES: One more question.

21 What is the -- what difficulties would
22 federal courts have in determining salamanders
23 or little fingers or abrupt lines, as defined
24 in these criteria, that a state court would not
25 have?

1 JUSTICE DICKEY: The -- all right. You're
2 talking about gerrymandering, political
3 partisanship. Federal courts won't -- won't
4 look at it this time, not the political
5 partisanship.

6 ALEXANDER JONES: But state courts may?

7 JUSTICE DICKEY: State courts can, yes.
8 And it -- you know, that's where you file if
9 you're going to file a lawsuit.

10 ALEXANDER JONES: Thank you.

11 JUSTICE DICKEY: You're welcome.

12 All right. Last question.

13 UNIDENTIFIED SPEAKER: Thank you.

14 Okay. So once the maps are drawn and it's
15 presented to the principals, do they have the
16 opportunity to change those maps?

17 JUSTICE DICKEY: Sure. I mean, they're
18 the ones that vote.

19 UNIDENTIFIED SPEAKER: They're the ones
20 that vote?

21 JUSTICE DICKEY: We don't vote.

22 UNIDENTIFIED SPEAKER: Right, right,
23 right. So in -- in that process, when they rec
24 -- let's say they suggest a change, is that
25 then presented for public comment?

1 JUSTICE DICKY: Yes. I mean, if -- if
2 that's one that they've -- well, not before
3 they vote on it.

4 UNIDENTIFIED SPEAKER: So -- okay. I'm
5 just trying to understand the process.

6 So you folks are -- present a map to the
7 principals. Leslie Rutledge wants to see
8 something changed and she wants this, doesn't
9 agree to it, and so they want to wiggle a
10 boundary.

11 Will that new changed boundary be shown to
12 the public prior to their voting or is it they
13 vote and that's what it's going to be and --

14 JUSTICE DICKY: You know, the principals
15 will have talked to the people who work for
16 them. That's -- that would -- that's not
17 something that all -- all of the sudden -- I
18 don't anticipate, oh, it's a surprise move on
19 one of the three's parts. That's unlikely.

20 Now, we can speculate on what might
21 happen, but that's unlikely. They will have
22 looked probably individually before they look
23 at it together to have asked questions and
24 question changes.

25 So I don't think that there is a -- a

1 coming to you again, except now and when the
2 map is present -- you know, we have a map
3 that's presented to them and they vote on it.

4 Then there's a 30 days when you say, why
5 that or change that.

6 UNIDENTIFIED SPEAKER: So do they agree or
7 -- do they agree to accept or not accept or are
8 they just saying they want to --

9 JUSTICE DICKY: I think they have several
10 options, you know, agree, two out of three
11 agree, send it back.

12 UNIDENTIFIED SPEAKER: Okay. So it's an
13 iterative process at that point?

14 JUSTICE DICKY: No. It's a what?

15 UNIDENTIFIED SPEAKER: A process to go
16 through getting it where they can get to
17 something that they can agree to with what was
18 presented to begin with?

19 JUSTICE DICKY: Yes.

20 UNIDENTIFIED SPEAKER: Okay. All right.
21 Thank you.

22 JUSTICE DICKY: Thank you.

23 We're down to the last four minutes before
24 everything closes, the TV goes off.

25 UNIDENTIFIED SPEAKER: Okay. I don't have

1 a question, but I just want to just make a
2 statement.

3 You talked about using the AutoBound
4 program. And that concerns me because it's
5 known to side with the Republican party, the
6 ability to use that.

7 And I'm looking at this program, this EDGE
8 here. In step five, it talks about merging in
9 political data. And my question is, throughout
10 this process, will that political data button
11 be pressed and on or will this really be more
12 of a partisanship process?

13 Because, based on the history here, this
14 particular program --

15 JUSTICE DICKY: Who's your source?

16 UNIDENTIFIED SPEAKER: -- has been used to
17 ensure that Republicans maintain control.

18 JUSTICE DICKY: Who's your source of
19 that? A Democratic --

20 UNIDENTIFIED SPEAKER: No. The Supreme
21 Court ruling.

22 JUSTICE DICKY: It's a what?

23 (Indiscernible Crosstalk)

24 JUSTICE DICKY: All right. Here's your
25 answer.

1 MR. JOHNSON: So we've furnished technical
2 support to the Board and the staff and the
3 software.

4 The data that has been loaded for the
5 AutoBound product that's been installed for the
6 staff that are working, it's simply the public
7 law 94-171. That's the census data. It
8 contains the population and the demographic
9 data.

10 None of the -- we haven't installed any
11 political data on the staff that are working on
12 this because we don't have the ability to pull
13 it all together. So they're not going to be
14 using that data because we don't have it.

