



Board of Apportionment Public Hearing
August 24, 2021, Meeting Minutes
Little Rock, Arkansas

The Arkansas Board of Apportionment had a public hearing on August 24, 2021, in the Jack Stephens Center in Little Rock, 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=Jlp8Gzpu94>
A transcript of the meeting will be prepared by Cris Braswell, a court reporter with Bushman Court Reporting.

The Board's Redistricting Coordinator, Betty Dickey called the meeting to order at 6:00 p.m. All three members of the Board had their representatives in attendance, which includes Nick 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 Shelby Johnson State Geographic Information Systems (GIS) Officer

Redistrict Coordinator Dickey began to note the legal criteria that the Board will be working under is Article 8 of the constitution, the Voter Rights amendment of 1965 and the Equal Protection clause the 14th amendment

Justice Dickey noted the balancing each of the legislative districts every ten years after the Federal Census so that they are substantially equal, which is generally plus, or minus 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 86,000 for the Senate seats.

Coordinator Dickey noted 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.

Redistricting Coordinator Dickey stated that there are four geographic principals; The fourth being compactness, which refers to a round or square shape district and doesn't look like a salamander. The fifth criteria are contiguousness, which means having a common border with no islands or partial districts. The sixth criteria are to minimize splitting the political subdivision, communities of interest, commonalities, economic, social, political, cultural, ethnic, and religious interests. Justice Dickey stated the Seventh criteria is communities of interest that involve commonalties, economic, social, political, cultural, ethnic, or religious interests.

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. Justice 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. She noted that they did not exclude state courts, so any partisan litigation will be in the State Supreme Court

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

Shelby Johnson announced his role as the State GIS Office and noted that he is in the Arkansas State Geographic Systems Office which is part of the Department of Transformation and Shared Services.

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

Shelby noted that GIS did a lot of work over the last four or five years in preparation for the Census for 2020 and fed a lot of geography into the census so that, as population was counted, it could be assigned to the correct jurisdictions. Shelby noted that on August the 12th, the Census Bureau released what they have termed legacy format of the 2020 Census data and GIS has immediately downloaded the data for Arkansas and began the process.

Shelby noted that the first several board hearings that were held in Arkansas were only able to show the public estimates or what the Board thought was going to be the population differences or population changes among the House and Senate Districts. He noted that last Tuesday at the Boards meeting in Fort Smith, the board were able to share for the first time the variances based on the 2020 maps. He noted that the first map he is going to walk everyone through is on the screen behind himself and he will be showing population change by counties across Arkansas from the period of April 1st, 2010, to April 1st, 2020. Shelby noted that the numbers are expressing how much the county changed in population, either up or down across that ten-year period.

Shelby noted in Central Arkansas, there has been modest growth in several counties. Faulkner County, for Example, gained 10,261 and Pulaski gained 16,377 across the ten-year period. He noted that those are the two counties that are shown in the darkest shades blue which indicates that those counties experienced the greatest growth. Shelby noted that as the scale turns in the lighter shades of blue, it shows counties where there was growth, but not as much.

Shelby pointed the lightest shades indicate counties where there was not much population growth, nor a population decline across the ten-year period. He noted that those are shown in white. He continued by pointing out the color scale transition the lowest shades of red, which indicates that a county's population declined a little bit. Shelby finally pointed to the darker shades of red indicated significant population decline. He stated that not far from Central Arkansas, in Jefferson County, was one of the counties which had a dramatic population decline across the ten-year period, and it declined by 10,185 in ten years.

Shelby stated that farther West is Yell County, showing a country where we had a pretty good population decline of 1,922. Shelby then proceeds towards the House and Senate maps.

Shelby stated that GIS took the released population data and placed it in the current design of the House Districts and used the same color and shading. He noted that the House Districts you see that are in the darkest shades of red are indicative of House districts where the population is too small and noted that the House districts that are in shades of blue are indicating House districts where the population is too great. Shelby stated that this tells GIS that population is following the national trend that, if you are in a rural area, the rural area is becoming more rural, and if you are in an urban area, the urban is trending to see population growth.

Shelby noted that in Central Arkansas one of the largest gains in terms of population would be Saline County which has a population that's 7,500 over the target population. He noted that in Arkansas, the current population, which is 3,115,024 people and we divide that by 100 House Districts and that yields a target slightly over 30,000 so each House District out to have about 30,000. Shelby noted that today, the darkest shades of blue, the darkest shades of red, are those districts where their population is far above the 30,000 mark or far below, and the districts below are illegal.

Shelby pointed the Boards attention to the Senate map. He noted that it is most the same thing that he explained regarding the darker shades being indicative of growth and geography to grow larger. He noted that at the opposite end, the darkest shades of blue represent districts which need to shrink or share that population with it so neighboring areas can come up to become more equal. He noted that the target population calculation for the 35 Senate Seats is the same three million population figure divided by the 35 Senate Seats, so each Senate seat should be around 86,044 persons in it. He noted that currently you can see more than half of our Senate Districts are very far out of balance. Shelby Johnson wrapped up the population representation and turned it back to Justice Dickey.

Justice Dickey opened the floor for comments.

Toni Maghrelian stated she lives in Chenal Valley, part of Little Rock and her question is regarding what it means to be illegal.

