



ARKANSAS BOARD OF APPORTIONMENT

October 29, 2021, Meeting Minutes

The Arkansas Board of Apportionment convened on Friday, October 29, 2021, in room 151 and 149 of the Arkansas State Capitol in Little Rock, Arkansas. Public notice of this meeting was provided to media on Friday, October 22, 2021, and posted on the Board's calendar of events at: <http://arkansasredistricting.org/events-calendar/>.

Arkansas PBS streamed the meeting on its ARCAN platform. A recording of the meeting can be accessed at the following link: <https://www.youtube.com/watch?v=IDts8zuyobc>. A transcript of the meeting will be prepared by Cris Braswell, a court reporter with Bushman Court Reporting.

The Board's Chairman, Governor Asa Hutchinson called the meeting into order at 10:30 a.m. All three members of the Board were in attendance, which includes Attorney General Leslie Rutledge and Secretary of State John Thurston.

Governor Hutchinson began by noting that there were several items that needed to be covered. Governor Hutchinson noted that he wanted to start with comments from Secretary of State John Thurston and Attorney General Rutledge, followed by reviewing the minutes. Governor Hutchinson stated that the Board will recognize Justice Betty Dickey, who has done an extraordinary job of redistricting coordinator, and thanked her for her service.

Governor Hutchinson stated that the primary purpose of the meeting was to consider draft redistricting maps. Governor Hutchinson noted that the maps have been prepared based upon the priorities set by the Board and established by law, as well as comments from the public and the excellent work of the staff; he noted the Attorney General's staff, Secretary of State, and the Governor's staff.

Governor Hutchinson noted the work from the staff with Justice Dickey and having eight public meeting across the state and giving every citizen an opportunity to express themselves. Governor Hutchinson pointed out that the Board received public comments also from the website, letters, and correspondence. Governor Hutchinson then thanked the public for giving the viewpoints of the community in reference to the redistricting process.

Governor Hutchinson stated his emphasis on majority-minority districts and noted that he wanted to be sure as maps are reviewed, those districts did not decline. Governor Hutchinson followed up by stating that a key part of the Board's efforts historically improves access and representation of minority populations.

Governor Hutchinson noted that he was pleased with the map that will be presented on the House side because it will go from 11 to 13 majority-minority districts, and noted that for the first time in history, there will be a majority-minority Latino district in Northwest Arkansas. Governor Hutchinson then stated that the Senate map will remain with four.

Governor Hutchinson then recognized Attorney General Rutledge.

Attorney General Rutledge reiterated the Governor's point and thanked all the redistricting teams for their hard work over the last several months. Attorney General Rutledge then specifically thanked Andy Davis, Doug House, Devyn Young, and Brand Nye from the Attorney General's Office and helping her negotiate all the information and get it in front of her, as well as work collaboratively with all members of staff. Attorney General Rutledge thanked Chief Justice Dickey for putting the proposed maps together.

Attorney General Rutledge stated she also found it important that the maps will reflect an increase of majority-minority district in Arkansas and stated that it speaks volumes for the work the different teams put into the effort. Attorney General Rutledge also noted the importance that the Board was reflective of the population growth in Northwest Arkansas, the first Latino majority-minority district in the State. Attorney General Rutledge stated that the maps reflect the population increase in Arkansas and noted that it has been a remarkable last few months after the Board received the numbers. Attorney General Rutledge then thanked the Citizens of Arkansas who took the time to contact the board, attend meetings, and file comments with their thoughts on redistricting.

Secretary John Thurston noted that the process was more challenging than he anticipated. Secretary Thurston stated that leading up to the process sounded like fun, and that it was exciting, but once you dived into it and see the population shifts, communities of interests, incumbents to consider; there are multiple variables that go into production a meaningful map.