15 JUSTICE DICKY: Thank you.

16 Thank you for coming tonight. We
17 appreciate it. If you want to talk to us
18 afterwards, you can come up. This --

19 UNIDENTIFIED SPEAKER: Well, I have one
20 question. Are there any Democrats involved at
21 all in the apportionment?

22 Because we've got a Republican government,
23 Republican attorney general, and a Republican
24 secretary of state.

25 JUSTICE DICKY: Thank you. Is it still

1 on? I mean, it --

2 UNIDENTIFIED SPEAKER: Well, I don't want
3 to be on TV. I don't care.

4 JUSTICE DICKY: Well --

5 UNIDENTIFIED SPEAKER: (Inaudible) want to
6 be on TV, so --

7 JUSTICE DICKY: Well, you know --

8 UNIDENTIFIED SPEAKER: -- but that's an
9 easy yes or no question.

10 JUSTICE DICKY: Those --

11 UNIDENTIFIED SPEAKER: Any Democrats at
12 all --

13 JUSTICE DICKY: Those are the three
14 principals. They're all Republicans.

15 UNIDENTIFIED SPEAKER: Okay. There you
16 go.

17 ROSE REIGNS: Ma'am, so it is 8:28. As it
18 is, I do still have a question. I'm, again,
19 Rose Reigns from Jacksonville.

20 I want to know what quantitative standard
21 operating procedures you guys have taken place
22 to adhere to the criteria that you guys have
23 listed to us today?

24 JUSTICE DICKY: Any of you want to answer
25 it?

(Indiscernible Crosstalk)

UNIDENTIFIED SPEAKER: It's everything that's on your criteria.

ROSE REIGNS: Right.

ROSE REIGNS: Right. But what's the standard operating procedures that you guys are adhering to make sure that you're going through all of this process?

And as far as like saying that you guys don't have this data, the caucus, the Republican Caucus and the Democratic Caucus, both have a database filled with all of this information that you guys can just simply go to one of your friends and say, hey, we need this information, why don't you shoot it to us.

Actually, that's something that you get for being a member.

So what are the standard operating procedures, what are the quantitative, not qualitative words that you can give us, what are the quantitative standard operating procedures that you guys have put to place to adhere to those standards that you got listed?

JUSTICE DICKY: Read the criteria.

ROSE REIGNS: Quantitative, not

1 qualitative.

2 What is the quantitative standard
3 operating procedures that you guys have, as a
4 Board, have put in place?

5 JUSTICE DICKEY: Gentlemen? Okay. My
6 feet are tired.

7 (Indiscernible Crosstalk)

8 ROSE REIGNS: Exactly. Yeah, for sure.

9 REPRESENTATIVE HOUSE: Young lady, you're
10 -- thank you for your question.

11 This is a human activity, it is not a
12 mathematical process. Determining --

13 ROSE REIGNS: Yes, exactly.

14 REPRESENTATIVE HOUSE: -- ma'am, wait a
15 minute.

16 ROSE REIGNS: And so we do need a
17 mathematical way of -- we have P-values,
18 standard deviations, like come on.

19 REPRESENTATIVE HOUSE: We have to begin
20 with a basic premise. You talk, then I talk
21 and then you talk. And we don't interrupt each
22 other. Fair enough?

23 ROSE REIGNS: Fair.

24 REPRESENTATIVE HOUSE: Okay.

25 Redistricting is a human activity. The Supreme

1 Court calls it a political activity. So it is
2 not necessarily quantitative except in terms of
3 the numbers.

4 You can take the computer systems and they
5 have mathematically created a Googol, which is
6 ten to the 100th power number of maps for a
7 given area. That has been done.

8 But when you start adding rivers, when you
9 start adding Voting Rights Act, when you start
10 adding municipal boundaries and things like
11 that, these are human decisions.

12 To make sure that the objective criteria
13 listed one, two, and three and there are -- are
14 observed, that's pretty straightforward. The
15 rest of it is a judgment factor.

16 And the three people that you have elected
17 to be your governor, secretary of state, and
18 attorney general are charged with that human
19 responsibility of doing this in the best
20 interest of all of the people of Arkansas.

21 That is the process and that's how it
22 works. That answers your question.

23 ROSE REIGNS: No, that does not answer my
24 question.

25 REPRESENTATIVE HOUSE: I'm so --

1 ROSE REIGNS: I said quantitative standard
2 operating procedures, that means that that is
3 your manual that you adhere to.

4 That is, are you guys going by Robert's
5 Rules of Order? Are you guy -- like what are
6 you guys doing? What are you putting into
7 place? What are you quantifying?

8 What are the quantifiable standard
9 operating procedures that you guys have put
10 into place to make sure that you adhere to
11 those qualitative standards as you have
12 gracefully stated to us here today?

13 REPRESENTATIVE HOUSE: There are engineers
14 who are operating the computer systems. There
15 are GIS people who -- a GIS office that are
16 operating the computer systems, so they're
17 mathematical processes.

18 There are attorneys who are making sure
19 that the law is followed, not a process. And
20 then there are public hearings where we hear
21 people back and make objective and subjective
22 suggestions and criticisms and ideas to do
23 that.

24 Those things are being -- happening right
25 here before your very eyes. This meeting was

1 set at a definite time and place and we are
2 hearing subjective comments back that we will
3 incorporate as best as we can. It's happening
4 before your very eyes.

5 There is not quantitative, as in the
6 military use, I did 38 in the military years, I
7 know how to do those. But that's not what this
8 is. This is a legal and subjective and human
9 activity. There's your answer.

10 ROSE REIGNS: So what I'm hearing is a
11 refusal to answer my --

12 REPRESENTATIVE HOUSE: Okay. That's all.

13 ROSE REIGNS: -- question.

14 (End of Recording)

15 * * * * *


C E R T I F I C A T E

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 5th day of October, 2021.



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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