Shelby Johnson stated it simply means that the variation between the district's population is too far out of balance. He noted the concept of one person, one vote and stated that it means each House district out to have about 30,000, but in the context with the Senate district 32 in Saline County that he mentioned is currently 30,000 - - 37,500. Shelby followed up by noted that it just means that the district is underrepresented or overrepresented. He stated that the opposite would be true for a district where its population is not large enough

Toni stated that if you are in blue, you are overrepresented.

Shelby Johnson stated that the district has too much population.

Toni Magherlian asked for one person? They need more people? Is that what you mean, they need more representation? She noted that in rural communities it looks like they are losing population.

Shelby Johnson stated that's correct.

Toni Maghrelian noted she would assume that they have less representatives and will have to cut people out.

Shelby Johnson gave another example of Senate District 1 in Northwest Arkansas. He stated that it's the seat in the Senate that is the most out of balance and currently it has a target of 86,000. Shelby noted that Senate District 1 has 43,500 population above 86,000.

Toni Maghrelian stated that she knew and stated if you live in Texarkana or Hope, that representation is doubled based on the percentage of how many people live there, she then asked Shelby if that is what he was referencing.

Shelby Johnson noted that compared to a district where the population is too great...

Toni Magherlian stated that Kind of like our country, when Wyoming has as much as say California.

Justice Dickey Stated No.

Indiscernible Crosstalk.

Sydney Rush from North Little Rock stated that she was curious about how the Board was going to ensure that minority areas are continued to be represented, especially considering in Pulaski County there are certain seats that are insinuated to be minority seats.

Justice Dickey stated she would refer her to the criteria and noted that what is most important to the Board is the Second and Thirds goal. The population must be substantially equal, the second of the criteria prohibits discrimination based on race, color, or language minority and that a district, based on the criteria, based on the 14th amendment, because it is just a minority district. Justice Dickey stated that the Board preserves them, balances hit, but it will not show preferential or discriminatory treatment.

Sydney Rush noted that she thinks her main consideration is the current seats held by minority representatives may be drawn largesse to encompass nonminority areas, especially in North Little Rock.

Justice Dickey thanked her and question what she said.

Rose Reigns from Jacksonville stated that the previous speaker was asking for more direct verbiage, other then the generic criteria that is on the board. She followed up by asking what is being directly done to ensure people are not being discriminated against.

Justice Dickey stated Drawing the maps fairly and transparent.

Rose Reigns asked so how will these meeting, the questions, and comments, directly impact what is happening here with redistricting.

Doug House noted that there might have been some misunderstanding. He stated that maps from ten years ago have grown out of balance over ten years. He noted that the only way to comply with the Voting Rights act is the Board must make equal population among the districts. He noted that the Board has a general idea because we are all Arkansans. He stated that the Board representatives are working for the Governor, Secretary of State, and the Attorney

General. He noted that board has a general idea of where people live, and it's considered when lines are drawn. Doug House noted that the next thing that happens if there appears to be a population group that meets minority status, whether black, Hispanic, or Marshallese that it shows up in the census. Doug House followed up with noting that the information is then overlaid over maps to make sure that districts are the appropriate size so that we have what is called a minority/majority district. He made note that you can see districts now, from ten years ago and the Boards will make sure that where there is enough and compacted enough to form a district, then that district will be detailed out in accordance with federal law, or the voting rights act of 1965.

Rose Reigns followed up by asking how the Board is held accountable to the standards Doug House mentioned, and what are the repercussion of these illegal districts?

Doug House noted that world illegal is not a legal word, and that is from the Attorney General's Office. He noted that it is a representation to show how far out of balance those districts have become in the last ten years and that is why the board is redistricting, to bring them all to balance. He noted that we follow the Voting Rights Act as best as the Board knows and the Boards will present that stated information to the Governor, Secretary of State, and the Attorney General. Doug followed up by stating that the three principals make the decision, not the people who are representing them there, he stated they are there to ensure that it is done, openly, fairly, and to comply with all federal and state laws, and is complete transparent.

Doug House stated that if someone does not like that, they may bring forward a lawsuit and the books are full of lawsuits all over the county where people have been held to account for not doing the right thing. Their purpose, their intent, is to comply with State and Federal laws, and be transparent and open.

Rose Reigns followed up with asking how her comments affect the process.

Doug House stated he would use an example to answer her question. He noted that in Baxter County, when they were in Mountain Home, a lady pointed to a neighborhood, but her representative lived 90 miles away, she stated that it was not right because her family goes to the Walmart in Baxter county in Harrison or Mountain Home, they go to that Walmart, County Courthouse, buy cars, get hair done, everything in Mountain Home and yet her representative lives 90 miles away because of Gerrymandering that was done 10 years ago. Doug noted that those comments are very important to the Board to collect and present it to the Governor, Secretary of State, and the Attorney General.

Doug stated that she mentioned she was from Jacksonville and stated he lived out that way, and stated it's a finger, and it was done to help someone out 10 years ago. Doug stated that hose is the king of things that the Governor, Secretary of State, and the Attorney General are alert to that are not fair, that are not right, and are inconsistent with all these principles you see on the criteria board.

Rose Reigns stated the Dough mentioned the Jacksonville finger and asked how someone can who works the nightshift get their voice heard.

Justice Dickey mentioned Arkansasredistricting.org

Representative Ennett stated she would like to thank the Board for hosting the meeting throughout the State and announced that she is Representative Ennett from District 36 and noted she had a couple of questions.

Rep Ennett's first question was when will the Board of Apportionment begin drawing maps?

Justice Dickey noted after September 30th and stated that the information now must be formatted, but when the September 30th numbers are in, they do not expect changes and that is when they will start drawing.

