



## **Board of Apportionment Public Hearing**

### **August 10, 2021, Meeting Minutes**

### **Hope, Arkansas**

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The Arkansas Board of Apportionment had a public hearing on August 10, 2021, in the University of Arkansas – Hope Hemstead Hall in Hope, Arkansas. Public notice of this meeting was provided to media on July 15, 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=jOtUzKHHa9o>  
A transcript of the meeting will be prepared by Cris Braswell, a court reporter with Bushman Court Reporting.

[Inaudible]... Justice Dickey stated commonalities that are economical, social, political, cultural, ethnic, or religious.

Justice Dickey mentioned the 8<sup>th</sup> criteria is the continuity of representation. She noted that this is to avoid making incumbents run against each other, because incumbents represent the will of the voters and, if possible, the Board wants to avoid that.

Justice Dickey stated that the 9<sup>th</sup> criteria are minimizing partisanship and not targeting nor giving preferential treatment to someone because of political parties. Justice Dickey noted *Rucho V. Common Cause* where it is stated that the federal courts are not going to get involved in partisan gerrymandering because it is a political question with no credible way to define it and measure the fairness in the political context but does not preclude state courts.

Justice Dickey noted that if there any lawsuit that involves partisanship, that it will be tried in...

Shelby Johnson noted that he was pleased to be in West Arkansas. Shelby noted that he is the Arkansas Geographic Information Systems Officer, and he is part of the Department of Transformation and Shared Services. Shelby noted that statutorily, his office has a role to collect and archive the election geography of Arkansas. He noted that this includes county election precincts, county justice of the peace districts, city wards, school board zones, and State House, State Senate, and Congressional Districts in Arkansas.

Shelby Johnson mentioned that another duty of his office is that they role the information from each decade, every time it changes and send it to the Census Bureau. He noted that it is then incorporated into the map files that are used to tabulate the decennial census at the various level of various jurisdictions. Shelby reiterated Justice Dickey’s point that the Board is very far behind in the schedule in this cycle. He noted that the Census Bureau normally would have furnished the 2020 block level population data to the State in February, but unfortunately, the Board does not have that information.

Shelby Johnson noted that without the Census information, it prevents the GIS office from providing technical support that we would normally provide to the Board of Apportionment. He then stated that, at this time, the only thing he can do is provide estimates. Shelby stated that the estimates he will provide are based off a data product that is produced by the U.S. Census Bureau, and it's called the American Community Survey. Shelby Johnson that noted that the American Community Survey data is sampling and is not a complete Census. He noted that the sampling uses a combination of mortality records, such a births and deaths, and some other samples that take place each year, which are used to forecast or estimate population in the United States.

Shelby noted that the first graph that is being presented to the audience is from 2010 to 2019. He noted that counites with the darkest shades of red have seen the largest population decline. Shelby continued to point out that the scale moves to lighter shades of red, then lighter colors which indicate counties that had modest or no population change. Shelby then noted that the scale slides into shades of blue which indicates counties in Arkansas which have gained population. Shelby further pointed out that the shades of blue indicate Arkansas counties that have gained population and the light shades indicate modest gain, but the darkest, of course, indicate dramatic gain.

Shelby Johnson pointed out that at the lowest end of the scale, Jefferson County is projected, across the nine-year period to have lost over 10,000 population. Shelby then contrasted that with Benton County in Northwest, Arkansas which gained an estimated 57,000 in population.

Shelby Johnson then noted to the audience that Miller County, their county, has had minimal population loss, but counties like Sevier, Hempstead, Nevada, Columbia, Fayetteville, River, and other counties had some population decline over the last decade. Shelby noted that Ouachita and Union County has had the largest amount of decline in the last nine years.

Shelby Johnson noted that the middle shades and the lightest colors indicates little to no changes at all and stated that other shades of blue indicate districts in the house where population has gained over the last nine years.

Shelby Johnson stated that in the House, one of the largest districts that lost the greatest amount of population would be House District 50 in Eastern Arkansas and House District 55 in Northeastern, Arkansas, which both used 5,000 in population. Shelby Johnson proceeded to mention the other end of the spectrum which is East and South of Central Arkansas is House District 31, which gained 5,800 as an estimate, then noted to the audience that its paints a dramatic change in the Arkansas population. Shelby then stated that its population follows opportunity and jobs and noted that it indicates the districts in the State are going to see some dramatic changes.

