

PUBLIC MEETING

ARKANSAS BOARD OF APPORTIONMENT

POCAHONTAS, ARKANSAS

PROCEEDINGS

(Taken June 16th, 2011, at 12:13 p.m.)

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APPEARANCES

PRESENTER:

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PROCEEDINGS

MR. WOODSON: To me, it's important to give us all a little bit of context before we start talking about maps, because without the context of what the law is and what the process is -- I think it really informs our discussion if we can do that. So I want to spend a few minutes doing that, and then we can look at a couple of maps and talk about that. I brought a court reporter with us. I bring a court reporter to every meeting.

My primary function is to gather information for the board, which consists of the governor, the attorney general, and the secretary of state, to help them make an informed decision when they finally adopt a plan; and you never know when you're going to have that "a-ha moment" when someone says something about a particular district or region and you go, "Yeah, that's great, we hadn't thought of that," and it can influence the way the maps look in the end. And it's hard to process all that from memory or without taking notes. So I have a court reporter at all of the meetings I go to for

1 that reason so that I can have a transcript.
2 And I'll go back and put it up on the website
3 and the whole world can read that, including
4 myself and the other staff members, and
5 process the information.

6 If you don't already know, the board has
7 to redistrict the state once every ten years
8 per the Arkansas Constitution. The Arkansas
9 Constitution says that after the federal
10 census is done once every ten years, the
11 bicentennial census, we need to reapportion.
12 "Reapportion" is an antiquated term. We
13 don't actually reapportion in Arkansas like
14 they do in congress in Washington, we're
15 simply redistricting because the same number
16 of seats remain, 100 house seats, 35 senate
17 seats. Nevertheless, we've got to go through
18 the process.

19 We've got the three-member board and each
20 of the board obviously has their staff, and I
21 work for the board. Technically, I'm the
22 only employee of the board that's -- I work
23 for the board, and I'm involved in drawing
24 maps. I'm chief cook and bottle washer.
25 I'm, you know, setting up the meetings and

1 setting up the projectors and maintaining the
2 website and all that sort of thing.

3 Let me show you a couple of things that I
4 think are very instructive. This is what we
5 call a "heat map." The green areas show the
6 districts. These are senate districts in
7 Arkansas that have lost population relative
8 to the other districts. Some of them have
9 actually gained in population size, but
10 relative to the growth of the other
11 districts, they've lost.

12 So -- let me get my pointer going here --
13 all of this in the green, it's a little bit
14 washed out on the screen, but the whole
15 southern half of the state, much of the
16 eastern part of the state, a little bit of
17 population loss up here (indicating), all of
18 these districts are underpopulated and
19 they're going to have to grow geographically,
20 or close to it, to get to the ideal district
21 size.

22 You see the same trend on the house map,
23 all of the green. The red and the orange in
24 Central Arkansas and Northwest Arkansas, a
25 little bit right -- that's sort of a orangy-

1 yellow right here (indicating) around
2 Jonesboro, those have got too much population
3 relative to the other districts and they're
4 going to have to shrink geographically.

5 One way to think about it is this: The
6 census, and that's the official count that we
7 have to use, said that Arkansas had 2,915,918
8 people. If you divide that number by 100
9 house seats, you get an ideal district size
10 of 29,159, divide that number that by 35
11 senate seats, and you get 83,311; that's the
12 ideal senate district size. And I'll come
13 back to this in a minute.

14 One of the things we're very interested
15 in is the overall range. Unlike the
16 congressional districts that have to be --
17 and our members here can speak to that --
18 they have to be almost identical to
19 population size, less than 1 percent
20 variation, we get the luxury of having a 10
21 percent overall range. So if, for example,
22 our ideal district size needs to be 100
23 people, you can be plus or minus 5 percent.
24 Your largest district in the state could be
25 105, your smallest could be 95 growth, a ten-

1 person difference or a 10 percent difference.
2 It doesn't have to be 105 to 95, it could be
3 101 to 91, but a 10 percent overall range.
4 In practice, most people draw maps based on
5 plus or minus the ideal size.

6 I was in Fayetteville on Tuesday, and I
7 took the actual current population of their
8 four existing senate districts, and they had
9 almost exactly 83,000 people too many; so
10 instead of four senate districts in
11 Washington and Benton Counties, their
12 population now will support five almost
13 exactly.

14 I did the same thing for the five senate
15 districts here in Northeast Arkansas. They
16 have a current actual population of 107,000,
17 you divide by 83 and you get 4.88; so it --
18 basically very little changed and, I think,
19 will continue to maintain that. And the
20 number would look similar if we did the same
21 exercise for the house.

22 So having said that, let me talk a couple
23 of minutes about what the law is, and this is
24 beginning from the very beginning. Let me
25 give you an extreme example. Let's say,

1 instead of 35 state senate seats, we had two
2 state senate seats and everybody in this room
3 got to elect one of our state senators, let's
4 say it was Senator Irvin, and the other 2.9
5 million people, they got to elect the
6 remaining state senator. Well, it's
7 immediately apparent that the people in this
8 room would have a disproportionate impact on
9 the process. Our influence would be, you
10 know, almost three million times greater than
11 the rest of the people in the state.

12 So beginning in the '60s, the Court said
13 that one person, one vote is the goal of
14 redistricting; it's sort of the cornerstone.
15 And all districts, whether you're talking
16 about congressional districts or legislative
17 districts or county JP seats or school board
18 seats or city ward seats, they all need to be
19 equal population as much as possible so that
20 when you do the map, each person's vote
21 counts about the same as the other person's
22 vote. That's sort of the rationale behind
23 all of this.

24 Like I mentioned earlier, the
25 congressional districts have a little bit

1 different standard -- or a lot different
2 standard. It's based on the apportionment
3 clause, and they have to be almost perfect.
4 We get a different standard based on the
5 Equal Protection Clause, and we get that 10
6 percent overall range.

