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November 26, 2021

Arkansas Board of Apportionment  
Office of Arkansas Secretary of State, Elections Division, Room 25  
Arkansas State Capitol  
Little Rock, Arkansas 72201

Dear Governor Hutchinson, Attorney General Rutledge, and Secretary Thurston,

Indivisible Little Rock and Central Arkansas (Indivisible LRCA) is a grassroots voting rights advocacy organization, dedicated to a vision in which all eligible Arkansas voters cast a ballot, knowing it will be counted. Redistricting impacts this vision by either apportioning voters fairly and equally across districts -- or unfairly by apportioning groups of some voters in such a way as to dilute their votes.

We commend the Board of Apportionment and your staff's efforts to efficiently apportion voters under time constraints not of your making. We also appreciate the Board's office staff responding in a timely manner to our requests for information, as we have worked to share information about the proposed legislative maps with Arkansans and to encourage them to submit public comments on their proposed district maps. We offer this letter into the public comment record, on behalf of our Leadership Team and our statewide supporter network of over 2,000 Indivisibles.

As we approach the November 29th deadline at which the Board plans to vote to approve final district maps, we at Indivisible LRCA reference our first letter to you in June. In that letter we respectfully requested the Board prioritize several principles recognized in standard redistricting processes:

1. Preserving cores of existing districts, to avoid constant reshuffling
2. Ensuring compact and contiguous district shapes
3. Preserving county and town lines, when possible
4. Ensuring no racial dilution or redistricting based on racial gerrymandering
5. Preserving communities of interest, with social, racial, ethnic or religious connections

All of these criteria are listed on the Board's "Redistricting Criteria and Goals:" (as of Nov 26) <https://arkansasredistricting.org/about-the-process/redistricting-criteria-and-goals/>

In addition:

- At the Little Rock public redistricting meeting, Redistricting Coordinator Justice Dickey promised that new districts would be drawn without regard to \*partisan\* interests. This goal is also the final criteria listed on the Board's "Redistricting Criteria and Goals" page.
- Indivisible has also requested clarification regarding the redistricting processes, both in our September 27 public comment letter and in person at the Little Rock public meeting.
  - At the Jonesboro public meeting Justice Dickey promised "We want to be transparent, and we want to be fair, and we want you to judge us based on these criteria."

With this letter, we assess whether a) that promise of maps being drawn without partisan interests or based on race was kept, and b) whether redistricting was ultimately conducted in a manner that provided transparency into the process.

Unfortunately, it appears that the answer to both a) and b) is "No." A number of the proposed House maps appear to have drawn high-minority populations into particular districts with the result being partisan gain for Republican candidates and underrepresentation of Black Arkansans in the Arkansas House of Representatives. With regard to transparency, of concern is how Board staff have informed Indivisible LRCA volunteers that public comments will be accepted on proposed maps through November 29th -- but we also understand that the Board is likely to vote *on November 29* to finalize maps. We do not see how public comments submitted on November 28 by Arkansans exercising their legal right could possibly be meaningfully reviewed and applied to proposed maps before they are voted on, possibly as soon as the morning of November 29. With the end of the public commenting window being ignored for all practical purposes (should a final vote indeed be taken on November 29), this brings into question how public comments were attended to, assessed, and actually applied to the proposed maps throughout the 30-day public commenting period, as required by state law. Since little to no transparency was provided on the redistricting process, we find there is zero accountability with regard to the Board's attending to the public's interest as conveyed through public commenting.

- For example, we requested in person and in our September letter more information on the redistricting timeline, and how the Board would be responding to public comments, and applying them to the proposed maps. No timeline was ever provided, aside from vague mentions of the "start" and "end" dates, such as this from the Board's "Frequently Asked Questions" page (<https://arkansasredistricting.org/resources-2/frequently-asked-questions/>, Nov 26), apparently in response to our written questions: "On May 24, 2021, the Arkansas Board of Apportionment submitted correspondence to the Clerk of Court of the Arkansas Supreme Court notifying the Court that it intends to complete the redistricting of the Arkansas General Assembly by December 31, 2021."

