

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BOARD OF APPORTIONMENT PUBLIC HEARING  
MONTICELLO, ARKANSAS  
July 29, 2021

CRIS M. BRASUELL, CCR  
BUSHMAN COURT REPORTING

1 (Recording Begins)

2 JUSTICE DICKEY: My name is Betty Dickey  
3 and I am the coordinator for the Board of  
4 Apportionment.

5 Thank you to Jeff Weaver and Monticello  
6 UAM for helping us prepare for this. We  
7 appreciate your help.

8 The men who are with me, I want to  
9 introduce to you, from the governor's office,  
10 Andres Rhodes, on my right. From the secretary  
11 of state's office, Kevin Niehaus. From the  
12 AG's office, Brad Nye and Doug House. And with  
13 me is the head of GIS, that's Geographic  
14 Information Systems, Shelby Johnson; and, with  
15 him, are Jonathan Durand and Thomas Melton.

16 These men are the -- the brains behind the  
17 redistricting. They're bright, dedicated, hard  
18 working, committed to transparency and fairness  
19 in this effort that takes place every ten  
20 years, based on our Constitution.

21 We are six months behind in our work  
22 because we don't have the census information  
23 yet. We have a prognosis, that's -- they --  
24 2019 map that was put out by the American  
25 Community System, which is what our, one of the

1 maps that we have here tonight, is predicated  
2 upon.

3 The map, the data in its interpretive form  
4 will be sent to us by the Census Bureau on  
5 September -- on or before September the 30th.  
6 And then the maps will be drawn, you know, we  
7 will have a basis.

8 The purpose tonight is to get your input  
9 before we draw the maps. Your comments, your  
10 suggestions, your criticisms. PBS and Marty  
11 Ryall are live-streaming this as well as  
12 videoing it for your comments.

13 You have comment forms that we ask you to  
14 fill out with your suggestions.

15 The -- the legal basis under which we  
16 operate is Article Eight of our Constitution,  
17 the Voter's Rights Amendment of 1965 is amended  
18 in the Equal Protection Clause of the 14th  
19 Amendment.

20 We have -- in front of me is a list of our  
21 criteria, our goals, which we strive to meet,  
22 but we are not perfect. And there may be some  
23 situations that are unavoidable.

24 The first of the criteria is based on the  
25 Equal Protection Clause of the 14th Amendment;

1           and that is one person, one vote, or that,  
2           every ten years, there has to be a redrawing of  
3           the boundaries to -- based on each district  
4           being equal or substantially equal in  
5           population.

6           That's five percent plus or minus. With  
7           the one hundred house seats, that means it will  
8           be about 30,000 per district. And as you have  
9           -- if you've looked at one of the maps that  
10          Shelby's going to talk to you about, some of  
11          those positions are way over 30,000 in  
12          population.

13          We say they're illegal, not -- that's not  
14          a reference to your representative. That's a  
15          reference to the population amount in that  
16          district, if I can get that straight.

17          The 35 Senate seats will be about 86,000  
18          persons per district.

19          Section Two, the second of the criteria of  
20          the Voter's Rights Amendment of 1965 prohibits  
21          discrimination based on race, color, or  
22          language minority.

23          And, number three, the Equal Protection  
24          Clause of the 14th Amendment, limits redrawing  
25          districts bound -- district boundaries strictly

1           on the basis of race. So there's a balance  
2           there.

3           The next four are geographic principles;  
4           compactness, that's the eyeball test, that it's  
5           round or square, not that it's gerrymandered or  
6           dummy-mandered or whatever.

7           In 1812, Governor Gerry of Massachusetts  
8           drew an area around Boston that looked like a  
9           salamander, hence the word gerrymandering or a  
10          weird pronunciation, Gerrymandering, based on  
11          this man.

12          Contiguous is another of the goals; and  
13          that is that a common border or no islands, no  
14          partial districts, that are separated from  
15          others.

16          The core of existing districts, we strive  
17          to keep the counties whole, the cities whole,  
18          precincts. That's the goal. Minimizing the  
19          splitting of political subdivisions, that is  
20          our goal. We won't achieve that in some cases.

21          Communities of interest, commonalities of  
22          economic, social, political, cultural, ethnic  
23          or religious interest, you can help there, as  
24          far as your suggestions, as well as the other  
25          criteria.

1           Continuity of representation, it may seem  
2           unusual that we try to avoid making incumbents  
3           run against each other, but these incumbents  
4           were elected. That is the will of the voters  
5           and we strive to recognize, appreciate, and try  
6           to avoid, as I said, making incumbents run  
7           against each other.

8           Minimizing partisanship, no targeting or  
9           giving preferential treatment to one of the two  
10          or three parties, if we have three.