Secretary John Thurston noted that there are no perfect maps and there will never be a perfect map and stated that it will ever exist because we all have different thoughts on what a perfect map would look like. Secretary John Thurston noted that the maps being proposed today took a tremendous number of hours from staff from each department, agencies, and stated they have put a lot of thought into it. Secretary John Thurston also noted that public comments were considered, and thanked Justice Dickey for her hard work and Shelby Johnson and GIS for the long hours they put it and thanked the Governor, Attorney General, and his staff for the work they put into it.

Governor Hutchinson stated that the meeting minutes of June 7, 2021, were in front of them and asked if there is a motion to approve and adopt the minutes.

Aye by all members.

Governor Hutchinson stated the motion carrier unanimously.

Governor Hutchinson then stated that the Board was in possession of the statewide public hearings, which Justice Dickey will recite as to where those occurred. Governor Hutchinson asked if there was a motion to adopt the minutes from the statewide public hearings as part of the Board's official records.

Secretary John Thurston stated so moved.

Governor Hutchinson stated with that all say are, or if opposed.
Aye by all members.

Governor Hutchinson turned the floor over to Justice Dickey.

Justice Dickey stated that she would first introduce the audience to those involved in the process. Justice Dickey stated from the Governor's Office is Andres Rhodes, Nicholas Ortiz, and Rett Hatcher. Justice Dickey stated from the Attorney General's Office is Brad Nye, Doug House, and Andy Davis. Justice Dickey noted from the Secretary of State's Office is Kevin Niehaus, Kenneth Burleson, Richard Bearden, and Megan Earnhart who ran and managed the website. Justice Dickey then noted Shelby Johnson and his staff from the Geographic Information Services office.

Justice Dickey stated that her administrative assistant who worked three jobs and is a loan from the Attorney General's Office, and is a Law Student answered every letter, posted every comment with Megan's help during the process. Justice Dickey stated those are the people who worked hard, who are brilliant and determined to follow the goals that we set, the criteria that the Board has, and the respect of the public.

Justice Dickey stated that the Board conducted eight meetings and pointed to the map which reflected those meeting throughout the State. Justice Dickey stated this was so everyone can be informed and educated, as far as the process goes, so they could state their problems with their own district and these issues were taken back to the principals by their staff.

Justice Dickey noted that individuals who came to each meeting came from all walks of life. Justice Dickey noted that in on meeting there was a man dressed in overalls who was barefoot with a long beard and that he wanted to just understand what the Board was doing. Justice Dickey then mentioned that there were incumbents who came to listen to what their constituents wanted and noted there were individuals with much more education than herself, who also had much input.

Justice Dickey stated the Board took with them nine criteria, which were based on federal and state laws, the Arkansas Constitution, the NCSL which is the National Conference of State Legislatures redistricting handbook. Justice Dickey then noted she would read the criteria briefly for the audience.

Justice Dickey mentioned the first criteria being substantially equal districts everywhere and noted that the House Districts should have substantially 30,115 and the Senate 86,044. Justice Dickey then noted that there is generally accepted substantially equal, which is called a plus or minus deviation. Justice Dickey noted that amounts to a 10 percent deviation because it can be five above, or below. Justice Dickey noted that in 2011, the deviation in the House was 8.36 and the Senate was 8.20 and stated in 2021 the deviation is 7.9 in the House and 4.99 in the Senate.

Justice Dickey stated the second challenge is in 2011, the Senate minority district had been reduced from five to four and stated that in 2021 there are still four. Justice Dickey stated that there was no reduction in Senate Minority Seats. Justice Dickey then noted that in the House the minority seats were reduced from 13 to 11 by the previous Board of Apportionment, but in 2021, the board added one African American minority district and one Hispanic minority district.

Justice Dickey noted the third challenge, or goal, is the Equal Protection Clause, which under the 14th amendment, limits the redrawing of strict boundaries based strictly on race. She noted that this was not done but was based on population and complied with the VRA, voters rights amendments of 1965.

Justice Dickey noted that the fourth challenge is one of compactness. She stated that there are geographical features, such as rivers, highways, and national forests, that are considered in the drawing of districts. Justice Dickey noted that in 2011, the variation was .27 for both House and Senate and in 2021, its .31 for the House and .32 for the Senate. Justice Dickey noted as to contiguous there are no island and no partial districts. She stated all districts are were and are contiguous.