7 After that, and of course that's only
8 step one in getting your population totals
9 right, there are a variety of other factors
10 that the board and the staff are looking at
11 when we're redrawing these districts. Not
12 necessarily No. 2 on the list, but No. 2 and
13 3 here (indicating), they're sort of tied for
14 second place in a way -- or maybe we could
15 say these four right here (indicating) are
16 sort of tied for second place.

17 You have the Voting Rights Act of 1965,
18 the federal legislation that made it illegal
19 to discriminate against a racial or language
20 minority through any practice or procedure or
21 rule or law or map. Anything that has a
22 discriminatory effect is illegal, whether you
23 intended it or not; and so we have to be
24 careful of that.

25 And of course, Arkansas had *Jeffers v.*

1 Clinton in 1989, and the Federal Court said
2 that Arkansas had, in fact, violated the
3 Voting Rights Act of 1965 and ordered 13 new
4 house seats and four new senate seats be
5 redrawn to get in compliance with the Voting
6 Rights Act, and those became minority
7 districts.

8 We're only one redistricting -- one new
9 map removed from that, because that case was
10 in '89 and the Federal Court retained
11 jurisdiction through the early '90s. And so
12 the map that the Court approved was in effect
13 all through the '90s. So only one
14 redistricting ten years ago, did we have a
15 new map; so we're just one removed from that.

16 The point of me saying that is I'm not
17 aware of any political will from any of the
18 board members to change significantly the
19 current minority districts. And so that's
20 important because that's going to influence
21 the way the maps get drawn or the way the
22 maps look.

23 The Equal Protection Clause of the 14th
24 Amendment, in the redistricting context, what
25 this looks like is the Courts have said don't

1 draw districts based exclusively or primarily
2 on race and ignore all of your other
3 traditional redistricting principles. And
4 all these bullet points are our traditional
5 redistricting principles.

6 In an essence, in the early '90s, the
7 U.S. Supreme Court started these series of
8 cases that said we want you to be color
9 blind, which is a good thing because they're
10 trying to get away from what they call
11 "essentialism," where all blacks are
12 Democrats or all whites are Republicans. And
13 so they don't want us defining ourselves
14 based on the color of our skin, which is a
15 great goal.

16 They did lay out some exceptions that
17 said if you're trying to avoid a violation of
18 the Voting Rights Acts, you're trying to
19 remedy some past discrimination, then you can
20 give greater weight to race when you're
21 drawing districts. But these two factors
22 here (indicating), you can be in compliance
23 with both at the same time, even though at
24 first glance they might appear to contradict
25 each other.

1 Contiguous districts, that is what it
2 sounds like. You can't have an island
3 district. You can't have 90 percent of one
4 district over here and an unattached
5 geographic area over here. It has to be
6 physically contiguous somewhere. They need
7 to be compact geographically. I always like
8 to say the perfect shape would be a square or
9 a circle-shaped district.

10 In practice, of course, all districts
11 have a little bit of an irregular shape, but
12 the more bizarre shape your district becomes,
13 the less the courts start to like because it
14 looks like you're trying to really create
15 some sort of gerrymander for some reason.
16 And so the shape of things is important, and
17 we have to be aware of that when we're
18 looking at the maps.

19 The next things, these last five sort of,
20 in my mind, are sort of tied for third, and
21 you'll notice they have these qualifiers on
22 here. The court cases use this kind of
23 language, minimize splitting political
24 subdivisions. What that means is, to the
25 extent you can, you always want to keep whole

1 counties together, you want to keep whole
2 cities, you always want to keep whole voting
3 precincts; so try as much as you can not to
4 split these. However, that is a qualifier,
5 but it's not an absolute.

6 Same thing here (indicating), maintain
7 core of existing districts; what's the
8 historical core; what has the district
9 traditionally looked like; where is the base
10 of that district really located? And if you
11 can, try not to carve them out, try to keep
12 them in their own district.

13 Continuity of representation, where you
14 have an incumbent, try not to make two
15 incumbents run against each other, because
16 the rationale is if any given districts have
17 elected someone, they ought to be able to
18 continue to have the chance to elect that
19 person. And so that's one of the factors we
20 look at, try to minimize making incumbents
21 run against each other.

22 Maintain communities of interest, this is
23 a good shorthand way to talk about
24 redistricting, and it's sort of at the heart
25 of redistricting. It overlaps a lot of these

1 factors: what the communities have in common;
2 what do their schools look like; what does
3 their culture look like; what does their
4 local economy look like; you know, where does
5 Pocahontas -- of your sister cities, who do
6 you do a lot of commerce with? You know, is
7 it Paragould, Blytheville, Osceola, Searcy;
8 what, if anything, do you have in common with
9 those places? And you know, you can get into
10 politics and culture. We're trying to keep
11 communities together so that the voters of
12 any given district can elect people that will
13 represent their interest the best.

14 And then, finally, minimize partisanship.
15 The most recent Supreme Court case said it's
16 possible to bring a lawsuit saying one
17 political party gerrymandered the other, but
18 what they didn't say is what is legal or not
19 legal. They didn't define what that looks
20 like; so there's a great deal of uncertainty
21 right in here. And of course, the cautious
22 approach would be to try to minimize that as
23 much as we can, and that's what I -- I remind
24 people all the time of that.

25 Again, nothing is absolute. All of these

1 factors, you can't really look at these like
2 just an absolute checklist and say, Well, you
3 did nine but not ten of them, and therefore
4 your plan is invalid. It doesn't work like
5 that. It's more of a continuum where you try
6 to be in compliance with as many of them as
7 you can, as much as you can. But just
8 because you may be, more or less, in
9 compliance with a few of them, that doesn't
10 necessarily invalidate your plan.

11 Even one person, one vote, theoretically
12 can be violated if your reason is good
13 enough. There's been a few instances where
14 people have done that successfully. And so I
15 don't anticipate we will do it in Arkansas,
16 but the point is, you know, don't look at
17 these like absolute checklists, they're
18 factors to be looked at.