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- Further, the public could have reasonably expected basic information published with regard to: advance notice of more than a few days of when the proposed maps would be published for the public’s review; when the 30-day public comment period would begin and end; whether and when there would be any public meetings to discuss these maps or any opportunities for members of the public to ask questions about them or the process used to create them; how long the Board would take to review the public comments, and how they would they respond publicly to any of the comments or questions that arose; and when the Board would approve final maps. To our knowledge, no such details promoting transparency were ever provided to the public, nor is such information currently available on the Board’s website.
- We note that one frequently asked question at the Little Rock public meeting was: How will the Board’s process ensure no racially gerrymandered map lines? That question, and any response, was conspicuously omitted from the “Frequently Asked Questions” webpage.

### Lack of Proportional Representation

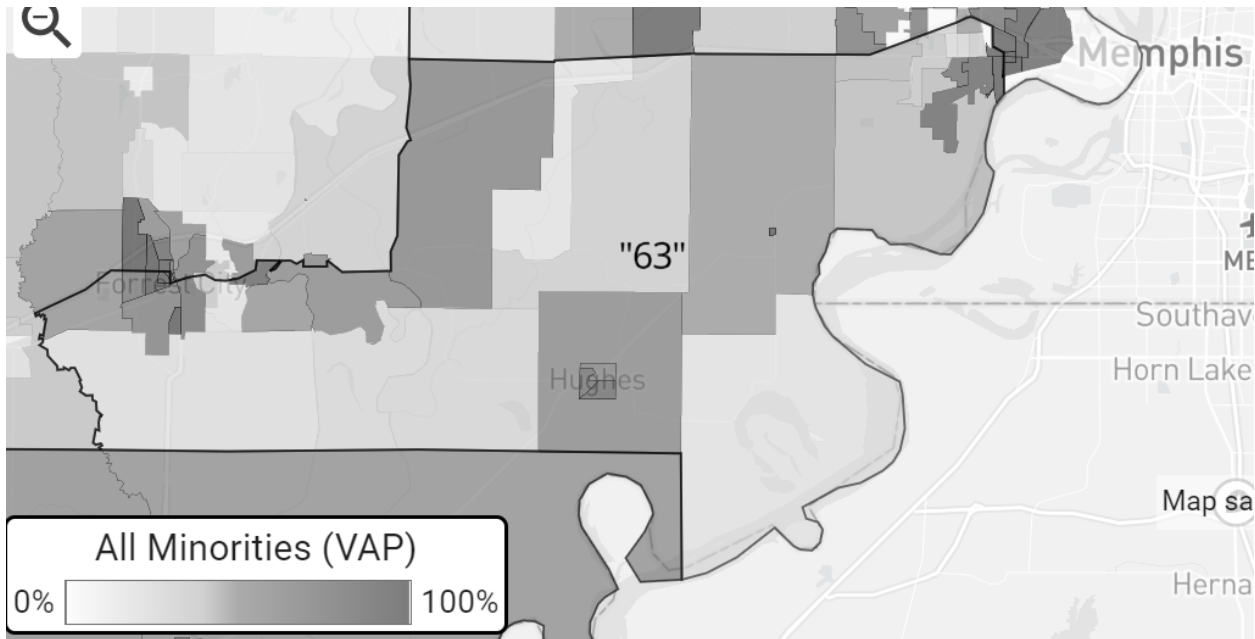
The proposed maps as a whole do not proportionally reflect the diversity of Arkansans. For example, Black Arkansans make up 16.5% of the state’s population, per the 2020 Census. However, only 11% of the House districts have been drawn as majority-Black, underrepresenting this population of Arkansans and diluting their ability to elect their choice of representation, while allowing for over-representation of Arkansas’ White population in the legislature.