Justice Dickey stated that number six is the core of existing districts. She noted that to the extent possible, the Board maintained existing districts. Justice Dickey noted that the Board's goal was not to divide up counties which was, unfortunately, not able to totally achieve. Justice Dickey noted that in 2011 there were 13 whole counties, but in 2021, the Board maintained 22 of the counties, which is almost double of what was done in 2011. Justice Dickey noted that in the Senate, there were 37 total counties and in 2021 there are 42.

Justice Dickey stated that communities of interest is another goal. Justice Dickey noted that those are such as keeping intact Air Force bases, college campuses, industrial areas, which were kept whole to the extent possible.

Justice Dickey stated that continuity of representation is another goal. She there are not Senate races in which incumbents run against each other. Justice Dickey noted that the continuity of representation is that these people were elected, and it is not our attempt to avoid making them run against each other, because they reflect the will of the voters.

Justice Dickey noted that in the House, there is one race in which incumbents are pitted against each other. She noted that the race has two Republicans and one Democrat, which is in the Southeast corner of the State.

Justice Dickey noted that the final goal is to minimize partisanship, which is the commitment to not target nor give preferential treatment to anyone because of political races to avoid gerrymandering or weird shapes to districts. Justice Dickey noted that there was no gerrymandering, but there are weird shapes to counties, which create weird shapes to districts.

Justice Dickey noted that in eight hearing around the state, regarding transparency and minimizing partisanship, PBS livestreamed every one of them and archived them so that anyone who wanted could see them later and is present today to live stream this meeting. Justice Dickey stated that the livestreaming was a way of telling everybody what the process was going on and how they could participate in it. Justice Dickey noted that the Board invited public comment to the website which Megan oversaw. Justice Dickey noted that the Board responded to all letters, all inquiries directed to the Board and posted them on the website, including letters from the ACLU, Indivisible, and the NAACP.

Justice Dickey stated there was no targeting, no preferential treatment to either political party in this political endeavor. She noted that there was no loading of political data into the computer so that we would even know how the political breakdown was.

Justice Dickey stated that she was very proud of the people she worked with, very happy with the job that the Board did and had achieved more than any Board of Apportionment as far as meeting those goals.

Governor Hutchinson thanked Justice Dickey again for her work. Governor Hutchinson then stated that Justice Dickey and the Staffs of the Attorney General, Secretary of State, and Governor's Office are making two recommendations to the Board of Apportionment for review.

Governor Hutchinson noted that the first recommendation is the proposed House Map and the second is the proposed Senate Map.

Governor Hutchinson noted that he hopes the maps will be accepted for public comment. Governor Hutchinson noted they will be accepted with the discussion of the Board of Apportionment and then there will be 30 days for the public to comment on these before they would be finally considered later.

Governor Hutchinson asked the Board was the pleasure of the Board in reference to the House Map?

Attorney General Rutledge moved to accept the proposed map for the Arkansas House of Representatives.

Governor Hutchinson asked if there is a second.

Attorney General Rutledge stated second.

Governor Hutchinson stated all in favor say aye.

Aye by all members.

Governor Hutchinson stated the motion carries to accept the House map. Governor Hutchinson asked if there was a motion in reference to the Senate Map.

Secretary of State John Thurston stated that before he made the motion, he wanted everyone to know that the maps will be on Arkansasredistricting.org as soon as the meeting is over. Secretary Thurston then moved to accept the proposed map for the Arkansas Senate. Secretary Thurston proceeded by noting that the map will be reconsidered by the Board of Apportionment after 30 days of public comment and technical review by the Arkansas GIS Office.

Governor Hutchinson asked if there was a second to that motion.

Attorney General Rutledge stated second.

Governor Hutchinson asked all in favor say aye.

Aye by all members.

Governor Hutchinson stated motion unanimously carries.