19 And then, lastly, all of these are court-
20 made rules that serve as a limitation on one
21 party taking unfair advantage of the other;
22 so it keeps, you know, the party in power or
23 the party that has the most votes from
24 running afoul of -- or taking too much
25 advantage of the other party.

1 And by the way, I like to have a
2 conversation, and I invite y'all to ask
3 questions or make comments at any time, feel
4 free to interrupt me. I'm about done, I
5 guess, with my little introductory remarks.
6 Anybody have any questions or comments about
7 the law or that sort of thing?

8 This is our website,
9 arkansasredistricting.org. That's me right
10 here (indicating). You can call me, e-mail
11 me, write me a letter, and we're looking for
12 any kind of comments that you have. We've
13 got transcripts of other meetings up here and
14 documents and things like that, and certainly
15 we've got the maps up.

16 Let me go under draft maps, and you can
17 see what's out there already. Everything
18 that I have in my possession, I have put up
19 on the website. The attorney general wrote a
20 letter to the other board members a couple of
21 days ago, suggesting that they have their
22 proposals up by, I think, July 19th and then
23 give another ten days or so for more public
24 comment on that. So those more final
25 proposals will be coming. And the maps --

1 the caveat with the maps that are up there
2 right now is that they are primarily for
3 discussion purposes, and they have not been
4 endorsed by the board in any way.

5 I thought we'd look at -- this is our
6 current district. This is Senator Irvin's
7 District 10 right here (indicating). Here's
8 11, 14, 15, and 12 (indicating). Those are
9 the five districts I took those numbers from.
10 The interesting thing was that 10, 11, and
11 12, right now, the populations are within the
12 variance. Let me back up.

13 Perhaps, I should show you one other
14 thing. There it is. This is our mapping
15 software, and this is how we actually draw
16 the maps. The little spreadsheets hide over
17 here to the side sometimes, and I have to
18 pull them out. Here it is. Okay. I have
19 two screens at my office; and so I can spread
20 these out and they're not constantly on top
21 of each other.

22 Senate District 10, the target population
23 is 83,312. It currently has 80,214, which is
24 3.7 percent under the ideal, however, it's
25 within that plus or minus 5 percent that

1 we've talked about and it's short 3,000
2 people. But if it existed in a vacuum and
3 there were no other senate districts, it
4 could remain unchanged and it's legal as
5 drawn. And so I can't comment on the
6 possibility of that, but I would like to see
7 as much as we can, all districts that can
8 remain the same, do remain the same, because
9 from my perspective, not for political
10 reasons, but those ten bullet points.

11 If you can take an existing district and
12 leave it alone, that's great. And not only
13 that, but you look, 10, 11, and 12, they're
14 all within the variance too. Fourteen, which
15 is the Jonesboro District, is overpopulated
16 by a little bit, and then District 15 is
17 underpopulated quite a bit. So anyway, with
18 this software, you can go in and assign and
19 unassign certain populations.

20 Let me go back to the other map now. So
21 10, 11, and 12, right now, if nothing else
22 happened, they could remain as they are and
23 be legal. Fourteen is overpopulated a little
24 bit; 15 is underpopulated quite a bit.

25 And this is one of the examples I thought

1 of telling you about, is, you know, 15, sort
2 of the core of those districts are
3 Blytheville and Osceola. And so let's say
4 you had -- you're going to have to reduce the
5 geographic size of 14 because it needs fewer
6 people, and so you could shave off some here
7 and put the eastern part of Craighead County
8 into 15, or you could come up underneath and
9 you could put the western part of Craighead
10 County into 15 and kind of make a U shape
11 around Jonesboro as you shrink Jonesboro, and
12 you would be taking people out of 14 and
13 putting them into 15.

14 Assuming there were enough people in
15 there to do that -- to accomplish that task
16 to get those within the variances, the
17 question becomes: What do these people have
18 in common with District 15, i.e. Blytheville
19 and Osceola?

20 And when we were in Jonesboro three weeks
21 ago, I think we heard a lot of that. The
22 folks over here in eastern Craighead County
23 said, We don't want to be put in 15 because
24 we have more in common with Jonesboro, you
25 know, everything we do is in orbit around

1 Jonesboro. And I think the same thing would
2 probably be true for the western part of
3 Craighead County.

4 So that's really the rub in
5 redistricting, whether we're talking about,
6 you know, Pocahontas or any other community;
7 who do they need to be in a district with,
8 both house and senate? And so that question
9 and that problem, that lies at the heart of,
10 you know, the redistricting process.

11 Let me show you this map (indicating).
12 This is one that I've been working with
13 Representative Smith on, and this is current
14 District 80. Let me show you -- okay, right
15 here (indicating). It's hard to see on the
16 screen. This colored-in purple would be a
17 new District 80. The blue lines are county
18 lines.

19 LINDA COLLINS-SMITH: My numbers are
20 safe, though. We thought we wouldn't have to
21 grow, we could remain the same. But if we
22 had to grow, it would take more of Sharp
23 County to make that county whole.

24 MR. WOODSON: Exactly. And if you wanted
25 to really dial it in -- it may be hard to

1 see. You see these little red lines right
2 here (indicating)? There's a little line.
3 All of this outer boundary is the current
4 boundaries of House 80, except for right here
5 (indicating). And what we've done is we went
6 out here and we grabbed Ash Flat, and we went
7 down here to the southwest corner of the
8 district and grabbed a little bit more
9 geography just to get a few more people. But
10 otherwise, it stays within the existing
11 boundaries of the current house district,
12 which is a very good thing. And it, for the
13 most part, follows county boundaries.

14 And then one other really good thing
15 about it is these yellow lines that I've now
16 laid on top of it are Senator Irvin's senate
17 district; and so House 80 is nested within
18 Senate 10, which, in a perfect world, that's
19 great. I mean, those are the kinds of things
20 that we're looking for.