Rep Ennett stated that her second question is what is the Board's projected timeline for drawing and finalizing the maps?

Justice Dickey noted that the Board hopes to do this in October, or a few weeks, but it will be challenging. She noted if you look at the dark red and dark blue, it going to be very challenging for all three entities to draw a map that's fair and that meets these criteria, to the extent the Board can. She noted that the three principles, the Governor, Attorney General and Secretary of State vote, and then there is a 30-day waiting period or a 30-day period for feedback. Justice Dickey stated that the Board hopes to be able to show final proposed maps through PBS or some other way to get that all over the State before those 30 days.

Rep Ennett asked how long will the public have to comment?

Justice Dickey stated 30 days.

Rep Ennett asked when the Board of Apportionment does expect to vote on proposed maps?

Justice Dickey stated that she thinks soon after the maps have been seen by the three entities or that the Attorney General, Secretary of State and Governor agree on a map. She stated that it should not take long, but she cannot predict how long they will take.

Rep Ennett asked is December the 31st a hard deadline for the Board of Apportionment to complete its work?

Justice Dickey answered yes.

Rep Ennett asked does the Board of Apportionment plan to have the finalized map voted on by December 31st.

Justice Dickey stated well before then, and that is when everything ends.

Goldie Gaines from North Little Rock asked, what are the most significant changes from the existing maps that you anticipate, apart from the reshuffling of districts due to population shifts?

Justice Dickey asked her the most significant changes apart from the population shift?

Shelby Johnson stated that you would expect to see, for example, the rural areas where the population has declined, so the district must become larger to reach out and grab population from its neighbors. So, in rural areas, you would expect some districts to become larger, and he noted the best way to explain that is Southeast Arkansas. Shelby pointed to Senate District 26 which cannot grow across to Mississippi, nor Louisiana it can only grow West or North to get

additional population. Shelby noted that in urban area, where you have districts that are too great in population, those districts need to contract and get geographically smaller to share that population with the neighboring districts.

Goldie Gaines then asked are those significant changes from the existing map that the Board anticipates regarding reshuffling or redistricting?

Justice Dickey answered yes. There will be larger districts, and it appears the red districts must expand geographically and smaller in blue.

Goldie Gaines asked in transparency, Arkansas has been hit hard by COVID-19 pandemic and cases are currently surging due to the Delta Variant. She asked in light of this, will there be opportunity for concerned citizens who cannot attend in-person hearings to have their questions and answers, answered by you?

Justice Dickey stated yes and stated there are comments and you can make those at Arkansas Redistricting.gov. She noted that the comments can be given to the board or mailed in and will be posted online. She noted that after the maps are drawn, there is still the television broadcast where comments can be made again.

Goldie Gaines asked if there will be a process in place for Hispanic or Latinos.

Justice Dickey stated yes that individuals are giving comments in Spanish online, and the Spanish version of the sight will be up tomorrow.

Goldie Gaines stated that her third question is how the public hearing is going to affect your redistricting process

Justice Dickey stated that that there are legitimate comments that are recognized, and stated that she lives in these areas, and knows what the problems are, where it is divided down the middle of the street, and for those who don't and who are trying to do the redrawing, that is important information where Senate and House line do not overlap. She noted there are lots of opportunities to make comments that help us fix problems that they had ten years ago. Justice Dickey noted that the Board makes rue that comments are copied several times for the Board and the website.

Goldie Gaines asked how the decision-making will be made public.

Justice Dickey stated it already has, but she is not sure how she can make it all available, but he processes is there for different maps.

Goldie Gaines stated she wanted to move into the data, and I the board is using total population, voting age population, VAP, and Citizen voting age population in the metric?

Justice Dickey stated total population.

Goldie then asked how incarcerated people will be counted, will incarcerated people be treated as residing where they were incarcerated or previously lived, or will the be excluded form redistricting.

Brad Nye state that the Arkansas State Constitutions sets out that we use Federal Census data provided to draw the lines, and we use the total population data. To do what you are talking about, to relocated people away from congregant living and type enrolments would have required a statue change here in the state.

Goldie Gaines asked again if incarcerated people will be treated as residing where they are incarcerated or previously living or will they be excluding from redistricting.

Brad Nye stated that under current Arkansas Law, as it exists today, they are counted as where they reside, so where they are currently incarcerated as of April 1st, 2020.

Michael McCray who lives in the Pine Bluff Community of Jefferson County for over 40 years, and he stated that there is a serious gerrymandering problem. He noted that Jefferson County has about 67,00 residents into its Senate Districts one District has 52,000 residents and the remaining 15,000 of the population have been drawn into another State Senate district in Union County. He noted that as a result, they are not fairly represented and Pine Bluff is home to UAPB, SEARK, Pine Bluff Arsenal and the Port of Pine Bluff which is part of one district. He noted that it also has Jefferson County Regional Hospital, and the Pine Bluff airport is under the boundaries of the other Senator who lives three counties away. He noted that the area is a mess of maps all around and I just hope that you can do what you can.

Justice Dickey asked if he would turn his comment in.

