

Board of Apportionment Public Hearing
August 17, 2021, Meeting Minutes
Fort Smith, Arkansas

The Arkansas Board of Apportionment had a public hearing on August 17, 2021, in Fort Smith, 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/>.

PBS streamed and videoed the meeting. A transcript of the meeting was prepared by Cris Braswell, a court reporter with Bushman Court Reporting.

The Board's Redistricting Coordinator, Betty Dickey called the meeting to order. All three members of the Board had their representatives in attendance, which included Nicholas Ortiz from Governor Hutchinson's Office, Kevin Niehaus from the Secretary of State's Office, Brad Nye and Doug House from the Attorney General's Office, and State Geographic Information Systems (GIS) Officer Shelby Johnson.

Justice Dickey then stated that PBS was live streaming the meeting and attendees in the audience could fill out a comment form or make a comment using one of the microphones available.

Redistrict Coordinator Dickey began to note the criteria that the Board will be working under Article 8 of the constitution, the Voter Rights amendment of 1965, and the Equal Protection clause of the 14th amendment. She noted that they had set up nine goals or criteria.

The first is the one-person-one vote balancing of each of the legislative districts every ten years after the Federal Census so that they are substantially equal, which is generally plus, or minus, five percent deviation unless there is an impermissible violation of other criteria. Justice Dickey then noted that there are 100 House seats and 35 Senate seats. The House seats will be about 30,000 persons per district and 85,000 for the Senate seats.

Justice Dickey said that the second criteria, Section 2 of the Voters Rights Amendment of 1965, prohibits discrimination based on race, color, or language minority.

Justice Dickey further stated the third criteria is the Equal Protection Clause of the 14th Amendment which limits redrawing district boundaries based strictly on race.

Justice Dickey stated that there are four geographic principals including compactness, which refers to a round or square shape district. The fifth criteria are contiguousness, which means having a common border with no islands or partial districts. The sixth criteria minimizes the splitting of political subdivisions. The seventh criteria considers communities of interest.

Justice Dickey then stated the eighth criteria is the continuity of representation and the inclination to not make incumbents run against each other. She acknowledged that this, in some cases, may not be possible, but it is a goal.

Redistricting Coordinator Dickey then stated the ninth criteria is to minimize partisanship by not giving preferential treatment to one party or the other. Redistricting Coordinator Dickey

noted the Rucho case is a case that was presented in 2019 and decides that these cases will get to state court and not federal court.

Justice Dickey then presented Arkansas State GIS Officer Shelby Johnson to further talk about the maps.

Shelby Johnson announced his role in the redistricting process and stated that the State GIS office is part of the Department of Transformation and Shared Services and work for the people of Arkansas.

Shelby Johnson proceeded to note GIS's statutory responsibilities is to maintain statewide election precincts, state house, state senate, congressional districts, school board zone, justice of the peace districts, and municipal wards.

He stated that the U.S. Census Bureau released the 2020 block level data that contains the redistricting data file during the previous week. He then proceeded to walk everyone through the maps.

The first map Johnson reviewed was the 2020 population change by county over the ten years. He then explained that the map was not reflecting the population of a county but rather how much the county had changed over ten years. He specifically pointed out locations with the greatest population declines including Jefferson and Mississippi county. He also pointed out that a "good number" of counties in Arkansas had relatively unchanging populations. Sebastian county had a growth of a little over 2,000. Crawford county declined in population by about 1,815 people. Benton county topped the state in total growth; it grew by 62,994 people.

Johnson then reviewed the variance analysis maps. The next map was the House districts of Arkansas. As an aside, he mentioned that they take the population of Arkansas and then divide it by 100 house districts. Each House district should represent about 30,115 people. House district 10 was about 4,300 people below target. District 56 was 2,700 below target. House district 31 had 7,573 people above target. House district 91 topped the scale at 13,528 above the target. House district 79 was about 700 below target, and house district 76 was above target by 545 people.

Johnson then moved on to the Senate map. He explained how they divide the population of the state by 35 Senate seats. Each Senate seat should represent a population of a little over 86,000 people. Senate District 6 was about 6,300 below target. Senate District 9 was about 2,100 below target. Senate District 8 was about 2,700 below target. Districts that are far below the target need to get geographically larger. Districts that are above the target need to get geographically smaller. Senate District 1 topped the scale; it was 43,500 people over the 86,000 target. Senate District 25 was an example of a district that should increase in size.

After Johnson reviewed the maps, the room was open for questions.

Rep. Denise Garner of District 84 asked how the redistricting team would consider the rapidly growing population in Northwest Arkansas. Johnson then explained that the apportionment was based entirely on the fixed numbers of the 2020 census data.

Justice Dickey then explained that the state could not simply reject the census.

Jim Reynolds asked if the redistricting process would possibly be finished before the December 31st deadline. Justice Dickey then mentioned that the deadline is actually before December 31st; October 31st was the tentative deadline.

Fort Smith Mayor George McGill stressed the importance of Fort Smith remaining in the Third Congressional District. He asked the Board of Apportionment to be considerate of that when drawing the lines. Justice Dickey then explained that they don't actually draw the lines for the federal congressional districts. Mayor McGill then expressed the importance of diversity within Fort Smith's state delegation.

Fort Smith City Board Member Jarred Rego asked why the census data did not mirror the reported growth figures for the Fort Smith area. Johnson then explained that growth follows opportunity; rural migration to municipalities is a trend. Rural areas are declining as municipalities increase. Rego was not satisfied with this answer. Johnson further explained that Sebastian County is declining in the rural areas.

Mireya Reith asked if there was any disaggregated data related to race that could be used to understand the growth of subpopulations within the maps that are drafted. She also asked if the maps would be posted in Spanish. Johnson then explained that the hispanic population grew by about 70,000. He mentioned that the 2020 block file contains all of the demographic data relating to race and ethnicity. Johnson mentioned that they had not had the time to analyze all the data because the information was so fresh. Johnson was unsure if the public could comment in another language.

Justice Dickey thanked the audience and adjourned the meeting.