21 LINDA COLLINS-SMITH: And we left the
22 bottom open so that if the other counties
23 south of us needed numbers as well -- I think
24 it's Independence.

25 MR. WOODSON: Yeah.

1 LINDA COLLINS-SMITH: Is it Independence
2 that joins -- that already has part of Sharp
3 County?

4 MR. WOODSON: Yeah, that's right.

5 LINDA COLLINS-SMITH: So they could gain
6 additional . . .

7 MR. WOODSON: So, anyway, the point of me
8 showing you this map is not to convince you
9 that this is what the map ought to look like,
10 but I'm trying to give you an idea of what
11 all of the staff members are looking at when
12 we're drawing these maps. And that's where
13 you-all come in, either today or later on,
14 you know; what do you think about this map
15 and the other maps that are posted on the
16 website, what are you going to think about
17 the final maps that come out here in a couple
18 of weeks? That's why I'm here, to take any
19 comment that you have right now, or that's
20 why, you know, we've got the ways that you
21 can contact me on the website.

22 CHRISTY HARRIS: Joe, not to sound too
23 partisan in this question, but, I mean, we,
24 in this room, know the makeup of the Board of
25 Apportionment, and we know that you're here

1 and you're listening and you're listening to
2 the representative and senator about the maps
3 and all. Honestly, the governor and the
4 attorney general, you know, I know that they
5 have staff, they're working on maps
6 themselves, they're not at these meetings
7 necessarily listening to these comments. How
8 much of your input do you think, honestly,
9 will be taken into consideration when -- you
10 know, when those maps come up?

11 MR. WOODSON: I guess there's two parts
12 to that answer. We can ask our two general
13 assembly members here that know the governor
14 better than I do, you know, and the attorney
15 general.

16 LINDA COLLINS-SMITH: I'll answer. Let
17 me make it easier for you. I think he'll do
18 his partisan as much as he can. If actually
19 he'll do partisan -- if there's an area he
20 can take, I think he's going to try to take
21 it. However, my maps were not partisan. I
22 made no efforts and I sat with you and I told
23 you that my -- I have a conservative base,
24 and that's who my voters are, whether they're
25 Republican or whether they're Democrat. But

1 for the people who I represent, I never
2 played with my map to try to piecemeal
3 something outside of a county.

4 I felt like the best way to serve the
5 citizens was to keep us within the senate
6 district of Senator Irvin to complete
7 counties as much as we can to make them whole
8 so they have a voice. We've got to keep
9 Randolph County whole. We've got to keep it
10 in that senate district, in my opinion, and
11 we've got to take and help Sharp County get a
12 little bit more complete. There's no reason
13 to go outside of that and grab something else
14 when Sharp County is already split.

15 CHRISTY HARRIS: I think this is a
16 fabulous map, but I've seen several others
17 where Senator Irvin is in a completely
18 different district with lots of Cleburne
19 County and things like that. I mean, from a
20 political standpoint that's not a bad place
21 for her to be, but it also takes away our
22 state senator that we --

23 RODNEY HARRIS: Or the map, for instance,
24 that puts us with Bono in a house district to
25 divide Randolph County into three parts.

1 That map is of great concern.

2 LINDA COLLINS-SMITH: And we talked about
3 that in Jonesboro when . . .

4 MR. WOODSON: Here is what I've said, I
5 think, pretty consistently to that, it would
6 be disingenuous of me to say this is not an
7 exercise in politics. You know, we're
8 talking about, you know, three constitutional
9 officers that, you know, are accomplished
10 politicians and everybody knows what their
11 party is, and that's all well and good.

12 My response to that is, though, and I
13 think I may have said this earlier, all
14 things being equal, I think certainly the
15 governor and the attorney general would try
16 to benefit their party if it were possible.
17 And by all things being equal, I mean if the
18 map is legal and it makes sense and there's
19 nothing else to be worried about and it's
20 just a toss-up between a Republican and a
21 Democrat, who would they go with. Well,
22 you'd think that the two Democrats would go
23 with a Democrat.

24 My point to all that is and my response
25 to all that is -- I want to throw some cold

1 water on that to this extent: If you look at
2 our ten bullet points first, those are legal
3 criteria that have to be considered. One of
4 the phrases that you see in case law a lot is
5 where a state or a county or a school
6 district, whoever was drawing the map, when
7 they ignored all of the other principles for
8 the benefit of doing one specific thing,
9 either discriminating against a minority or
10 helping their own party people, they just
11 drew some crazy-looking map and sort of
12 ignored everything else. Those are almost
13 always struck down as illegal.

14 If you go through the exercise and you
15 make your map to be as much in compliance
16 with all of those ten bullet points as
17 possible, those are severe limitations on
18 anybody's ability to create an unfair
19 advantage. So if you take that and you look
20 at the map, the populations are what they
21 are.

22 We all know Northwest Arkansas is
23 predominately Republican except for the heart
24 of Fayetteville, both the house seat there
25 and the senate district. All of the others

1 are partly Republican. You know, in my mind,
2 you take this -- sort of draw a line up
3 through the state, now you're talking about
4 45, 50 percent of the state is trending more
5 conservative. The populations are what they
6 are. And so if you take the factual
7 realities of the way the populations are,
8 take the way the political leanings are, and
9 you put on top of that the legal limitations,
10 there's very little mischief, I think, that
11 can be done --

12 CHRISTY HARRIS: My worry is not the
13 partisanship as much as the input on the
14 communities of interest and that kind of
15 thing. You know, for instance, I don't see
16 much partisan advantage necessarily of
17 putting us in Bono or something like that.
18 But again, that is changing up our district
19 so much that I think, you know, as far as
20 communities of interest, I think that would
21 be very much violated by that.