It appears that of the 5 criteria listed on page 1 of this letter, priority was placed on the first criterion (“compactness”) and the second criterion (“avoiding reshuffling of incumbents”), at the expense of criteria three, four, and five. Some of the proposed districts do appear more compact, at least as compared to some existing maps. While we appreciate that effort, compactness is simply a standard set to deter mapmakers from the kinds of gerrymandered “fingers” and “tails” that carve thru voting precincts. *Compactness* is not an apportionment goal to be valued in and of itself; compactness is simply a proxy for keeping communities of interest (COI) together. **The Board’s publicly-stated goal of keeping COIs together has been violated numerous times.** We list several examples:

### Proposed House District 63

Proposed House District 63 is reasonably compact. But its northeast corner carves out part of West Memphis and its northwest corner carves out the south part of Forrest City. These towns are 39 miles apart. The town of Forrest City is a single community of interest; the town of West Memphis is a single COI.

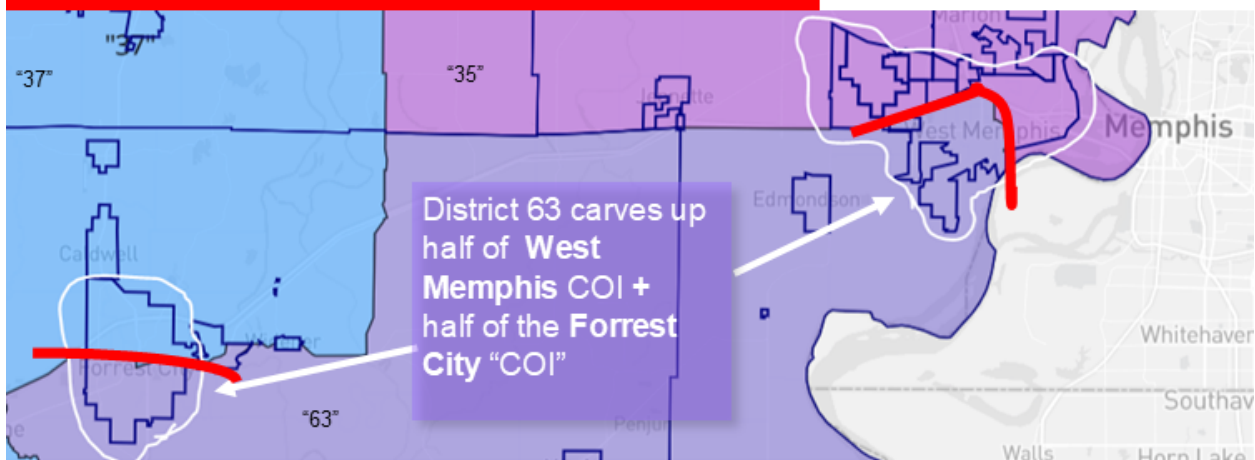
But the south half of Forrest City and the south half of West Memphis both have high minority populations, as illustrated by this minority voting age population (VAP) distribution of the Board's proposed House maps, per Dave's Redistricting site:



(from Dave's Redistricting, <https://davesredistricting.org/join/f6331f39-6461-4221-9ba3-e151f6e99457>)

Proposed District 63 splits two Communities of Interest (COIs), packing together minority votes from West Memphis & from Forrest City into a single district