Shelby Johnson proceeded to note that the analysis on the Senate Districts, which demonstrated the estimated change across the last nine years for Senate. Shelby reiterated the darkest shades of red being the greatest population loss, and the dark blue the greatest amount of population gain. Shelby stated, again, that this means that those Senate Districts must expand geographically by spreading North, South, East, or West. Shelby contrasted this where populations are dramatically high, and that those districts must contract to lose population and give it to their neighbors.

Shelby Johnson pointed out that Senate District 11 in Southwest, Arkansas and that it needs to grow by about 3,800 to come up to equality with its neighbors. Shelby pointed out that the districts cannot grown out of State. [Inaudible recording]

Justice Dickey then announced that it is now open for comments and stated that there are microphones on both sides for comments, as well as comment sheets for suggestions. She then asked the audience to name which county and district they live in.

Senator Trent Garner from Union County, District 27 asked regarding Tax numbers, how many Senate seats does the board anticipate in us losing in South Arkansas, or the bottom six or seven Senate districts.

Justice Dickey asked Kevin Niehaus to answer the question.

Kevin Niehaus stated that it is difficult question to answer without having the exact 2020 numbers. Kevin noted that based on the 2019 numbers it looks as if though that around three house seats will move from across the state to Northwest Arkansas. Kevin Neihaus then noted that overall, it looks as if Northwest Arkansas will gain three House seats, and one Senate seat, but could not confirm if they were coming from the south.

Blake Montgomery from Hempstead County asked if there will be additional public meeting once you do have the real numbers that we can comment on.

Justice Dickey stated that it is the fourth of eight meetings before all census figures are released. She noted that the Board hopes that after the drawing of the maps they will be able to present them to either PBS or other public venues.

Sylvia Brown from Hempstead County asked if the actual data would show where the population gained and lost as far as the census tracks and how that data release showed where the population was loss and gained. Sylvia Brown then asked if there will be a redistricting simulation on the website to additionally encourage and support.

Shelby Johnson stated that the Census Bureau assigns population at the lowest level which is know as the block level. Shelby then stated that is not in reference to a city block, but a terminology the Census Bureau uses. Shelby pointed out that a Census block can be bound by any kind of physical feature that you see on the landscape, for example roads, railroads, rivers, streams, and lakes which are all boundary blocks.

Shelby Johnson then noted that on top of that are the administrative geographies of cities, county boundaries, school districts boundaries, and civil divisions and townships. Shelby noted that those administrator geographies are layered on top of that, which forms census blocks that allow you to see local level population trends, gains, and declines.

Justice Dickey asked Sylvia Brown to repeat her second question again.

Sylvia Brown had an inaudible comment.

Justice Dickey noted that earlier the Board will be able to present that after the Board has received input.

Sylvia Brown had an inaudible comment.

Shelby Johnson noted that there are several tools that are online that would allow user to run scenarios. He noted that the board, at that time, is relying on desktop software. Shelby stated that the software is where the work and analysis will be done, and he does not believe that now the board has inclination to be able to put out fully interactive simulations online.

Justice Dickey asked if there were any other questions or suggestions.

Fred Weitzel from Sevier County stated knowing that all models are wrong, some are useful, is the model presented a purely planning process model. He followed up by asking if it will be modified after the pure census data comes out and will the final maps reflect the data.

Justice Dickey stated yes.

Unidentified Speaker asked the Board in a typical timeline, what would have been the process and what are the adjustments being made to the process to be inclusive and transparent. The speaker followed up by asking does the information impact and/or inform state legislative deliberations and local deliberations. The speaker followed up by asked when the timeline on data for local bodies was.

Shelby Johnson stated he would answer the historical question. He noted that in the prior decade the Census Bureau delivered the 2010 Block file to Arkansas on February 10<sup>th</sup> and at that point redistricting could then begin. Shelby stated that the board would then work up until about July, and during the time, they had the benefit of the data and then that board, to hold public meetings around the state. Shelby pointed out that they adopted the current districts on or about July 26<sup>th</sup> or 29<sup>th</sup>. He stated for the cycle they had about 170 days to work and adopt those districts.

Shelby Johnson then asked the audience to contrast that with this time around and noted that the board is almost in the middle of August and the State has yet to receive the full 2020 block file. Shelby then noted that obviously the timeline they are under needs to be compressed, but the Board has set a goal to have the work completed by December 31<sup>st</sup>, 2021.

Justice Dickey asked if they Speaker can repeat the second question.