11          You can look at past maps from ten years  
12          and further ago and see strange drawings where  
13          someone has drawn in or out of the district  
14          little fingers or abrupt lines to draw someone  
15          in or out, we strive not to do that, to be fair  
16          and impartial.

17          If there is a lawsuit involving that, it  
18          will go, at this time, or from now on, to state  
19          court instead of federal court. That's the  
20          Rucho Decision.

21          I want Shelby to further explain some of  
22          the maps and then we'll open this for questions  
23          or comments, if you have any. Thank you.

24          MR. JOHNSON: Thank you, Justice Dickey.  
25          Good Evening.

1           My name again is Shelby Johnson and I am  
2           in the Arkansas Geographic Information Systems  
3           Office, and we provide technical support to the  
4           Board of Apportionment and assist them with  
5           some of the data.

6           And so, for this evening, what I wanted to  
7           do was to share some of the information that we  
8           do have available.

9           And the first map that you see on the  
10          screen here shows our state's population change  
11          over the last nine years for the period from  
12          2010 to 2019.

13          The information that this is built on is  
14          from the Census Bureau and it's an annual  
15          estimate that they produce at the county level  
16          and it does a decent job of helping us predict  
17          trends. Demographers use this to do all sorts  
18          of other analysis.

19          But, for us and for this particular work  
20          for the Board, it helps to highlight parts of  
21          Arkansas where our population has shifted or  
22          our population has changed. Some of our  
23          population has stayed relatively steady.

24          The information that comes out, comes out  
25          each year. It is based on an estimate and that

1 estimate is a combination of mortality from  
2 each year, statistics such as births and deaths  
3 that are fed to the Census Bureau, and then  
4 they use some other forecasting methods to  
5 arrive at these estimates.

6 The estimates are not perfect but they are  
7 in the ballpark; and so that is, at this time,  
8 all that we're able to leverage and take  
9 advantage of.

10 So you can see, in this corner of  
11 Arkansas, here, specifically in Drew County,  
12 across the nine-year period, the county has  
13 seen a little population decline over the nine  
14 years, but that population decline isn't quite  
15 dramatic.

16 If you look further to the south or to the  
17 east, Chicot County or Ashley County, where we  
18 have seen some more dramatic decline in terms  
19 of population.

20 And it shouldn't come as any surprise, but  
21 population follows jobs; and so we have seen a  
22 migration and a shifting of population in  
23 Arkansas to where the economic opportunities  
24 are more available.

25 And then, in some places, we just have



1           what we would characterize as migration into  
2           the state.

3           The next map that we'd like to take a look  
4           at is going on to using the same data to then  
5           run some analysis that looks at the variances  
6           of the -- well look -- can you move it to the  
7           house, the estimated house variance slide,  
8           please? Perfect. Thank you, sir.

9           So what we've done or what we were able to  
10          do is to look at the population estimates from  
11          the 2019 and to cast those onto the current  
12          districts here in Arkansas.

13          And I want to kind of take a couple of  
14          minutes and just describe the colors. So if  
15          you see the colors that are in shades of red,  
16          that illustrates a district that its population  
17          is too low.

18          It suggests to us that we need to make  
19          that district larger to reach out and grab  
20          additional population so that it can become  
21          more equal.

22          The lighter shades of red are still a  
23          little bit low but not as excessive as the  
24          darkest colors. And then, trending down to the  
25          lighter colors, those districts are closer to

1           where they're equal but not necessarily  
2           perfect.

3           Then the map transitions into shades of  
4           white and then shades of blue. And, as you  
5           graduate up the scale, the darkest blue colors  
6           are suggestive of districts where there is too  
7           much population.

8           That population is not equal; and,  
9           therefore, that's an example where the district  
10          has to shrink in size in order for other  
11          districts that are smaller in population to --  
12          to gain population and to become equal.

13          Here in southeast Arkansas, just to give  
14          you some numbers, for example, House District  
15          11, currently, we estimate that House District  
16          11 needs to gain 4,300 in population.

17          Next to it is House District Nine. House  
18          District Nine needs to gain 1,900 in order to  
19          become more equal with its neighbors.

20          If you contrast that with, for example,  
21          House District 23 in Saline County which is  
22          just outside of the Little Rock area, that  
23          house district currently has 3,400 population  
24          above what would be the ideal amount.

25          So these give you a notion of where the

1 district -- the house districts in Arkansas  
2 must grow or must shrink in order to become  
3 more equal.

4 The next map we'll look at is the Senate  
5 map and it's similar in nature. And I'll walk  
6 you through just a few of those numbers.

7 And, on those numbers, here in Senate  
8 District 26 -- would you be able to move that  
9 to the Senate map, please? Thank you very  
10 much.