Lauri Evan representing indivisible Little Rock in Central Arkansas where she states they have grass roots voting rights advocates, and organizations with over 2,000 members across Arkansas. She noted that she has several things, but she would like to leave a paper trail for the Public Record. She noted that she would like to state for the record some of the core principles that years of the precedent and court decision have set for redistricting in Arkansas. Lauri stated that first process ensures no racial dilution or redistricting based on racial gerrymandering, and that district map shapes are compact and contiguous, district boundaries preserve county and town boundaries whenever possible. She asked that new maps preserve the cores of existing districts to avoid constant reshuffling and that communities of interest are preserved and not divided by district lines. She noted that communities of interest being any Arkansas neighbor that shares certain social, cultural, ethnic, or religious connections.

Lauri stated that it is a tall order with lots of complicated considerations, but its doable. Lauri noted that she will encourage members of indivisible to counties asking members from across the state to share feedback on their neighborhood's activities and services, their cultural and historical interests, there economic and environment interest, and their areas needs and concerns. She also noted things that tie their communities a together. She asks that the Board sets a goal that every Arkansas voter has an equal opportunity to elect officials who will represent their values and their interests. She noted that has been mentioned past redistricting practices and have ended up creating unequal voting power for minority groups, and map lines have garmented minority groups in our State.

Lauri Evan mentioned that the Voting Rights Act bans the drawing of district lines that water down the voting strength of communities of color, yet is has still been a problem, and she is requesting that the redistrict process this decade do better. She noted that she will submit the rest of her questions.

Justice Dickey stated thank you.

Lauri Evan asked if their Board staff responding to question online that are submitted in the public comments and asked if that is something that can be requested so fox can ask question through the public comment and have them responded to.

Justice Dickey answered she is not sure if they are answered online, most comments are about futuristic sense of asking what can be done and noted perhaps that can be done, but she is going to ask on behalf of other members if they have questions.

Lauri Evan stated perhaps that something that could be done and noted she is just asking on behalf of other community members if they do not have question or if they do have question and could not make a meeting, how could the contact the redistricting office.

Justice Dickey stated Arkansasredistricting.org

Justice Dickey follow by state those questions will be sent to the person or entity to respond. Justice Dickey stated that the goal to make public comment has been done and is not sure the Board can answer complicated prolonged questions.

Lauri Evan followed up by stating that the redistricting phone goes to the Secretary of State's office, and she does not know whether the Board wants to update that or not.

Justice Dickey stated they have corresponded.

Lauri Evan noted that she appreciated all the Reponses so far and that most of her questions have been answered and noted how there will be a 30-day period for public feedback and asked what it would look like, and she wanted 30 days to community with members.

Justice Dickey stated that she already has all the resources as far as how to Contact the Board, and after they are presented, she hopes she had 30 days to respond.

Lauri Evans asked if it will be just like e-mail or will there a public comment forum still up.

Justice Dickey followed up by stating if there is a specific place the map is showed, the Board will tell her.

Lauri Evans stated that's the process her organization wants to be able to clearly communicate to our members. She stated she has taken a lot of time and submit these comments. She then thanked Betty Dickey for her public services.

Diane Curry from the NAACP noted that several things have been answered. She asked has any consideration been given to a majority/minority Congressional District. She stated that she understands how the Board is not supposed to give preferential treatment, however in the view of a lot of the map changes that have occurred, at least we would like for considerations to look into that.

Diane Curry then asked how citizens maps can be submitted to the Board.

Justice Dickey responded by stating she would have to submit a map of their own community. She noted that you have to understand the map is a jigsaw puzzle for 35 Senate pieces and nobody is an island. She followed up by stating she was welcome to submit a plan for her community, but it must work with others.

Diane Curry noted that she would have a demographer do that from the State National NAACP and stated she would also like to ask, in view of the upcoming filing for candidates, is it November and followed up by stating the timeline is very tight. She asked the Board what thoughts they have given to the issue of filing, because otherwise, you may not know what district that you are filing in.

Brad Nye asked her to repeat her question, then informed her that in 2022, the primary going to be in May, which means the filing period will take place February 22nd to March 1st. Brad Nye followed up by stating that Arkansas is lucky in the sense that the primary is in March and filing period does take place in November, but the primary will be in May giving the board some time.

Diane Curry stated that on behalf of the NAACP they are concerned with some of the things that happened previously in gerrymandering from across the state and they do want the criteria to be followed.

Justice Dickey reiterated that why they have listed the criteria.

Richelle Britain in Jacksonville noted she lives in the same ward as Rose Reigns in Jacksonville and happens to be a member of indivisible and the Jacksonville Branch of the NAACP. She asked about the last criteria regarding minimizing partisanship.

Justice Dickey said not to draw maps in favor of Republican or Democrats.

Richelle Brittain stated yeah because everyone knows how parties do that every ten years and Democrats tried it and it backfired on them. Richelle followed up by asking what strategies the Board intends to use to carry out that last criteria to avoid gerrymandering, especially dealing with the Boards partisanship.

Justice Dickey stated she mentioned the ninth point, which is *Rucho v. Common Cause*, a 2019 case. She noted it deals with issues that says it should go to State Courts because the states will better understand. Justice Dickey stated if they see a finger like they did ten years ago, to call the board out on it, she stated she does not think the integrity of the people she is working with will make that seen.

Richelle Brittain stated that type of challenge needs to be brought up to the state challenge window? She noted that after it finalized, they have 30 days to go to the Arkansas Supreme Court. She further noted that she believes the constitutions provisions on legislative districts for the state lawsuits as opposed to federal lawsuits. She stated that the Feds are totally different and told informed Justice Dicky that is what she was citing in the *Rucho* case, or that the Supreme Court basically said we can't do anything about it. She then stated the Arkansas Supreme Court can take up lawsuits based on Justice Dickey's comments.

