



## **Board of Apportionment Public Hearing August 3, 2021, Meeting Minutes Mountain Home, Arkansas**

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The Arkansas Board of Apportionment had a public hearing on August 3, 2021, in the Vada Sheid Community Development Center at the Arkansas State University – Mountain Home, 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=b\\_Rg3bIG8EU](https://www.youtube.com/watch?v=b_Rg3bIG8EU)  
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 Andres Rhodes 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 began the meeting by announcing the Board is six months behind schedule. Betty Dickey went on to note that the Board has a map from the American Community Survey of 2019, which shows a significant migration to the Northeast and to Central Arkansas. Justice Dickey announced that the Board is under the constraints of having the maps completed before September 31<sup>st</sup>, and the board will not receive the census until September 30<sup>th</sup>.

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.

Justice 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 14<sup>th</sup> amendment. She also pointed out to the audience the board in front of her with the nine redistricting criteria.

Justice Dickey noted the first criteria is one person one vote balancing each legislative districts which is done by the federal census every ten years. She noted to the audience that what the board calls substantially equal is a plus or minus deviation unless there is an impermissible violation of another criteria. Coordinator 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 14<sup>th</sup> Amendment which limits redrawing district boundaries based strictly on race.

Justice Dickey stated that there are four geographic principals; compactness, which refers to the shape of the districts. She further stated that gerrymandering, or dummymandering is something the Board is trying to avoid. She then explained that districts must be contiguous and cannot have separate pieces or an island. Justice Dickey further stated that the Boards goal are to keep whole counties, whole cities, and whole precincts, however it might not be achievable in some instances. She noted that this is to minimize splitting the political subdivision, communities of interest, commonalities, economical, 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 be impossible. Justice Dickey then stated the ninth criteria is to minimize partisanship by not giving preferential treatment to one party or the other. Justice 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 furnished technical support to the Board of Apportionment, as well as cities, counties, and school districts across Arkansas. Shelby Johnson proceeded to note that GIS maintains a live map information about Arkansas and one of the agencies' statutory responsibilities is to maintain statewide versions of our election precincts, state house, state senate, congressional districts, school board zone, justice of the peace districts, and municipal wards. Shelby stated that at the midpoint of each decade all census information is sent to the federal government to be incorporated into the Census Bureau files, which are used to summarize population for Arkansas.

Shelby Johnson then pointed out that the two maps displayed on the foyer were the 2019 map estimates. He stated the first map presented was a nine-year change from 2010 to 2019 for counties in Arkansas. Shelby Johnson then drew the attention of the audience to Eastern Arkansas and Southeastern Arkansas where the darkest shades of red are located. Mr. Johnson noted that those counties that experienced the largest amount of population decline.

Shelby Johnson proceeded to point out the next shade of red are counties that are counties that have lost population, but the decline was not dramatic. Mr. Johnson then noted that the next scale of colors, the light shades of red and white represent counties that have neither gained, nor lost population.

Shelby Johnson then pointed out the blue shades on the map, he stated that those are the counties that have gained population. The lightest shade of blue being the minimal population gain and the darkest shade being the dramatic population gain. Shelby Johnson noted that the populations shift tends to follow prosperity and opportunity.

Shelby Johnson moved to the second map with the House Districts in Arkansas and pointed out how much their populations vary from their target. Shelby Johnson noted the total population of Arkansas is divided by 100 House districts, making each House district roughly 29,994. Shelby

noted again the shades of red illustrate House districts that need to gain population and need to geographically become larger to do so. Shelby Johnson reiterated to the audience that the lower shades of red, again, need to gain small amounts of population, but are somewhat on target, or on balance.

Shelby Johnson noted that the lighter shades of blue represent districts that still need to gain a small amount of population. Shelby Johnson stated that the dark blue shades of blue have too much population and need to geographically become smaller to share population with neighboring districts. Shelby noted that North Central Arkansas, or House district 61 has lost 1,400 population, but House district 100 needs to grow by 900 population, and House district 99 needs to grow by 430 population. Mr. Johnson noted that this gives decision makers some notion of where Arkansas might see the most changes ahead.

Shelby Johnson moved onto the State Senate map where there are 35 Senate Seats. He stated that the State's population is divided by 35 to arrive at the target Senate district of about 85,696 in this scenario. He pointed out that the darkest shades, again, need to grow dramatically. He used the example of Senate District 25 in Southeast Arkansas, and that it must grow by about 12,7000 in population.

Shelby Johnson stated that this can be contrasted to Northwest Arkansas with Senate District 1. Shelby Johnson noted that this district needs to lose approximately 20,000 – 27,800 in population. Shelby Johnson proceeded to note Senate District 17 needs to gain around 1,000 in population, Senate District 19 needs to gain 2,100, and Senate District 18 needs to gain by almost 4,700 in population to be substantially equal. Shelby noted that it is worth mentioning that moving the lines around to acquire additional population will make the districts larger or smaller. Shelby uses the example of Senate District 26 in far Southeast, Arkansas and that population cannot be gained from Louisiana, so it would have to substantially grow West or North to gain population. Shelby Johnson pointed out to the audience that North Central Arkansas need to grow south or west, or south and east.

Justice Dickey opened the microphones to the audience and asked for their comments, suggestion, or criticism.