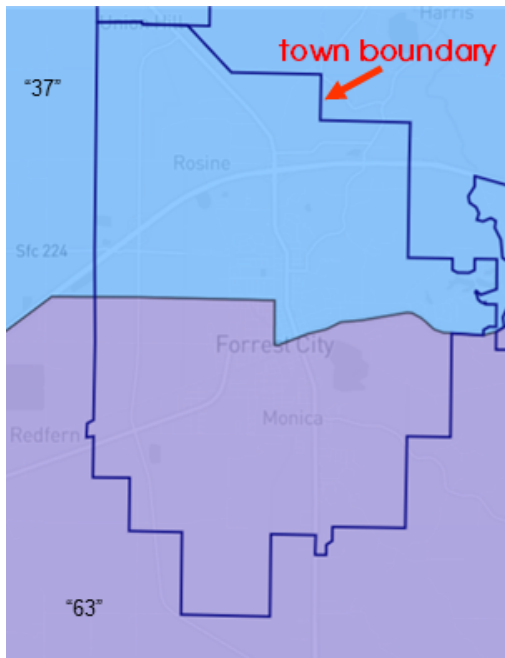
## West Memphis, Arkansas



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Redistributing minority votes to make it harder for minority communities to elect their candidate of choice

## Forrest City, Arkansas

### 2010 Maps

Current District 49:

- Leans GOP 63%
- 37% minority →

Current District 48:

- Leans DEM 57%
- 63% minority →

### 2022 Maps

Proposed District 37:

- Leans GOP 66%
- 32% minority

Proposed District 63:

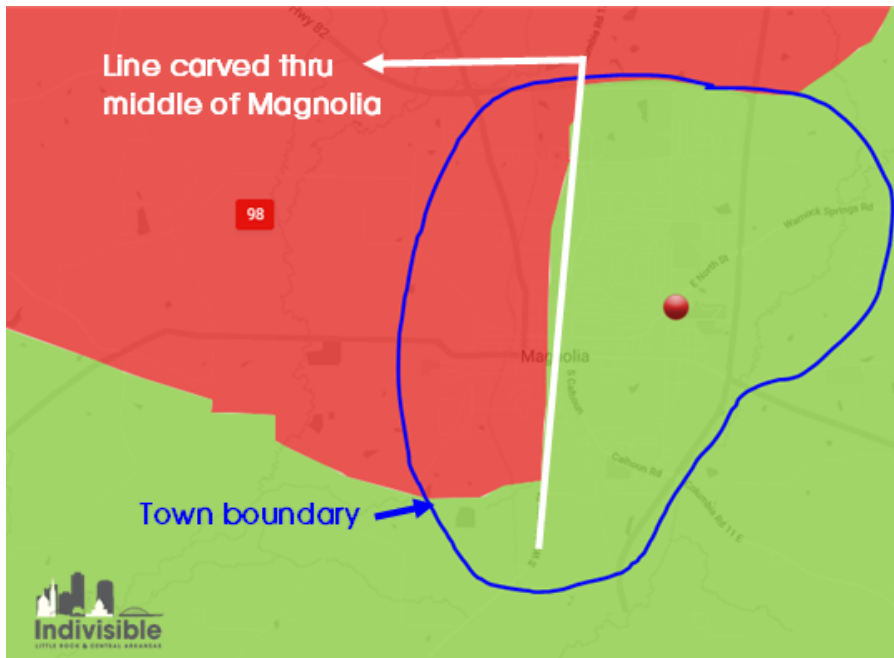
- Leans DEM 55%
- 59% minority

(source <https://davesredistricting.org/maps#stats::f6331f39-6461-4221-9ba3-e151f6e99457>)

**Fair Solution:** Keep the Forrest City community of interest whole. Keep the West Memphis community of interest whole. Forrest City residents, 75% of whom are minority, and West Memphis residents, 56% of whom are minorities, should be in a district(s) in which they have a fair shot at electing a candidate of their community's choice. It is a violation of federal law to pack minority voters into a single district in the region, with the impact being fewer competitive districts and fewer minority communities able to elect a candidate of their choice.

### Proposed House Districts 98 & 99

Another community of interest the Board proposes splitting is the town of Magnolia. Magnolia was also divided on 2010 maps -- but one of Magnolia's 2010 maps DID include a minority-majority district, giving minority communities in District 5 a fair shot at electing their candidate of choice. Proposed Districts 98 and 99 lower the chance of any Black communities in the southwest Arkansas region being able to elect a candidate of their choosing, by dividing the voting power of communities of color.