Justice Dickey stated the state court is better able to see where those fingers are and gerrymandering.

Anna McLung from Lonoke asked with today's technology, and the incredible amount of data from the census bureau on things like people, household, and race, she noted that it would seem straightforward for a computer to come up with a well-balanced potential map. She stated if she were able to go with no bias and draw a map based on population, demographics, and equal representation, why would that not be straightforward?

Shelby Johnson noted that he agreed that the technology has the capability and software which is very good. He noted that there is a deficiency that the software can't overcome and there is no way for it to indicate a community of interests. He noted that communities of interest are people who affiliate together for common reason or certain parts of the community and software simple doesn't recognize cultural differences like humans do.

Anna McLung noted that communities are closely connected in proximity, but she noted that her thinking is if there was a potential layout of an objective map, at that point, people can come in a move the lines. She then stated it seemed like it would instill more trust by the people.

Justice Dickey noted to the extent that we can comply with that, the board will try, it does not outweigh substantially equal population, and communities of interest, some that are rural may not have the population and so they are linked with cities as done in the past.

Anna Mclung stated that it just seems the technology is there, and house and streets can be mapped with Satellite now, she wonders why this cannot be done in a very objective almost topographical manner.

Justice Dickey stated you make it sound easy and said it's not when looking at deeply blue and red districts.

Indiscernible crosstalk

Justice Dickey asked if there were more questions to come to the microphone.

Latonya Honorable stated this is the first time a 30-day wait period after the plans are finalized, she then asked if she remembered that correctly.

Justice Dicky said there is a 30-day period for yet another round of feedback after the principles vote.

Latonya Honorable asked that during those 30 days, will it be disclosed to the public how the final plans were determined or what led to the final plans.

Justice Dickey noted that other than the criteria, the order of importance of criteria. She stated that the first three. She stated she was given a general statement, and she gave a general answer. She then asked Latonya to clarify.

Latonya asked what the substantive purpose of the 30-day is wait period, will any comments that are provided or given during those 30 days going to be used to then modify the final plan.

Justice Dickey stated it was last time the maps were drawn and there is no reason to think it wont this time. She noted if there is an error, something needs to be adjusted and the three principles agree to that.

Latonya Honorable stated she represents a group of people who are not particular knowledgably about the redistricting process and might not know how to formulate the correct answers. She stated again that the 30-day wait period changed the way the lines were drawn in 2010, when she asked the question. She stated, again, what will be disclosed in terms of how the lines are drawn, and how will someone know that it is drawn improperly or incorrectly if a person does not know how they arrived at a certain line.

She followed up to her question stating that other than criteria, what is it that will let someone know that the lines are improper to get the three principles to go back and have them modified.

Shelby Johnson mentioned one example would be for the public to evaluate the demographic reports and variances that will be part of the record that the board most likely would base some of their decision making on, looking at things like population and variance among other districts. He made another example where a city might have been split and that split could have been avoided and not create an egregious issue with variance – that would be an example.

Shelby noted that the best way to know that is, when the board gets the point that they are ready to look at those maps, one of the challenges will be to put that into a high-quality base map with city names, community names, and all the other things that anyone can look at and know a mistake was made.

Latonya Honorable followed up with a micro-question and noted that there is not a lot of people who understand that the Board of Apportionment is responsible for drawing federal lines, let alone knowing who responsible for local lines is. She asked is there someone who might be able to share whether this Board or what body is responsible for drawing local lines?

Justice Dickey stated the legislature does the Federal Congressional seats, the Board does the House and State Senate.

Latonya asked if Justice Dickey was a former chief justice, then informed her she might know the following answer. She followed by asking if she is familiar with the Hunt Decree. She further asked if this process is like the drawing of judicial districts.

Justice Dickey noted somewhat but stated she does not know.

Doug House noted that there is a federal court case going on right now in the United States District Court and they are discussing that issue now. He informed her he does not have an answer to the question, but that is where it can be found.

Latonya Honorable asked are there any other municipal lines that might be affected that are not dictated by a body of individuals.

Doug House noted that the City Council draws its own lines and the County Board of Elections commissioners for each of the 75 counties draws the justices of the peace lines. He noted that he thinks that always draw the school board lines. He followed up by stated the Governor, Secretary of State, and Attorney General do not draw any of those line.

Clarice Bay from Pulaski County asked if the board would commit to make the decision-making process public and will the Board explain which public comments you did or did not factor into the proposed maps and why.

Justice Dickey informed her to go online and pick some comments out, the ones she thinks the board will respond to, because there are multiple comments that are factored into it as far as things should be changed.

Clarice bay stated if she has to read a thousand comments, she has to read a thousand comments. She followed up by asking will the Board explain which public comments you did or

did not factor into the proposed maps and why. She stated that it makes sense if you have to read a thousand of them and pick them out.

Justice Dickey said if she has time while drawing maps, maybe.

Clarice stated that another question about the incarceration and people being counted. She noted that her question is, in regard to the prison county you stated that the Board of Apportionment will be counting incarcerated people. She noted that a committee of Government Affairs appeared that they were looking into doing things differently. She then asked if Justice Dickey was aware of that.