Unidentified Speaker question was Inaudible

Shelby Johnson noted that once the Board receives the 2020 data, they would be able to begin their work at the timeline they put forward - - publish out drafts, anything like that, he noted he could not speculate on. That would be up to the Board on furnishing out those draft they might produce. Shelby pointed out that the local data will be available to cities, counties, and school boards when the information becomes available. Shelby stated that the Board is going to try to get that information into the hands of the election commissions and other personnel who will be working on school board zones, municipal wards, etc.

Unidentified Speakers comment was inaudible.

Shelby Johnson stated that her question was does the map need to be modified to be able to be used by the public and noted that the answer is yes through dramatic modification. Shelby Johnson stated that the raw data in its raw form is not able to be used by the layer person and that raw data required processing and it is processed into a geographic information system format. Shelby Johnson noted that is why the Census Bureau's original timeline of September

30<sup>th</sup> will be more user friendly. Shelby finally pointed out that the raw data that will be processed into a GIS form that can be used by the Board. Shelby noted that one the data is received it is not changed, the numbers do not change, the demographic information, the race, ethnicity, age brackets, none of that data changes in any of that processing.

Justice Dickey asked if there were any other questions.

Romarez Diddle from Magnolia stated that his question to the Board is I know that population and demographic make up - - is the driving force of redrawing districts. Romarez stated that he would like to know, what other factors such as the kind of economies each area has. He stated that he knew Magnolia is pushed forward because of Southern Arkansas University. Romarez noted that with El Dorada, it is oil and Texarkana is residential for commerce on the Texas side.

Unidentified Speaker noted that that is a good question and state that there has been discussion in the states, for multiple years about using other data like projected growth and projected loss. He stated that economic date, growing industries, dying industries, etc. The speaker noted that under the State Constitution the Board is not allowed to project what might happen or what might not happen in any area.

Unedified Speaker comment was inaudible.

Justice Dickey noted that those were addressed to a certain extent in the nine criteria.

Representative House stated that when the Census Data comes in it breaks down by race, age, household, ethnic group, language group, and it is all compiled in the Census. Representative House stated that sometimes it has economic data that comes up like income levels, which is one of the reasons why the census is supposed to be confidential. Representative House stated that the data the speaker is asking about can be seen in the block data and you can tell what kind of community is verse another one.

Representative House used an example of the Little Rock Air Force base that will show a lot of military people on the base. He noted that you will see that kind of data reflected in the census but it wont address like outside industries or what industries are growing, or what industries feed the economy.

Justice Dickey stated Andres Rhodes from the Governor's Office is going to also comment.

Andres Rhodes noted that the speaker hit the nail on the head in terms of communities of interests and noted that the board will have to utilize the drawings from the census and it's not that granular when it comes to which communities are like others and noted that is when public comment is helpful. Andres Rhodes noted that the Board must go by the Census data. Andres Rhodes noted again that it is very helpful that you are all here giving up public comment so we can take that back when we are drawing districts once the data comes back from the Census Bureau the board will try to keep communities of interest together.

Andres Rhodes, again, noted that it is not always possible, but all the factors Justice Dickey went into in detail are possible when possible. Andres Rhodes that population is a constitutional requirement and the first thing we will look how is how many people reside in a particular place. Andres Rhodes then reiterated Shelby Johnson and noted that we are looking at census blocks and voter precincts then counties and state population.

Justice Dickey noted that at Benton, last week, they asked us to prioritize those criteria. She noted that it is population, and as Andres says, then next two are legal requirements.

Ms. Jackson from Craighead County noted that the Census is responsible for the data and stated that only the data that are house are counter not the ones that are not counted because there are people that do not do the census, she asked what goes with that. Ms. Jackson followed up by asking what happens when there aren't enough people in that area but it just because the census did not count them.

Andres Rhodes this is not unique to Arkansas, the States have to go by the Census Bureau. He noted that there are few exceptions, but they also draw from the Census Bureau. He noted that if the Census Bureau say 50 people live in this block, then for all intense in purposes, 50 people live in that block. Andres noted that if there is an undercount, there are ways for cities to do a supplemental census, but there are additional things that you would have to talk with the Census bureau about regarding logistics.

Andres Rhodes noted that the previous Board of Apportionment received data in February, and they were finished by July. So, the had an entire springtime to do this process. We were looking at it, just a handful of months and noted that is why the Board is having these public comment periods on the front end so they can ensure that the public has adequate time notice of the meeting, also an opportunity to give public comment.

Justice Dickey thanked the audience for their input and adjourned the meeting.