Governor Hutchinson stated to let the record reflect that both the House and Senate map, as recommended, has been unanimously accepted by the Board of Apportionment.

Governor Hutchinson stated that he would go through the timeline. Governor Hutchinson noted that the Board accepted the two maps for public comment and the public will have 30 days for comment. Governor Hutchinson then noted that November 29th is designed so that the Board of Apportionment will reconvene to consider any public comments.

Governor Hutchinson then stated that if there is not any objections or concerns that have been expressed that need to have adjustment, then hopefully the Board will have final approval of

those maps. Governor Hutchinson then noted that under law, there is a period that there could be legal challenges filed from November 29th to December 29th.

Governor Hutchinson then noted that was the timeframe the Board has set. Governor Hutchinson followed up by noting the delays early on because of waiting to get the full Census Data, but noted that the Board, the staff, and the coordinator worked diligently once the information was received.

Governor Hutchinson stated that is the timeline that the Board has tried to stick with because we know the clerks' offices and candidates all must make decisions. Governor Hutchinson then noted the action and asked for any other discussion or comments from the Board.

Secretary of State John Thurston stated he was good and thanked the audience for hiring him for the job. He then stated that it has been an honor and reiterated that it was challenging and not easy as just moving lines around. Secretary Thurston then thanked the people of Arkansas.

Attorney General Rutledge thanked both members of the Board of Apportionment and all the staff the respective offices for working diligently and noted the process was very complicated.

Attorney General Rutledge then noted to the public as they review maps, so will the Board and noted to looking forward to the comments. Attorney General Rutledge followed up by noting her team, lead by Andy Davis, has done incredible work to make some historical points and to make these maps even stronger than what the State had previously for maps.

Attorney General Rutledge followed up by stated that is why there is low deviation on the maps versus what they were in 2011 and that she is very proud of that because Arkansans are equally represented.

Attorney General Rutledge pointed at one district Justice Dickey mentioned that has three incumbents running in it, and state that it is important to note that it is a majority minority district. Attorney General Rutledge followed up by stating it is one of those 13 majority-minority districts that was created.

Attorney General Rutledge then noted if you look at open seats where there are not incumbents or new districts is in the Northwest side of the state where there has been tremendous growth. She followed up by pointing that there is an open seat in Crawford County that goes into Washington county. Attorney General Rutledge then noted that there is also tremendous growth in Faulkner County. Attorney General Rutledge then followed up by noting that ideally the State will continue to see population continue to grow across Arkansas, and that was taken into consideration with staffs as they put maps in front of the principals.

Attorney General Rutledge noted that it was remarkable what the Board accomplished in terms of having more majority-minority districts and the State's first majority-minority Latino District on the map in Arkansas. Attorney General Rutledge then stated she appreciated the work of all the Board of Apportionment and their staffs.

Governor Hutchinson thanked the members of the Board and his Deputy Chief of Staff Bill Gossage who helped coordinate the Governor's team on the effort.

Governor Hutchinson then stated that as communities look at the maps and note how they wish things could have been different, he stated that it is important to remember that whatever change would be made to accommodate will have an impact and effect districts across the state.

Governor Hutchinson followed up by noting that is usually map a district could not have been perfect drawn for one community and that the Board would have to look at the entire state and the population shift and noted to keep that in mind.

Governor Hutchinson then stated that he thinks that everybody has done an extraordinary job in the population variance but also in protecting communities of interest and stated that the Board looks forward to feedback. Governor Hutchinson followed by stating that it might be something the Board misses and that is the reason for transparency. Governor Hutchinson followed by noted that even legislator might have a comment here or there.

Governor Hutchinson noted that if there is not any other business before the Board, he recognized a motion to adjourn.

Attorney General Rutledge stated so forward.

Aye by all members.

Governor Hutchinson stated the motion carries and that the meeting is adjourned. Governor Hutchinson then stated he wanted to thank the public and everybody for their active participation and review.

The meeting ended at 11:01 a.m.