Doug House noted the Census Bureau does the counting, not the board of apportionment. He stated that the Census Bureau counts people where they reside, if they reside in a college campus, they are counted there, if they reside in a hospital or nursing home, they are counted there, if they reside in a correctional institution, they are counted there. Doug House noted that two states California and New York have reallocated their people in their institutions back to their homes, if they have one. He noted that Kansas spoke about the allocation of homeless, but not to hold him to that because they could have decided to undo it because it became a problem.

Doug House followed up by stating there was a bill introduced several years ago by Representative Andrea Leigh, now state auditor, to reallocate the prisoners around the state, but the legislature declined to adopt it. He noted that those people are placed in a district where they live and makes a difference sometimes with the number of registered voters for that district but are all constituents just the same. Doug noted he was proud of the Representatives and Senator who held those constituencies.

Rhonda Kimball stated as she speaks, they are voting on the John Lewis Voting Rights Act as a part of accountability of states to submit their plans to the Department of justice, and she knows the Department of Justice denied 13 plans. She asked if Arkansas is required to submit their plan for pre-clearance.

Justice Dickey stated no.

Rhonda Kimball stated that she mentioned several federal regulations and stated that the bill pertains to redistricting. She asked if Justice Dickey was in compliance with the act and does it make sense.

Justice Dickey asked what federal act.

Doug House stated that he has seen the bill not the act. He then asked her if it has become an act

Rhonda Kimball stated it has not, so she digressed with that. She noted it is a bill and asked how far the Board is off the mark with the bill is.

Doug House stated that the Board follows the law that exists. He noted that Section 5 and 4 of the Voting Rights Act is the pre-clearance she referenced. He noted section 4 was declared unconstitutional.

Rhonda Kimball asked is there no accountability other what happens at the state level. She followed up by stating the exceptions that Justice Dickey mentioned.

Indiscernible crosstalk

Justice Dickey stated that she was correct and that there are all kinds of laws that require accountability in on way or another.

Rhonda Kimball stated she was interested in the noncompliance of the bill and what was going on with the bill, and how far off the mark the Board will be if they have to start over if it should become an Act.

Alexander Jones from Little Rock stated he has a question about the document entitled House District 2020 population variance. He stated the Arkansas Board of Apportionment published on August 17th, 2021; a table of districts ranked highest to lowest in population. He stated the document has a column marked status and his questions are regarding that column.

Alexander noted that it appears tied to percent deviation from the target number, which is 30,115. He noted deviations greater than ten percent, higher or lower are marked illegal. He stated deviations between five percent and ten percent appear to be labeled either excessively high or low and preferable appears to be labeled for deviations for less than one percent higher or lower of 30,115. He asked who designed those categories?

Shelby Jones stated that it was the GIS Office. He noted that in preparing that table, the GIS team looked at the percent variance and those are classes and categories that were assigned based on percent variance.

Alexander asked how did the designate a category illegal, and what source law.

Shelby Johnson noted there is existing precedent that suggests when the variance is excessively, outside of ten percent, have not held up in court cases.

Alexander asked what cases.

Shelby Johnson responded that he is not the legal scholar on court precedents.

Alexander Jones asked if it's fair to assume that the Board will adhere to binding US Federal precedent of one man, one vote.

Justice Dickey stated that the Board will follow the precedent.

Alexander asked is it fair to say its obligated under law.

Justice Dickey said if it follows the eighth circuit for sure.

Alexander asked what the target deviation for the Board of Apportionment is

Justice Dickey stated plus or minus five, which is indicated a ten percent variation.

Alexander asked if its true that there is a federal precedent that is held at less than 10 percent to be impermissible

Justice Dickey stated yes, that is why she stated other reasons.

Alexander asked does preferable mean the best option.

Justice Dickey said preferable is not best. Preferable is a comparison.

Alexander stated that Merriam-Webster states having greater value or desirability.

Justice Dickey stated it's greater, not greatest.

Alexander stated what makes a lower deviation preferable.

Justice Dickey noted it is closer to the words, of substantially equal which is what the courts have said.

Alexander stated he had a political question that is tempered by law, but why is it better to have equal districts.

Justice Dickey stated that it goes back to the one person, one vote and to ensure votes are not diluted. She noted that her vote should not count anymore or less and should be substantially equal.

Alexander stated that he had two more questions. He asked would it be possible for the Board to approve a map that apportions each district within one percent of the target number.

Justice Dickey stated it's remotely possible, but they are held to substantially equal, which is a court decision. She noted plus or minus five percent deviation and noted no more than ten above or below.

Alexander asked Shelby Johnson is it possible based on computer science to equalize the district within one percent?

Shelby Johnson said technically yes but doing that would potentially split a city or an election precinct, or a county, which are all goals the Board tries to avoid.

Alexander asked the Justice Dickey if it's true that the one percent amount is constitutionally mandated in the federal context?

Justice Dickey stated for the Congressional seats, but not for the state house or Senate seats, they are substantially equal and stated it is not a one percent mandate.

Alexander then asked does the Board agree to ensure each district is within the range of the criteria provided deems preferable. Alexander stated it's a precise yes or no question.

Justice Dickey stated she doubted it.

Alexander asked if that's a no.

Justice Dickey stated she did not say it's a no.

Alexander said what about the Senate.

Justice Dickey stated same answer.

Alexander asked would the Senate ensure one percent.

Justice Dickey Stated she does not think so, but maybe.

Steven from Pulaski County asked if the Board could expound on communities of interest, and how is it calculated.