## Magnolia, AR

### 2010 Maps

Current District 5:

- Leans GOP 50%
- 56% minority

Current District 2:

- Leans GOP 80%
- 21% minority

### 2022 Maps

Proposed District 98:

- Leans GOP 53%
- Only 47% minority

Proposed District 99:

- Leans GOP 78%
- Only 40% minority

(source <https://davesredistricting.org/maps#stats::f6331f39-6461-4221-9ba3-e151f6e99457>)

**A Fair Solution:** Keep the town of Magnolia whole and within a single district, as should be done for all small Arkansas towns, which deserve protection as single communities of interest. Again, this protection of town boundaries and communities of interest are the Board's own stated criteria. "Compactness" is simply a *proxy* for protecting communities of interest, and should not have been used as a goal in and of itself.

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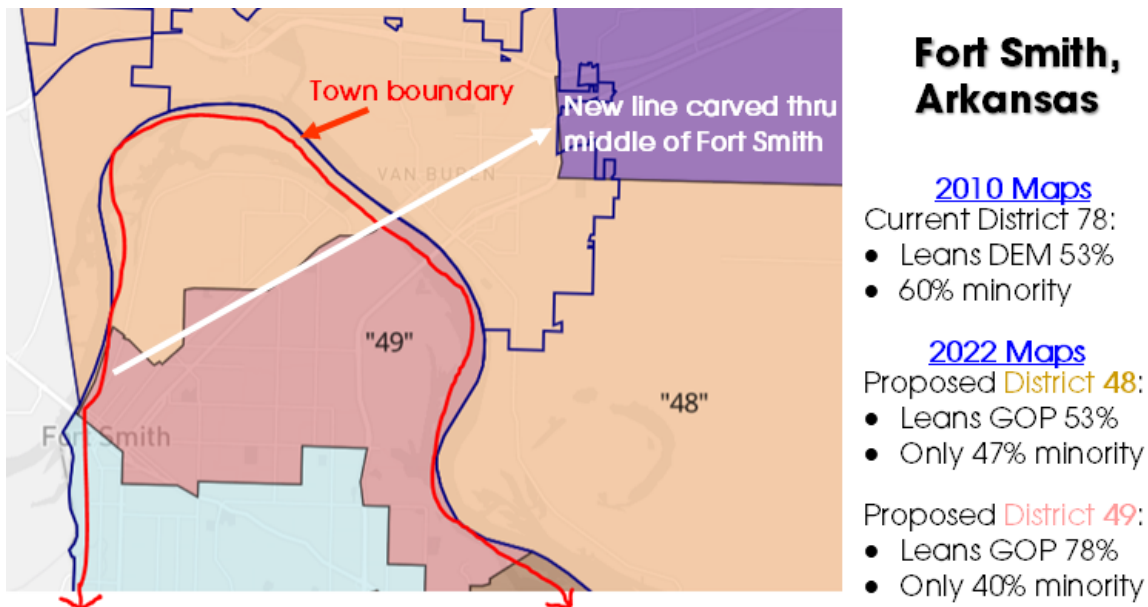
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## Proposed House Districts 48 & 49

