



IndivisibleLRCA.org

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September 27, 2021

The Honorable Betty Dickey
Chief Justice and Redistricting Coordinator
Arkansas Board of Apportionment
Office of Arkansas Secretary of State, Elections Division, Room 25
Arkansas State Capitol
Little Rock, Arkansas 72201

Dear Justice Dickey:

Thank you to you and your staff for publishing a “Frequently Asked Questions” page on the ArkansasRedistricting.org website, in response to our requests and questions asked at the summer public meetings. We appreciate the work that went into that page.

That said, the procedures that the Board will be using to meet its publicly stated criteria remain unclear. I was referred by a staff person to the “About the Process” page (<https://arkansasredistricting.org/about-the-process/>) on the site for more details. That page and related pages do indeed provide helpful information about map criteria, statutes, legal requirements of redistricting, and relevant court rulings. But they do not provide information about the Board’s internal processes for ensuring that drawn maps meet criteria set by law and precedent.

For further clarity and in response to questions we’re receiving from members of the public, we offer the following comments for the public record and ask that they be posted at the ArkansasRedistricting.org public comment site.

1. Clarifying Vague Criteria

We reviewed the general redistricting criteria for this work at <https://arkansasredistricting.org/about-the-process/redistricting-criteria-and-goals/>. Several of these criteria are vague:

- a. #4 refers to the “eyeball test” for compactness. While this does sound like basic common sense, when applied as a legal standard, it is an arbitrary criterion, dependent on an individual’s interpretation. There is no information on how the Board will explain to the public how final maps passed this “eyeball test” or why any non-compact exceptions are being approved.
<https://arkansasredistricting.org/about-the-process/redistricting-criteria-2/> refers to “many measures of compactness.” What are these measures, and which ones are being used in this process, and how are they being applied to draft maps? What objective process, exactly, will the Board use to ensure that the final maps passed the “eyeball test” and conformed to the criterion of compactness?
- b. #6 states that whole counties, cities and precincts is “the goal.” But there is no means of accountability spelled out to quantify whether this goal is met by redrawn maps or, to justify deviations from this goal.
- c. #7, along with information on page <https://arkansasredistricting.org/about-the-process/redistricting-criteria-2/> defines Communities of Interest, and states that preserving communities of interest is a goal. However, there is nothing spelled out about how the Board shall ensure the final maps meet that goal.
- d. #9 lists minimizing partisanship as a criteria. We appreciate that the website states that “Political data is not included in the 2020 Census and has not been loaded into the map drawing software.” Is it the case then, that political data will never be loaded into the map drawing software for this entire 2020 redistricting process and will never be used, referred to, or considered in any way to draw or adjust map lines for the 2020 district boundaries?

Further, without further information, it would appear that “salamanders, little fingers, and abrupt lines” would be subjectively defined. What are the objective criteria being used to ensure that there is no partisan targeting or preferential treatment? What are the objective processes being used to assess whether the “minimize partisanship” goal is met? The use of the word “minimize” suggests that this criterion can be arbitrarily applied. And more to the point, why is the goal not “no partisanship considerations allowed in map drawing”?

2. Providing Criteria to Ensure No Racial Gerrymandering

Given past history, justified concerns about possible racial gerrymandering were raised multiple times at the Little Rock public meeting. However, as of September 22, these questions were not addressed on the public FAQ

(<https://arkansasredistricting.org/resources-2/frequently-asked-questions/>) as other questions had been. Nor is “no racial gerrymandering” a stated criterion. It is imperative that the Board includes no racial gerrymandering as a fair-maps criterion and develops objective measures to ensure that this criterion is met.

3. Publishing a More Detailed Timeline

The published timeline provides a start date (May 24, 2021) and a final deadline (December 31) for drawing and finalizing maps. In addition, you should publish the following information:

- The date the proposed maps will be published for the public’s review.
- When the 30-day public comment period will begin and end.
- Whether and when there will be any public meetings to discuss these maps or any opportunities for members of the public to ask questions about them or the process used to create them.
- After the public comment period ends, how long will the Board of Apportionment take to review the public comments, and how will they respond publicly to any of the comments or questions that arise?
- When will the Board issue the final maps? As an example, if comments are accepted until October 31, how long will the Board need to review and consider the comments before issuing their final maps? It would be helpful to have a clear calendar of expectations defined for the public.

We look forward to further clarity on these questions, as we all work toward the common goal of state legislative district maps which all Arkansas voters see as fair.

Thank you again to you and your team for your ongoing redistricting work.

Sincerely,

Loriee Evans

Loriee Evans

Lead Organizer, on behalf of Indivisible LRCA Leadership Team & Membership

Contact:

Loriee Evans





Arkansas Board of Apportionment
The Honorable Betty C. Dickey, Coordinator

October 1, 2021

Indivisible LRCA
P.O. Box 1304
Little Rock, AR 72203

Dear Members of Indivisible LRCA,

Thank you for your letter dated September 27, 2021, and your concerns as we assist the Board of Apportionment in redistricting the State House and Senate District's boundaries. The Board's goals are to draw districts that comply with all constitutional requirements, all federal and state laws, and which are fair and equal. Congress, state legislatures, and federal and state courts have written thousands of pages addressing the questions you ask. There are essentially four laws, the 14th and 15th Amendments to the U.S. Constitution, The Voting Rights Act of 1965 (as amended), and Article 3, Section 2 of the Arkansas Constitution. The US Supreme Court has acknowledged that after complying with the law, redistricting becomes a discretionary process that considers the best interests of the people. It is the Board's responsibility to make those determinations among a myriad of possibilities. Consequently, the Board has published goals and objectives that are in the best interests of the people of Arkansas and which are approved and often encouraged by the courts. The Board has also tasked lawyers to ensure that it first, complies with the law, and then to achieve its published goals and objectives to the extent reasonable and practical within the bounds of that law.

May I direct you to the National Conference of State Legislatures (NCSL) website (<https://www.ncsl.org/>). NCSL publishes a redistricting manual, Redistricting Law 2020, that provides in-depth overview with explanations and references to the questions you have asked ([Store \(ncslcommunities.org\)](https://www.ncsl.com/communities/ncslcommunities.org)). Your State Representative or State Senator should have a copy that he or she may loan to you, or they may request a personal copy at no cost to them. You may also contact our office for an appointment to visit our building during business hours to inspect this book. I regret we cannot assist in making copies in possible violation of the copyright laws.

Sincerely,

A handwritten signature in black ink that reads 'Betty C. Dickey'.

The Honorable Betty C. Dickey