Doug House stated an analogy is an elementary attendance zone. One elementary school might be the cardinals and the other might be the tigers. Those two attendance zones were representative of moms, dads, and grandparents of PTA meetings. He stated that the cardinals affiliate together, and the tigers affiliate through the same associations. He noted those are examples of community interests.

Indiscernible crosstalk

Unidentified Speaker noted they have a follow up. They stated they live in Chenal Valley, West Little Rock where there is 50,000 people there, 30 neighborhoods. The speaker stated they are gerrymandered in with Bigelow, Perry and Maumelle and all of these little towns that have no interests. The speaker said should rural areas be drawn in with Little Rock. The speaker stated it's the most gerrymandered place in Little Rock with fingers and swirls with a gentleman from Maumelle who represent their area. The speaker said they do not get how West Little Rock has anything in common with these small towns that are losing population.

Doug House stated the first question of why she is in with Bigelow is the districts that were drawn were drawn ten years ago, and a lot has changed in Little Rock in the last ten years.

Crosstalk between Doug House and Speaker.

Unidentified Speaker stated they lived in little rock for 15 years.

Doug House stated the area has built up considerably in the last ten years and the population is unequal. He noted that it will change because the maps will be redrawn. Doug stated he does not know where her district will be until they have drawn it at the block level, but some areas of Western Pulaski County will probably go over to Perry or Perry over to Saline County.

Unidentified speaker noted that there is a finger in Chenal Valley. She also stated that ten years ago 30,000 people still lived there.

Doug House stated it was drawn ten years ago and that is why they do the census and why we redistrict every ten years.

Unidentified Speaker stated they had one more thing they wanted to correct. They stated that Doug House said the Supreme Court ruled section 5 unconstitutional. The speaker said it was Shelby County, it was section 4 (a) not five, five was the pre-clearance. The speaker noted they did not rule the pre-clearance as unconstitutional and ruled that 40 years of data they had for apportionment was based on 4 (a) which was not unconstitutional.

Indiscernible cross talk.

Doug House asked if this is the law now.

Unidentified speaker stated that law -- that's going through congress now --.

Wendy Newsome from Little Rock asked what type of statistical analysis you will be using to make the counties bigger or smaller, and asked if the board is using chi-square or ANOVA.

Shelby Johnson noted that it is simply than they, he divides the state population by 100 the divide that figure by 35 which drives or designs each district so they can be 30,000 or 86,000.

Wendy Newsome stated that its almost like a Chi-square but asked how do you make sure that is non-preferential. Wendy followed up by asking how do you make sure your variables that have been listed in number seven are taken into consideration when you redraw lines, and asked if it was random.

Shelby Johnson stated each block is contained within the Census data receives a population assignment. He used the example of an industrial park might not have any population and noted other areas where there is high population would carry the total county in that area. He stated that you would grab a group of clusters or blocks together and you might do it at the precinct level. Shelby follows up by stating blocks are nested in precincts, which are nested in counties. He stated each of those unique levels carries a population total.

Wendy Newsome asked what software the Board use for that will.

Shelby Johnson noted Auto bound edge.

Latonya Honorable stated she had two questions. She said when she looked up the Board of Apportionment, she did not find the representatives names or faces. She followed up by asking if the principals the representatives are mentioning themselves.

Justice Dickey stated the Board is referring the people the representatives work for.

Latonya asked if a certain act is being doing by the Board, is it done by representatives or the three principals.

Justice Dickey stated that three principals are fulfilling the jobs that were just described. The Board is doing hearing, taking comments, and posting them online, as well as getting them back to three entities, the Governor, Secretary of State and Attorney General. Justice Dickey stated that these men and others will be working on drawing maps that will be ironed out after speaking to the three entities after the population is balanced and doesn't violate criteria to the extent it can be avoided. Justice Dickey noted that the respective staff will give those three the maps and their explanations then comeback in a public broadcast and the public will have 30 days to add more input.

Latonya asked for Doug House. She then mentioned a referenced lawsuit that was filed in 2009 as it relates to drawing of judicial lines. She asked if he was referencing the 2009 Court of Appeals and Supreme Court lines.

Doug House inaudible.

Latonya asked does he know that name.

Dough House stated he was not working for the Attorney General in 2019.

Latonya asked would that be a no; he does not know the name of the lawsuit. She stated 2019 in reference to the case and not 2009. She clarified and stated the reason she is asking is because you directed me to a case, and she is looking for it. She noted she is unaware but wants clarification from Doug House when it was filed.

Brad Nye noted the referenced case might still be in court and he cannot discuss pending litigation.

Tracy Shawn asked her question if for the people staffing for the entities and collecting data and recording it. She asked does the board have the same staff, team, support staff, data team, legal team for redistricting. She followed up by asking if GIS is the same team or is there a lot of turnovers.

Justice Dickey stated she has not been here that long, only since June and the men around her have worked in State Government for several years. Justice Dickey stated that not until June 15th did the Board members start working on this.

Tracy followed up by asking if the other staff have had turnovers.

Justice Dickey asked about turnovers since when.

Tracy stated since May.

Indiscernible cross talk

Wendy Newsome stated she was looking at Auto bound EDGE software and stated they tout that demographic and how big it is with political affiliating being taken into consideration.

Shelby Johnson stated that was not the Boards data, the board looks only at Demographics.

Wendy asked if will be looking at the political.

Justice Dickey stated yes and there has been no turnover since May.

Caroline Bennett asked when she hears red lining and redistricting, it concerns her because it is always African Americans that get left out or get the bad end of the deal in most cases. She asked if the Board is doing regarding red lining.