22 LINDA COLLINS-SMITH: Me too.

23 MR. WOODSON: Well, I think in that
24 regard -- my impression is that all three of
25 the constitutional officers and their staff

1 are very receptive to community input, to
2 what we're doing here today, to what's
3 happened at the public meetings. They are
4 very interested in -- for example, Northwest
5 Arkansas, in a way, they don't really have a
6 dog in that hunt, you've got the two
7 Democrats there.

8 But we've heard more out of the public
9 and the members from Northwest Arkansas than
10 any area of the state. And there's some
11 pretty strong coalitions up there, house and
12 senate side and community groups, that have
13 put forth some maps. And it's my impression
14 that those are having a strong impact on the
15 way the final maps are going to look.

16 They haven't told me this, I'm just
17 guessing, to the extent that they can please
18 as many people as possible, I think they want
19 to do that. And y'all -- I don't know. Has
20 your experience been the same? My impression
21 is that they're very receptive to input.

22 LINDA COLLINS-SMITH: I think they will
23 be. I hope the governor is.

24 CHRISTY HARRIS: But things that, you
25 know . . . like I said, politics

1 notwithstanding, we -- you know, anything
2 that splits Randolph County in three ways is
3 not going to allow Randolph County to elect a
4 representative, that's just all there is to
5 it.

6 LINDA COLLINS-SMITH: That's right.

7 CHRISTY HARRIS: So, you know, those
8 kinds of things are more important to us than
9 even which political party is --

10 LINDA COLLINS-SMITH: That's right.

11 MR. WOODSON: Because it's a (inaudible)
12 politics are what they are. Another good
13 example: When we were in Fayetteville with
14 the Madison County folks, I had drawn one map
15 -- and it was just an exercise, really, in
16 shrinking districts based on population, and
17 I just wanted to see what it would look like,
18 and I wasn't as concerned with some other
19 factors -- it ended up putting, you know,
20 Madison County -- you know, all of their
21 orbit is around Fayetteville, Springdale,
22 Rogers -- in with Harrison and Mountain Home.
23 And they're like don't do that. That doesn't
24 make any since because everything we do
25 orbits around Northwest Arkansas, not North

1 Central Arkansas.

2 And I guess my only other response would
3 be if you have those concerns, let them be
4 known. I'm certainly not privy to all the
5 discussions that people have with the three
6 offices. I can only tell what I've -- the
7 discussions I've had. And it is my strong
8 impression that people, individuals and
9 coalitions of people that are voicing their
10 concerns, lobbying, if you will, I think
11 that's having a strong impact. I know it's
12 having a strong impact on me in the way I
13 look at the maps. So in that regard, I would
14 encourage you and others, if you've got some
15 of those considerations, you need to make
16 them known.

17 LINDA COLLINS-SMITH: Will you be making
18 a map proposal based on the information
19 you've gathered?

20 MR. WOODSON: I haven't been instructed
21 to do that; and so I don't have any plans at
22 this time to do that.

23 UNIDENTIFIED SPEAKER: I would say you
24 were in the best position to make a
25 suggestion to all parties on a nonpartisan --

1 which, I think that's it's very hard in
2 today's time to gerrymander. I think it's
3 hard. I don't think it's accepted. I don't
4 think it will be accepted.

5 MR. WOODSON: The days of sort of the
6 Wild West to draw maps, those are over.

7 LINDA COLLINS-SMITH: I don't think it's
8 the days where you could just pick a little
9 section out and put a little road over there
10 and grab it. But I do believe that in your
11 position of listening to the public, that you
12 would have as better a chance as any to
13 creating a map that the people have pretty
14 much agreed to and privately -- even if it's
15 privately submitting it, to talk to them to
16 discuss the issues. I just wish that you
17 could somehow be involved in that.

18 MR. WOODSON: I can guarantee this, at a
19 minimum, I will look at their map and take
20 all of the issues that I'm aware of and say,
21 Y'all forgot about this, y'all forgot about
22 Madison County doesn't want to be in with,
23 you know -- they don't want to be in Senate
24 District 2, they want to be in Northwest
25 Arkansas. And so I will take everything I

1 have learned and make it known. Whether or
2 not that means they want me to actually draw
3 and submit a plan, I don't know about that.

4 RODNEY HARRIS: Do the three
5 constitutional officers get copies of these
6 transcripts?

7 MR. WOODSON: Yes. I mean, it's on the
8 website as soon as I get them; so -- and of
9 course, I tell them that they're up, and you-
10 all -- anybody is free to read those.

11 SENATOR IRVIN: I think your point is so
12 well taken that we are within the variance,
13 at least I'm speaking from the senate maps of
14 the three that you -- to where there's so
15 much going on around the rest of the state as
16 far as lines that really do have to be
17 redrawn.

18 CHRISTY HARRIS: But don't touch us if
19 you don't have to.

20 SENATOR IRVIN: You know, that actually
21 would -- it makes their job a little easier
22 to where if you have an area that's -- but I
23 think looking at that, we're within the
24 variance, and I just -- I don't see that
25 there would be necessary need for a lot of

1 shift within the three districts that you've
2 pointed out because they're already really
3 contiguous. They already meet the criteria
4 because of interest and population and, of
5 course, geography, it's big. But I mean,
6 it's not going to be nearly as big as some of
7 those senate districts in South Arkansas are
8 going to end up probably being.

9 MR. WOODSON: It's already workable.

10 SENATOR IRVIN: It's already workable.

11 LINDA COLLINS-SMITH: And, Missy, in your
12 district is every county -- I mean, is every
13 house seat okay? Mine's okay. I wouldn't
14 have to touch mine.

15 SENATOR IRVIN: You know, I have been
16 concentrating my efforts on my senate --

17 LINDA COLLINS-SMITH: Your whole senate.
18 I started to say --

19 SENATOR IRVIN: I'm not really involved
20 with the house maps.

21 LINDA COLLINS-SMITH: Yeah, but they are
22 within you. And so what I'm saying is, do
23 you know if they -- have you talked to them
24 to know if they're okay? I mean, we can
25 leave Randolph and Sharp County alone in my

1 district, and we'd be fine. Do you know
2 about Laurie's, if she has to add anyone?