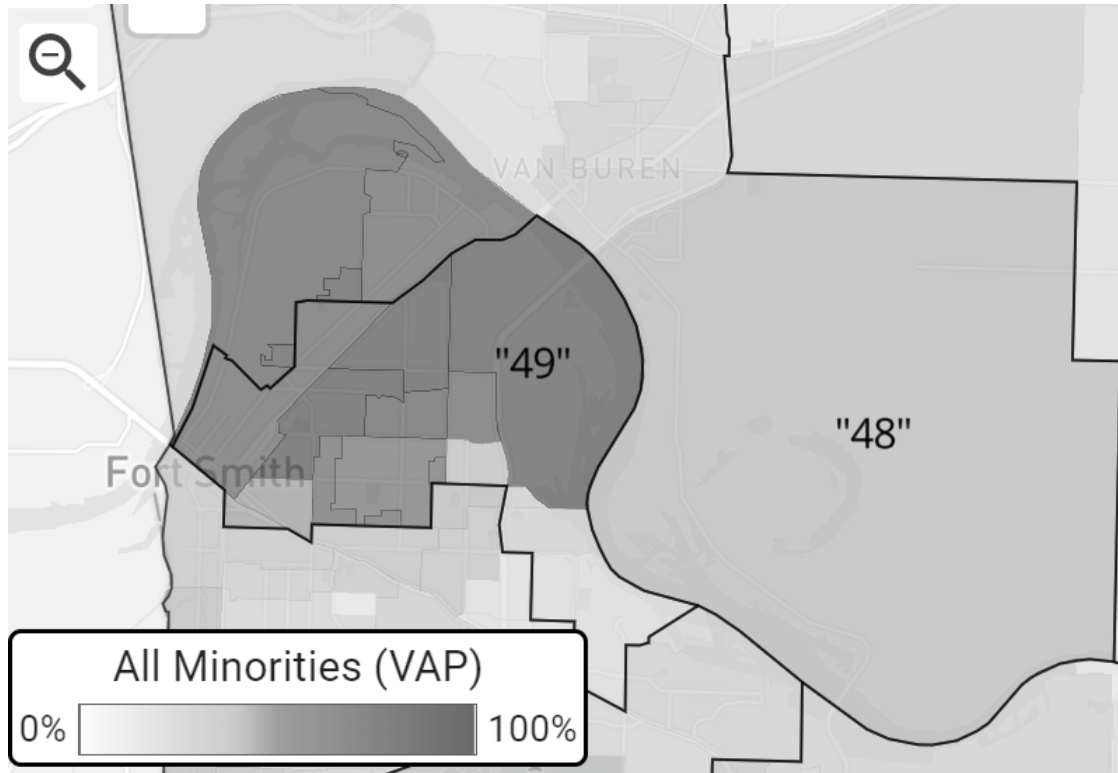
Fort Smith is another town being unnecessarily divided. Existing District 78 was a core community of interest, with many Hispanic and Black residents living inside the Arkansas River loop. New maps split that core of District 78 Black & Brown voters, placing half into proposed District 48 & and half into proposed District 49.

Proposed District 48 slices off the north half of 78, dividing the community of Fort Smith's Black & Brown voters, and combining these north Fort Smith minority voters with majority White voting populations on the other side of the Arkansas River. Tellingly, there's not even a bridge over that loop of the river to directly connect the minority voters in proposed District 48 with the rest of District 48 residents.



(source <https://davesredistricting.org/maps#stats::f6331f39-6461-4221-9ba3-e151f6e99457>)





(from Dave's Redistricting, <https://davesredistricting.org/join/f6331f39-6461-4221-9ba3-e151f6e99457>)

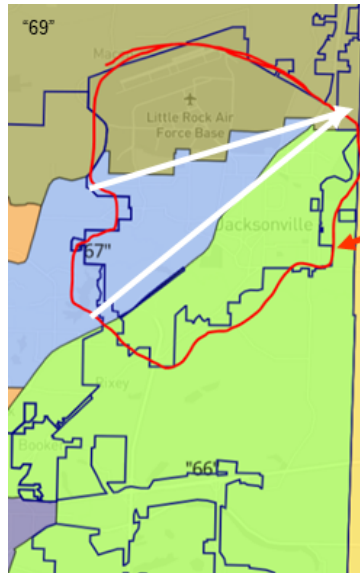
**Fair Solution:** Keep minority communities of interest who reside in the city of Fort Smith, south of the Arkansas River, together in a single district.

### **Proposed House Districts 66, 67, and 69**

The proposed House maps divide the community of Jacksonville into 3 different districts. Ideal district size is 30,115 residents -- and Jacksonville has 29,477 residents. With proposed House districts containing as few as 28,879 residents, a district could very reasonably have been drawn keeping the entire Jacksonville community of interest intact.

