



Board of Apportionment Public Hearing
August 5, 2021, Meeting Minutes
Bentonville, Arkansas

The Arkansas Board of Apportionment had a public hearing on August 5, 2021, in the Walmart Auditorium Shewmakter Center for Workforce Technologies in Bentonville, 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=lxYRfZEvUko>
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 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 Shelby Johnson State Geographic Information Systems (GIS) Officer

Justice Dickey stated that the Board is six months behind schedule in redistricting because the census has not been delivered. She noted that she hopes that Shelby Johnson and GIS will have it by August the 16th for interpretation and usable format by September 30th, 2021. She noted that the real challenge is for the county clerks whose work starts when the board can come up with a fair and reasonable plan. Justice Dickey then stated that PBS is live streaming the meeting, and attendees in the audience can fill out a comment form or make a comment using one 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 one-person-one vote and 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, 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 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.

Justice 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 is to minimize splitting the political subdivision, communities of interest, commonalities, economic, social, political, cultural, ethnic, and 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. 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 one of the activities of GIS is to work very closely the Census Bureau in rolling up that information and furnishing it to the Census so that Walnut Ridge and Cave Springs can have an accurate count when the 2020 Census enumeration takes place.

Shelby Johnson reiterated Betty Dickey's point of the census for 2020 being behind schedule and noted that he will walk through estimates and present three different maps. Shelby noted a statistical sampling that's done by the Census Bureau that is conducted each year and noted the Census uses trend line data such as mortality, births and deaths, and other information the use to generate estimates. He stated the first map presented was a nine-year change from 2010 to 2019 for counties in Arkansas. Shelby also noted that he would describe the colors on the map and walk the audience through the color schemes to make sense.

Shelby Johnson noted that the darkest hues or darkest shades of red indicated a county or an area with dramatic population decline. He noted at the very bottom of that decline is Jefferson County and during the 10-year period the county decline in 10,600 in population. Shelby contrasted Pine Bluff with the largest increase in Benton County, which gained over 57,000 in nine years.

Shelby Johnson proceeded to point out Monroe County, which lost 1,400, Cleburne County, which lost 1,000, and Clay County that lost about 1,500. Shelby noted the lightest color is indicative of a county that may have had a little bit of decline on the order of maybe less than 150 to 300 people in decline.

Shelby Johnson then pointed out the blue shades on the map, he stated that those are the counties that have gained population. Shelby noted that Perry County grew by ten and pointed out that counties in darker shades of blue grew the most. Shelby Johnson the pointed out to Eastern, Arkansas, specifically Greene County and Craighead County, which both had significant growth. Shelby noted that Craighead County grew by 13,000 and Greene County grew by 3,200.

Shelby Johnson then pointed out that Northeast, Arkansas, Eastern, Arkansas, and Southeastern, Arkansas declined in population. Shelby stated that population almost always follows opportunity and prosperity is usually the dominate determiner of that.

Shelby Johnson then restated that when districts trend into the shades of blue, which give you an indication that those darkest shades of blue are where there's too much population in a district to be substantially equal. Shelby noted that this is done by taking the total statewide estimate of population and divide that number by 100 House Districts, which informs the Board that each House district needs around 29,900 in this scenario. Shelby then pointed to Southeast Arkansas, House district 11, which is 4,300 below target and that it must grow geographically to grab additional population to become more equal with its neighbors. Shelby contrasted this to Saline County, House District 31, that is estimated 5,822 persons over target. He stated these districts are illegal and are not substantially equal with all other districts.

Shelby Johnson pointed the audience towards the Senate and noted that in the Senate you also see the darkest shades of red which needs to grow and reach out to grab population to become more equal. Shelby pointed out to dark blue Senate districts that must contract because they have too much population. Shelby also noted that district that are in the middle are thought not to change much, but he stated from his analysis that is not true because of surrounding Senate districts will have to grow North or East to grab population.

Betty Dickey then opened the audience to comments and noted that there are microphones on either side, and comment sheets have also been provided to take notes of suggestions.

Dustin Seton of Washington County asked if projected growths are factored into the redistricting maps.

Shelby Johnson said projected growths are not factored into the maps because, constitutionally speaking, redistricting is based off fixed data from the U.S. census.

Alan Kitterman of Benton County asked if the criteria is listed in order of importance or if it's co-equal. Justice Dickey said it was neither. It's a chronological process.

Justice Dickey then went on to explain that it's almost impossible to meet all the criteria. Kitterman also asked if a school district located in two counties would be considered a community of interest. Justice Dickey said it would be.

John Moran of Benton County asked if there would be any allowed variance in districts. Nye explained that the Board of Apportionment would strive for a zero percent variance.

Larry Welms of Benton County asked if the unit of measure being used was a "census block." Johnsons explained that the percent level assignment is the ideal until it runs afoul of too much variances or too excessive in one direction or another with the population.

Dr. Bethany Rosenbaum of Benton County believed that southeastern Rogers, all of Lowell and the annexed portion of Bethel Eights should be represented as a new district due to the population growth.

Justice Dickey asked if she could reduce that to writing for the boards review.

Lou Reed Sharp of Washington County expressed that he disliked very large districts because it made more rural constituents feel disconnected from their representation.

Justice Dickey noted that that is the goal of the Board of apportionment and stated it would be helpful if he wrote it down and submitted it to the Board.