3 SENATOR IRVIN: I've had discussions with
4 them, and I think that they're working on
5 their maps.

6 MR. WOODSON: I've got the senate up
7 right now. Which district were you talking
8 about?

9 LINDA COLLINS-SMITH: Well, we're looking
10 -- every house seat within Missy's district.

11 MR. WOODSON: Here, I can do this.

12 UNIDENTIFIED SPEAKER: That's some fancy
13 software.

14 MR. WOODSON: It is.

15 LINDA COLLINS-SMITH: Yeah, it is; it's
16 awesome.

17 MR. WOODSON: It really bogs down if you
18 start getting in a lot of great detail.

19 Okay. Just so you know -- and in my office
20 I've got two big screens, and I put all the
21 spreadsheets over on one --

22 LINDA COLLINS-SMITH: Just throws it over
23 there; it's awesome.

24 MR. WOODSON: Okay. So we're looking at
25 existing Senate 10. And what I can do is, I

1 put on top of here, existing house districts.
2 That little circle means it's chewing on it.
3 This mapping software is used in all sorts of
4 applications. Those yellow lines there
5 (indicating) are -- whoa. Okay. The red
6 lines are the current house districts as they
7 lay on top of Senate District 10.

8 LINDA COLLINS-SMITH: How long did it
9 take to learn the software?

10 MR. WOODSON: It takes awhile, but after
11 you do it a few thousand times --

12 LINDA COLLINS-SMITH: Yeah, you start
13 learning little tricks.

14 MR. WOODSON: It should be showing us the
15 district numbers. But here, there's one,
16 two, three, and part of a fourth house
17 district here (indicating), laying on top of
18 -- and that map you drew, Representative
19 Smith, just kept all of your district, went
20 right over here and grabbed Ash Flat and
21 right down here and grabbed a little bit of
22 the corner.

23 But, Senator, I wanted to come back to
24 your point. All things being equal, I would
25 love to keep all districts the same that

1 don't need to be changed.

2 SENATOR IRVIN: Good.

3 MR. WOODSON: Because one of the things
4 I'm most concerned with is the legality of
5 the plan; to what extent have we complied
6 with all ten of those bullet points. And if
7 we have substantially complied with all ten
8 of those bullet points, then the map will
9 stand up in court if it gets sued.

10 Some people say, Well, you're just going
11 to get sued regardless. I haven't given that
12 away yet. I don't think that's necessarily
13 the case. But this one -- actually, 10, 11,
14 12, are white. These two should be white as
15 well, and that would mean they don't have to
16 change.

17 The problem is, if you look at all of
18 South Arkansas and all of these eastern
19 districts, they're short, and they've got to
20 grow to get more population. Not only that,
21 but you've got District 15 here, which is a
22 minority district. Just like the white
23 population and Hispanic population, that has
24 changed in the last ten years, and the
25 population densities of African/American

1 voters has shifted and changed. And so what
2 that means is you're going to get the
3 stretching effect.

4 I like to think of Central Arkansas and
5 Northwest Arkansas as the biggest planets in
6 the solar system. They've got their own
7 gravity, and they're pulling everything
8 towards them. And even though ideally, we
9 could leave these three -- all of these
10 alone, you've got some neighbors that are
11 hungry for people. And I don't know exactly
12 what that means, but that's the problem and
13 that's --

14 SENATOR IRVIN: Well -- and I think I saw
15 one of your maps where it -- I think it was
16 May 4th. I think it was your map, maybe that
17 you had drawn, but it takes me down into
18 Cleburne County, which -- I mean, it keeps
19 Randolph County completely intact, and then
20 it takes me all the way down to Faulkner
21 County, which I have no aversion of driving.
22 I drove three and a half hours to be here
23 today; so, you know . . . but I mean, it
24 makes it geographically large, but it's not -
25 - it's to your point that you have to

1 gravitate towards those areas. And actually,
2 that map you do keep contiguous communities
3 of like interest by doing that because you
4 have areas of Cleburne County that are very
5 similar in nature to the southern parts of
6 Stone County. I don't know the reasoning
7 behind your drawing of that map right there
8 (indicating). But, to me, I thought maybe
9 that's what you had in mind, that you were
10 really trying, because it's a very rural
11 district, however, tourism is a big -- I
12 think a big, big topic. But there's also some
13 economic development issues and struggles
14 that we all kind of face as well. Our
15 schools have transportation issues.

16 MR. WOODSON: Those common interests,
17 yeah.

18 SENATOR IRVIN: We have common interests
19 in rural schools and, of course, the
20 consolidation, all that kind of stuff.
21 Everybody in my district is dealing with kind
22 of the same issues, which helps me, as a
23 senator and as an elected representative,
24 really focus and be able to tackle something
25 because I have power behind me, you know, the

1 numbers of constituents that are affected by
2 that same issue.

3 MR. WOODSON: And if they have that same
4 voice then . . .

5 SENATOR IRVIN: Yeah.

6 MR. WOODSON: I drew this May 4th map,
7 and I started basically with a couple of
8 premises; that is, to shrink the big
9 districts down and come back in and fill in
10 the gaps. But also, to a lesser extent, I
11 was playing with these minority districts.

12 Like here (indicating), what I did with
13 15 was I came over all the way to the
14 southern edge of the city limits of Jonesboro
15 and made the populations work and the
16 percentages work. After I shrunk the big
17 districts and started on the eastern border
18 of the state, the rest was just sort of a
19 ripple effect to see where everything had to
20 shift, but trying to keep some communities
21 together. Now, this one --

22 SENATOR IRVIN: The only problem with
23 this is that Stone County is not whole and, I
24 think, Sharp County is not whole, whereas,
25 right now I have --

1 LINDA COLLINS-SMITH: All of it, don't
2 you?

3 SENATOR IRVIN: Uh-huh. They're whole
4 counties.

5 MR. WOODSON: And here's another example
6 of --

7 SENATOR IRVIN: Now I have a question.
8 When you have a minority district, does it
9 have to remain a minority district, or can
10 you -- does it have to just be X amount of
11 the districts have to be a minority?