11 Senate District 26, which is where we are  
12 currently, Justice Dickey mentioned the Senate  
13 districts are larger in Arkansas, in terms of  
14 population, due to the makeup of the Senate  
15 being 35 members. So our state population is  
16 divided by 35; and then that number would be  
17 the ideal number for a target district.

18 Under these estimates, that would be about  
19 a little over 85,000. And Senate District 26,  
20 right now, is about 8,561 below that target.

21 Senate District 25, just a little north of  
22 us here, needs to grow the most in terms of our  
23 Senate Districts. It needs to grow by 12,000  
24 population.

25 So, when we look at the trends here in

1           this corner of our state, we see the districts  
2           are going to become larger in geographic size  
3           in order to become more equal in population.

4           When you contrast that, for example, with  
5           Senate District One in northwest Arkansas, that  
6           district is 27,000 above the target, so it is  
7           -- it has got too much population in it and it  
8           must become smaller in order for its neighbors  
9           around it to become more equal in terms of  
10          population and, as a result, representation.

11          Our timeline or our expectation from the  
12          U.S. Census Bureau is that the -- what the  
13          format they call Legacy Data is going to be  
14          released on about the second week of August.  
15          It will take probably a week to ten days for  
16          that information to be processed into a form  
17          where the Board can use it, and then the Board  
18          can begin doing its work with the 2020  
19          population data.

20          So that's just a little bit about the maps  
21          that we have for you today. Along each side of  
22          the front here are the specific House and  
23          Senate and then we have detailed charts that  
24          illustrate those numbers based on the analysis  
25          that we've run and we would invite you to take

1 a look at those when your time permits to see  
2 those numbers and see how those districts may  
3 change.

4 And I'll turn it back to Justice Dickey.

5 JUSTICE DICKEY: Thank you, Shelby.

6 And now we're here to hear your comments  
7 and suggestions.

8 We have a microphone, we have two  
9 microphones, so if you'll raise your hand, the  
10 men with the microphones will bring that to  
11 you.

12 If you will, state your name and, if you  
13 know, what district, and I assume you know what  
14 county you live in, will you please state that.

15 Any questions? Comments? Suggestions?  
16 If you'll stand up. It's hard to see out  
17 there. Do you -- are there --

18 (Indiscernible Crosstalk)

19 JUSTICE DICKEY: All right.

20 COREY BREEVE: I'm Corey Breeve from  
21 Warren, Bradley County.

22 I know y'all are talking about the state  
23 legislative House and Senate and all that  
24 redistricting. But will it also be required of  
25 all the cities and the counties -- they will

1           have to go through their own process of  
2           redistricting for wards, or JP Districts, or  
3           you know, whatever the case may be? Is that  
4           correct?

5           JUSTICE DICKEY: That's correct.

6           Shelby, do you want to -- Shelby has been  
7           talking to the county judges and county clerks  
8           about that.

9           And the answer is, yes. Which is why, to  
10          the extent that we can avoid splitting many  
11          counties, it makes -- and precincts, it'll make  
12          the county clerks jobs a lot easier.

13          And, you know, they're in a time crunch  
14          much greater than we are.

15          Other questions or comments about the  
16          maps?

17          BENNY RAVORD: Yes. Benny Ravord, Drew  
18          County. I'd like to see Bradley (inaudible).

19          JUSTICE DICKEY: The comment, Benny, is  
20          you'd like to see -- it's hard to hear also up  
21          here. It's hard for me.

22          BENNY RAVORD: I said all of Bradley and  
23          Drew County. District Eight.

24          JUSTICE DICKEY: All right.

25          BENNY RAVORD: (Inaudible.)

1 JUSTICE DICKY: Okay. Benny and -- well,  
2 for the rest of you, you know that the website,  
3 the Secretary of State's website, will also  
4 take -- and it's ArkansasRedistricting.org is  
5 that website.

6 And we ask you either to fill out these  
7 comments that are provided to you or register  
8 that online. That's very helpful to us, as far  
9 as how we draw the lines. So please register  
10 it either here tonight or online.

11 Other comments, questions, suggestions?  
12 This is the first of what we hope will be eight  
13 meetings throughout the state, depending on the  
14 pandemic of the unvaccinated.

15 And we appreciate your masking and social  
16 distancing tonight.

17 If you have other comments, either give  
18 them to us tonight or register.

19 Anything else?

20 We appreciate Monticello, Jeff Weaver, and  
21 the people who have helped him and appreciate  
22 your attendance. Thank you.

23 (End of Recording)

24 \* \* \* \* \*

STATE OF ARKANSAS )  
COUNTY OF PULASKI )

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

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

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

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

My Commission Expires:  
August 16, 2031