Northwest Arkansas Regional Planning Commission Director Jeff Hawkins expressed that he believed that efforts should be made for House and Senate boundaries to follow the same lines. He also mentioned that the number of minority/majority districts in Arkansas was reduced from 13 to 11 during redistricting in 2010. He also recommended following boundaries that are always going to be a precinct line. Hawkins also wanted to keep cities and counties whole; he wanted the treasurer's office to be immediately advised of the changes in population.

Justice Dickey stated she appreciated the notes and stated that he was correct and GIS can map anything he wants to map. She noted that she will look forward to his advice and thanked him for his comments.

Jennifer Standerfer from Benton County asked if administrative boundaries and election precinct overlays are available to the public.

Shelby Johnson said that they are accessible through [GIS.Arkansas.gov](https://gis.arkansas.gov).

Jennifer Standefer followed up and when the proposed maps for the new proposed districts come out, and she noted that the Board is behind the ball because the wait on Census data but asked what the expected timeline is.

Justice Dickey answered we don't know. She noted that as soon as the maps are drawn it should be easier because of GIS and because the Board is committed to transparency and fairness.

Jennifer Standefer followed up and asked is there any reason to expect that timeline that you are looking at right now and progressing forward.

Justice Dickey noted she would have to ask the legislatures about that, then stated it's a trick question.

Jennifer Standefer asked, but you not seeing any issues with meeting deadlines.

Justice Dickey stated not our, no.,

Gladys Tiffany from Washington County asked if there will be opportunity for public comment later.

Justice Dickey stated absolutely, there will be a 30-day period after the Board votes, and she hopes that to be able to show what we are considering and are asking for input from the public.

Richard Tiffany from Washington County noted that people talking about precincts made him wonder about county divisions like JP districts and State division. He stated that he is assuming that you all here are working on the State division, and that the county must do their own job. He asked does the county draw their own districts first and does the Board accommodate to them or is there something else.

Justice Dickey stated that the Board has priority, but the Board will release its House and Senate Maps and the County Clerks get to their work, as well as other entities.

Dustin Senton asked the Board about criteria for number eight of the incumbency and asked is it safe to say that the Board wont expect any of the 135 to be redrawn into districts or potentially having to compete against each other.

Justice Dickey follow up and said she did not state that , but stated it's a goal because these people were elected.

Dustin Senton Followed up and asked if we were using incumbency as a factor, that is perpetuating ten years of inequity because there is an 80% re-election rate for incumbents. He stated that he fears gerrymandering to factory in that representation.

Justice Dickey stated that's a legitimate question, but the goal of the board is not to show favoritism.

Ann Good in Benton County stated the Board has done an amazing job putting maps together. She pointed out that under a crunch is partially due to the COVID-19 pandemic that the Board is still fighting and has there been discussion about whether census results from this year has been accurate as it has in the past. She noted the lack of Staff to go door to door in a traditional manner and noted that this year a lot less people were willing to open up their door because of fear of possibly catching COVID.

Justice Dickey acknowledge that that was a good question and noted that the Board has a census, but they have not gotten it yet. She asked if we throw it out and start again.

Anne Good stated If the results were incomplete.

Shelby Johnson noted that the Arkansas State Constitution requires that we use the U.S. Census data from the Census Bureau.

Dan Whitfield Resident of Benton County noted he was referring to criteria nine. He wanted to make clear that you do not need a salamander to gerrymander a district. He noted that where it says minimize bipartisanship, he is concerned as a Democratic voter because there is two million Arkansas that are not Republicans. He stated an independent panel could have been chosen to complete this panel, but it received 100,00 signatures but the Secretary of States Office.

Betty Dickey asked for his question.

Dan Whitfield stated that his comment continues and is says to minimize bipartanship, but the committee is fully partisan, which is led by partisan Jasen Rapert. –

Justice Dickey urged Dan Whitfield for his question and asked him to stop lobbying.

Dan Whitfield noted he was not lobbying and stated his question is how you can alleviate the worries and concerns of Arkansas Voters that are not Republicans when the committee is fully partisan. He then stated that Betty Dickey's son is on Tom Cotton's Mortgage.

Justice Dickey referred him to *Rucho vs Common Cause of 2019* and stated that her son has nothing to do with the process. She noted that the U.S. Constitution does not preclude state courts from hearing cases based on partisanship.

Dan Whitfield asked if there was one Republican standing in front of him, and stated he used to be a registered Republican

Justice Dickey stated that to assume Board members cannot be transparent or make recommendations to the three people who vote is unfair. She noted that it was prejudicial.

Dan Whitfield asked if she would continue touring the state and give people who want to input a chance.

Justice Dickey stated yes, public input will be made available, and the maps will be on PBS. Justice Dickey stated that she hopes she has time to do it.

Chris Latter stated the Board is doing a great job and pointed out that 10 years ago the Democrats drew lines 100 percent and he wanted to thank the Board for being bipartisan

Justice Dickey thanked him.

Unidentified Speaker noted that it is reassuring to see how the work is being done in the background. She then asked what happens then between now and the time they make their decision.

Justice Dickey stated that there are eight meetings left to receive input from around the state. She noted that after the information is received around August 12th or August 16th when the federal results are in they can begin redrawing the state with the consideration of the public.

Unidentified Speaker asked if the legislature weighs in on this.

Justice Dickey stated they do not get to weigh in on this because the Board is drawing their lines.

Justice thanked everyone and adjourned the meeting