Instead a large chunk of Jacksonville minority voters are being divided from their community and have been placed into District 66, which snakes down to the southwest corner of Pulaski County. This stretched district packs together east Pulaski County's Black voters, echoing how the new Arkansas Congressional maps split up east Pulaski County's Black communities into three different Congressional districts, diluting the power of their votes.





New lines carving Jacksonville community into 3

Town boundary

#### 2010 Maps

- Current District 42:
- Competitive: 50/50 GOP/DEM
  - 50% minority

## Jacksonville, Arkansas

#### 2022 Maps

Proposed District 66:

- Leans DEM 64%
- 59% minority

Proposed District 67:

- Leans GOP 50%
- 38% minority

Proposed District 69:

- Leans GOP 66%
- 23% minority

Packing minority votes into 66

(source <https://davesredistricting.org/maps#stats::f6331f39-6461-4221-9ba3-e151f6e99457>)

**A Fair Solution:** Keep the town of Jacksonville whole. It is a violation of the Voting Rights Act to pack minority voters in a minimum of districts, such as has been done with proposed District 66.

### Overall

It appears that high-minority precincts were placed in specific House districts in a way that results in an overall partisan advantage for Republican party candidates. We note that, on existing 2010 House district maps:

- 70 House districts favor the election of a Republican Representative (in other words, there is a more than 55% lean toward electing a Republican candidate).
- 13 House districts favor the election of a Democrat Representative
- 17 House districts are “competitive” (i.e. the partisan lean is between 45-55%)

By comparison, the proposed 2022 House district maps:

- 74 House districts are drawn so that they will now favor the election of a Republican Representative
- 14 House districts will now favor a Democrat candidate
- 12 House districts would now be “competitive”.

We believe that these maps violate the Voting Rights Act, by dividing populations of Black voters and Hispanic voters in order to reduce their voting power.

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We urge the Board of Apportionment to reconsider its use of dividing town communities, and to instead prioritize: protecting communities of interest, providing actual transparency into the process, and publicly responding to commented questions, especially with regard to how these comments were/will be used to amend proposed maps. We ask the Board to fix proposed map lines drawn along racial and partisan lines, since they conflict with promises made by the Board and by Justice Dickey, as well as federal voting law when it comes to race-based lines.

### Fair Alternate Maps

Alternate maps proposed by the nonpartisan Arkansas Public Policy Panel offer guidance on drawing both House and Senate districts that abide by federal voting law, as well as the Board's stated goals. We hope you will review them and consider how they more fairly and proportionately represent Arkansas' population:

- Fair proposal for House district maps:  
<https://davesredistricting.org/join/53a83a97-74e3-4a03-b6db-d88b058ba621>
- Fair proposal for Senate district maps:  
<https://davesredistricting.org/maps#viewmap::8a66b908-75ab-4d84-a59e-5eb5655821d7>

**Both these sets of maps better adhere to the Board of Apportionment's own criteria by significantly reducing the Board's extensive use of dividing political subdivisions and drawing boundary lines based on race.**

Our state benefits when all voters can trust the process through which new districts are drawn and have faith in the fairness of that process. The integrity of our electoral system relies on a fair process abiding by publicly stated criteria, legal precedent, and federal voting rights law. We hope final approved maps will respect communities of color in towns such as Jacksonville, Fort Smith, Forrest City, Magnolia, West Memphis, and other Arkansas communities that are currently divided in the Board's proposed maps, based on race.

As always, we thank you for your public service.

Sincerely,

Loriee Evans, Lead Organizer  
Kristin Stuart, VIP Voter Project  
Anna McClung, Advisory Team  
Christa Lavender, Social Media Lead  
Teri Patrick, Writers Brigade & Advisory Team  
Myrna Thomas, Voter Registration Lead

On behalf of the Indivisible LRCA Leadership Team

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