Willane Carbalick from Baxter County stated that he lives right near Norfolk Dam. Willane stated that he belongs to District 64 and that he traveled on Highway 177 and Highway 5 where there are multiple houses and small businesses along the way. He stated that Jordan is an area of retirees and that the lake is a big draw for individuals to come down. He also stated that there is a very active fire auxiliary program that supports a very good volunteer fire department. He proceeded to state that all their services are provided in Mountain home to include their water, electric, internet service, their county seat, and where they pay taxes. He proceeded to explain all the accommodations that Mountain Home provides for his community. Willane then stated that his closest state Representative John Payton lives 72.8 miles away and lives in a rural area and noted that he is not from a rural area, and they are not receiving fair representation because they are not rural.

Justice Dickey proceeded to thank him for his comment and proceed to the next commentator.

Gary Phillips from Fulton County, Senate District 18 stated that he would like to see more compactness in his district. He further stated that it would be easier to contact his representative, as well as easier for voters and candidates.

Canda Reese noted that she is the Count and Circuit Clerk in Baxter County, she stated that she would like to reiterate the plea of not splitting up precincts and keeping them in-tact.

Justice Dickey thanked her for her comment. Then proceeded to note that Shelby Johnson has spoken to County Clerks and that the board understands counties are in a bigger time crunch, precincts particularly.

Bob Largent stated that he is from Harrison, Arkansas, and a constituent in Senate District 17. He stated that citizens in Boone, Carroll, Newton, Searcy, and Marion Counties, dubbed the Hub of the Ozarks are well served in the Senate. He further noted that they are served by four separate Senators who all bring a lot to the table. Bob further noted that they believe a more focused representation driven by commonality combined with economic development. Bob noted that the five counties share business focused manufacturing, tourism regarding the Buffalo National River, and regional healthcare. Bob further pointed out to other commonalties such as the Boone County Regional Airport that serves the surrounding communities and that the Arkansas Department of Transportation has over \$60 Million in planned projects in the area. Bob believed that these commonalties are unique and asked the Board of Apportionment for a Senate District that encompasses all five counties.

Kevin Vornheder announced that he is that Chairman of the Baxter County Libertarian Party and noted that he is served by Nelda Speaks in House District 100 and Scott Flippo in Senate District 17. Kevin asked the Board how it will balance its eight principle, continuity of representation versus the danger of allowing representatives to select their own voters and what solutions are being used to avoid human bias.

Justice Dickey reiterated that the criteria is how the board will operate. She addressed that Kevin asked two questions and asked him to repeat them for the board to answer.

Kevin Vornheder, again, asked how the board will balance its eight principle, continuity of representation versus the danger of allowing representatives to select their voters.

Doug House noted to Kevin that this is not a pure robotic process. He stated that people, industries, employers, and employees come into consideration. Doug House further stated that the Board is going to try its best from penalizing an incumbent by forcing them to run against another incumbent, but in some cases it is unavoidable. He further pointed out to Southeast, Arkansas and said there are several districts in either the Senate or the House side that will be impossible to combine them and force incumbents against each other.

Doug House further stated that 135 friends of the Board all have conveyed their interests and have a personal stake in the matter. Doug further noted that the Governor, Attorney General, and Secretary of State are charged with doing what complies with federal law, state law, and is fair with both parties. Doug stated that the governor, attorney general, and secretary of state are not built that way and are going to try to do what's right, fair, and legal under state and federal law.

Doug House also addressed the robotic solutions and noted that there is very sophisticated software available. He noted that the Census Bureau goes throughout the entire United States and makes up census blocks and made the example that the auditorium could be a census block with a population of zero. He stated that if you go down the street you could find a sub-division of 300 people and each one of them becomes a building block towards a Senate or House District, as well as Justice of the Peace, City Ward, and School Board. Doug mentioned that they

are picked and chose based on existing core districts to make them grow or shrink as necessary to achieve the most substantially equal population as is practical.

Doug House then made an example of an ideal district with 30,000 people and a city with 30,250 people and noted that those 30,00 people plus the 250 can be added, but its not exactly equal, but it is substantially equal because of respecting a municipal boundary. Doug House noted that in Cities like Little Rock you will have 6-8 of those districts and in Cities like Fort Smith and Jonesboro four or five.

An unidentified speaker in the audience asked the Board of Apportionment how do roads, rivers, and county lines factor into this?

Shelby Johnson responded that the blocks Doug House spoke about are composed of visible, physical features, such as roads, rivers, and railroads. Layered on top of that are administrative boundaries like county boundaries, city boundaries, election precincts, school district boundaries, etc. Shelby further noted that roads, rivers, and railroads play a part in composing the smallest level at which the Census Bureau can assign population.

The unidentified speaker in the audience asked for the last word. He thanked the Board of Apportionment and thanked the Board for bringing Shelby Johnson to recognize Baxter County and Mountain Home's in the State of Arkansas and having this public meeting. He stated he also lives in District 64 like the gentleman from Harrison. He then thanked the Board of Apportionment for their worked and stressed that the job would not be easy, and he does not envy that position.

Justice Dickey reiterated that after the September 30<sup>th</sup> Census Results the drawing of maps will begin.