12 MR. WOODSON: Well, the short answer is
13 no, it doesn't have to, but I don't think
14 there's any political will not to keep the
15 same number. Like we said earlier, we're
16 only one redistricting removed from that
17 court case. And so in the redistricting
18 cycles, you know, that was just one time
19 before, and I don't think there's any will to
20 change that, i.e., I think as best they can,
21 all three -- I've heard the staff of all
22 three offices say that they're interested in
23 keeping as many of the same districts as they
24 can.

25 Technically, you don't have to. It sort

1 of comes at it the other way. There was a
2 finding that there was a violation of the
3 Voting Rights Act, and then there was a
4 remedy put in place by the Court. And I
5 don't think anyone wants to risk running
6 afoul of that again. So it's the same answer
7 from a different direction.

8 I think you asked part of this, the most
9 recent Supreme Court cases have essentially
10 said that you don't have to have a magic
11 number. It's just that if you have a
12 minority population that is significantly
13 large enough and significantly compact
14 enough, i.e., dense enough and would tend to
15 vote the same way, then you can. You don't
16 have to, but you can draw a minority
17 district.

18 An excellent example is in Fayetteville
19 on Tuesday, the Hispanic population. There
20 was a contingent of community leaders from
21 the Hispanic populations there saying, Are
22 you giving any consideration to a --
23 especially a house seat in Springdale? And
24 the answer is yes. I've heard all three
25 staff people talk very seriously about

1 whether or not they're going to draw a
2 Hispanic district in Springdale because
3 there's a dense population of Hispanics. You
4 know, everyone thinks they would tend to vote
5 in the same direction of those legal
6 criteria. So did I answer all of your
7 question?

8 SENATOR IRVIN: Yes. But like, say,
9 Senate District 13 -- I'm just pointing that
10 out. But if Senate District 13 is a
11 majority/minority district, would it have to
12 remain that way or then because of lines
13 being redrawn, it might shift to Senate
14 District 15 instead of 13? That's okay to do
15 or . . .

16 MR. WOODSON: Well, the actual number of
17 the district is irrelevant. But do you still
18 have a minority district?

19 SENATOR IRVIN: Yes. That's what is the
20 most important.

21 MR. WOODSON: The answer is no, you don't
22 have to. But it's my impression that all three
23 of them tend to keep that; so in other words, to
24 draw a district so that those districts maintain
25 the minority/majority. And that's what the

1 Courts call "the majority/minority districts."

2 PEGGY DAWSON: Would it not be more --
3 simplistically, would it not be better to
4 have a nonpartisan committee making the final
5 decision on this?

6 MR. WOODSON: Perhaps. And there are
7 states that have formed exactly that. Some
8 states let the legislatures do it; some
9 states have formed committees to do it.
10 There is certainly a growing trend around the
11 county to try to make this as nonpartisan as
12 possible and as -- what's the word? What's
13 the opposite of -- not bipartisan, but --

14 (Multiple speakers.)

15 MR. WOODSON: Academic, you know, it's we
16 don't let politics get into it all, and
17 there's a trend for that. Our constitution,
18 I think it was amended in 1936, which was 75
19 years ago, and it gave the three-member board
20 the authority and the responsibility to do
21 it.

22 The upside to it is those states and
23 jurisdictions that have formed these big
24 committees, it's like herding cats, you know,
25 it's hard to get everybody going in the same

1 direction. If you've got a three-member
2 board, you know, they're going to go the same
3 direction pretty easily.

4 PEGGY DAWSON: But depending on the year
5 that it falls, whoever is in office obviously
6 has the upper hand in this, which is -- I'd
7 like to see it a little more equal on the
8 playing field.

9 MR. WOODSON: Yeah. Now, your point is
10 well taken, and there's a lot of people that
11 have said similar things. In Arkansas, you
12 would have to amend the constitution to do
13 that because, like I said, Amendment 20 in
14 1936 gave that three-person board the
15 responsibility to do that.

16 RODNEY HARRIS: You said July 19th is
17 when they're going to have their final
18 proposals?

19 MR. WOODSON: July --

20 RODNEY HARRIS: Roughly?

21 MR. WOODSON: Let me get my cheat sheet.
22 July 19th the final proposals come out, if
23 you will. And then I think ten days later
24 they're going to ask me to hold one final
25 public meeting in Little Rock for comment,

1 like we're doing today and like we did in
2 Fayetteville.

3 RODNEY HARRIS: So even after the 19th,
4 those maps can change?

5 MR. WOODSON: Yes, absolutely, and I
6 would anticipate that they would in some
7 regards. Maps come out July 19th, another
8 meeting on July 25th, and then a board
9 meeting on July 29th, a final -- a meeting
10 for the board to adopt a plan.

11 CHRISTY HARRIS: Where will the public
12 meeting be on the 25th?

13 MR. WOODSON: I haven't had time to set
14 it up. We're having one -- our regular
15 meeting next Tuesday is on the UALR campus at
16 one of their auditoriums, and I may see if I
17 can have it there again. I would anticipate
18 even the largest crowd there.

19 SENATOR IRVIN: To your point, but then
20 also to what you said, the population and the
21 numbers are what they are too. I mean, you
22 can look at the population and where the
23 growth has occurred and where the population
24 has declined and look at those political
25 trends and, I mean, the numbers are just what

1 they are. And I think it's going to be very,
2 very tough in some areas of the state to
3 really do partisan politics on that.