Justice Dickey asked if that was a question.

Caroline Bennett stated yes, is the Board taking in the communities and making sure that it's being done equitably.

Justice Dickey stated that what the criteria sets out, yes.

Ann Mclung from Lonoke followed up with mentioned AutoboundEDGE program mentioned and asked if it was just based upon demographics and will race be included.

Justice Dickey stated that's part of demographics. But political parties are not in the data.

Lauri Evans stated she cannot speak for everyone, but the question of racial gerrymandering keeps occurring. She noted that that is in the criteria to avoid. She noted that it feels nebulous regarding how the process is going to work about ensuring once maps are drawn in October and are proposed, and the public gets the 30-day comment periods, she wonders if the Boards website could walk citizens through the produced of the criteria like how gerrymandering has not taken place. She stated it would boost public trust in the process.

Justice Dickey noted when the Board talks about the eyeball test, you recognize weird shapes or there's a finger you can look at where someone has drawn around an elected person's house. Justice Dickey stated she does not intend to be part of gerrymandering. If so, she stated she has failed.

Lauri Evans stated once the eyeball test is complete, it looks like that 30-day period is the magic window for ensuring that there is feedback which is actionable.

Alexander Jones asked what steps the Board and its agents has taken to address differential privacy used by the Census Bureau.

Justice Dicky stated none.

Alexander followed up by asking does the board intend to take any steps to address differential privacy as used in the Census Bureau.

Justice Dickey stated No.

Alexander asked what difficulties the courts have in determining salamanders or little fingers.

Justice Dickey stated Federal Courts won't look at it this time, not the political partisanship.

Alexander asked Can state courts.

Justice Dickey said state courts can, yes.

Unidentified Speaker asked if the maps are drawn and presented, can they change those maps

Justice Dickey stated sure, they are the ones that vote.

Unidentified Speaker asked that in the process, if the principals suggest a change, is it presented for public comment.

Justice Dickey stated yes, but not before the vote on it.

Unidentified Speaker noted they are trying to understand the process. Then followed up by asking if Leslie Rutledge wants to see something changed, they will remake the boundary. The speaker asked if that boundary will be shown to the public prior to their voting or do they vote and that's what it will be.

Justice Dickey noted the principals will have talked to the people that work for them, but she does not expect a surprise move from any of them, it is unlikely. She noted you can speculate, but its is unlikely. She noted when the map is presented, they vote on it, then there is 30 days when the public can say why they would change that.

Unidentified Speaker asked if they agree or do not agree to accept or not to accept or are they just saying.

Justice Dickey stated they have several options, if two of the three agree, it must be sent back.

Unidentified Speaker stated its an iterative process at this point.

Justice Dickey stated no and asked her to what she meant.

Unidentified Speaker stated a process to go through in getting something where they can get to something that they can agree to with what was presented to begin with.

Justice Dickey stated yes.

Unidentified Speaker stated that the AutoBound edge program concerns her because it knows to side with the Republican party, she stated she is looking at the program and in step five she noted that it talks about merging political data. She followed up and asked will that political data button be pressed on or will this be a partisan process.

Justice Dickey asked who the source is and if it was a Democrat.

Unidentified speaker noted it was the Supreme Court.

Shelby Johnson stated that GIS furnished technical support to the Board and the Staff and software. The data has been loaded for the Autobound product that has been installed for the staff that are working, its simply the public law 94-171 that is the Census data. Shelby noted it contains population and demographic data. He stated that GIS have not installed nay political data on the staff that are working on this because we don't have the ability to pull it all together.

Justice Dickey thanked everyone who came tonight

Unidentified Speaker stated they had another question. They asked if Democrats are involved at all in apportionment. They stated they have a Republican Governor, Attorney General, and Republican Secretary of State.

Justice Dickey thanked everyone and asked if its still on.

Unidentified speaker had inaudible comments. They noted they did not want to be on Tv - - its an easy yes or no question – are there any Democrats involved.

Justice Dickey stated that all three principals are Republicans.

Rose Reigns asked what quantitative standard operating procedures has the board taken to adhere to the criteria that has been listed today? Rose Reigns follow up by asking that's the standard operation procedure the Board is going through. Rose followed up and stated that the Republican Caucus and Democratic Caucus both have databases filled with all the political information. She asked again what the operating procedures are and what are the quantitative not qualitative words that the Board can give them.

Justice Dickey stated to read the criteria.

Rose Reigns stated again quantitative not qualitative and asked about the procedures, again.

Representative House stated it's a human activity, it not a mathematical process.

Doug House and Rose reigns had back and forth debate.

Rose Reigns stated there does need to be a mathematical way.

Doug House stated redistricting is a human activity, so it is not necessarily quantitative except in terms of numbers. Doug stated you can take a computer system that has been created by google, but when you add rivers, Voting Rights Act, municipal boundaries, then it becomes a human decision. Doug follows up by stated criteria listed on, two, and three are straightforward and the rest is a judgement factor. Doug Stated that the three people you have elected to be your Governor, Attorney General, and Secretary of State are charged with that human responsibility.

Rose Reigns stated that it did not answer her question and she said quantitative standard operating procedures. She reiterated what is the Board quantifying.

Doug House noted there are engineers who are operating the computer system and GIS people operating computer systems. He noted that attorneys who are making sure that the law is followed, and that there is public hearing where the Board hears people to make objective and subjective suggestions.

Meeting adjourned at 8:30 PM