4 RODNEY HARRIS: Well, I think what
5 concerns Republicans most out of this deal is
6 that, you know, we have one vote on the
7 board; that's a fact. I mean, you can't
8 change that. But all the maps we have seen
9 have either been drawn by you, and you don't
10 get to draw the final map, or by Mark
11 Martin's office, who he's one of three votes;
12 so his votes aren't going to matter anyway.
13 So we've yet to see a map from the governor
14 or the attorney general.

15 I won't get into the whole squabble the
16 two political parties have built about
17 whether they're hiding maps or not, because
18 they may have not drawn any yet. I can admit
19 that. But yet we still haven't seen the two
20 people who ultimately get to make the
21 decision, what they're thinking. We've seen
22 what you're thinking, we've seen what Mark
23 Martin is thinking, but we haven't seen the
24 two people who actually hold the majority; so
25 we don't know what's going to happen. And

1 some of the maps have been downright, you
2 know, disastrous for us; so . . .

3 LINDA COLLINS-SMITH: Right.

4 CHRISTY HARRIS: Show, if you don't care,
5 the secretary of state's senate map from May
6 the 5th, I think. I think it's the statewide
7 one up there at the top -- yeah -- because I
8 don't think -- I mean, not everybody in here
9 is a maphead like my husband and I are. I
10 mean, this one is just a crazy senate
11 district.

12 LINDA COLLINS-SMITH: Is that the one
13 that splits us?

14 CHRISTY HARRIS: I think -- yeah.

15 RODNEY HARRIS: Well, there's one senate
16 district --

17 MR. WOODSON: I point out, I didn't draw
18 this.

19 (MULTIPLE SPEAKERS.)

20 MR. WOODSON: I've certainly heard that
21 criticism.

22 CHRISTY HARRIS: We know exactly who drew
23 this one. It's all right.

24 (MULTIPLE SPEAKERS.)

25 SENATOR IRVIN: And I've been very

1 specific (inaudible) it was not acceptable to
2 me.

3 LINDA COLLINS-SMITH: Was he receptive to
4 those comments?

5 SENATOR IRVIN: Yeah.

6 CHRISTY HARRIS: But just to show you
7 that it could get really ugly, I mean,
8 there's many ways that you can draw that.

9 LINDA COLLINS-SMITH: I asked her if he
10 was receptive when she talked to him, and she
11 said yes. Because of the way her district
12 was so bad.

13 RODNEY HARRIS: And that creates a whole
14 new senate district.

15 UNIDENTIFIED SPEAKER: Oh, my God, I
16 hated that map.

17 MR. WOODSON: Yeah. You thought mine
18 went south. This one went way south.

19 LINDA COLLINS-SMITH: My gosh.

20 RODNEY HARRIS: But you see where we're
21 coming from. You know, we know that --

22 CHRISTY HARRIS: It can be drawn in a lot
23 of ways.

24 LINDA COLLINS-SMITH: You need to get him
25 up here. He's got to see this. This is not

1 good.

2 MR. WOODSON: And I think partly that's
3 in response to that criticism, is why they --

4 RODNEY HARRIS: Well, I think part of it
5 is that our Republican secretary of state had
6 jumped out there and published some of his
7 own maps when maybe he shouldn't have, too,
8 to be fair. But . . .

9 MR. WOODSON: And I'll tell you this in
10 that regard, I think, you know, they know
11 what's going on. There's two votes to one,
12 and I think they chose, as a tactic, to get
13 out early and influence the process, and I
14 think they have. I know for a fact that, you
15 know, Tim Hutchinson and Rhett Hatcher and
16 Roy Ragland, those are the primary map people
17 for the secretary of the state, they talk
18 frequently with the other staff members in
19 the governor's office and the attorney
20 general's office, and I think they're doing
21 everything they can to influence those final
22 maps. And we'll see in the end, you know,
23 who agrees and that they did or didn't
24 influence, but I think -- you know, I think
25 they're making every effort to do that.

1 RODNEY HARRIS: It's 1:00, so I'm sure
2 some people need to leave, but people can ask
3 questions as long as they want.

4 LINDA COLLINS-SMITH: You have probably
5 seen how many maps with the legislators
6 coming?

7 MR. WOODSON: Everything that I have
8 gotten is up on the website, and then you
9 would add to that -- I get a little click
10 happy and start forgetting where I'm at --
11 miscellaneous maps here (indicating), like
12 this was a good example of Senator Pritchard,
13 Representative Slinkard.

14 When I was in Fayetteville Tuesday, I
15 showed everyone this map that said BLR had
16 helped to draw this, and they gave it to me.
17 And I took this map for Northwest Arkansas
18 house map and copied it into my software and
19 put that up. And I said the reason I'm doing
20 this is because it's my understanding that
21 there's some consensus of agreement on this
22 house map. And I said, questions, comments,
23 objections, and they didn't have any. That
24 doesn't necessarily mean everyone agrees with
25 this map, but it certainly -- it appears,

1 from my perspective, this has a lot of
2 support.

3 And so, anyway, the maps that I've seen,
4 there's a handful that I've gotten from
5 members, you and I have worked together,
6 almost everything, unless I've gotten
7 something very recently, is up on the
8 website, and that's because of FOI.

9 Early on, when I got started, boy, they
10 were hitting me every day with an FOI
11 request. I just made it my policy -- I'm an
12 open book anyway, so I'm going to publish it
13 on the website immediately, and that way if
14 they send me a FOI, I can say it's already
15 up, go look at the website. And I like the
16 FOI, but administratively, it takes a lot of
17 time to respond to each one.

18 SENATOR IRVIN: And when people start
19 drawing their own maps and it affects the
20 people around them, you know, you're throwing
21 a rock into a pond and it's creating ripples.

22 MR. WOODSON: That's exactly right.

23 SENATOR IRVIN: I think you can
24 complicate the process or, you know . . . I
25 mean, there's ways to complicate it, but, I

1 mean, if you start throwing your rock in the
2 pond, you effect everybody else.

3 MR. WOODSON: It does have a ripple
4 effect. There's a place, if you don't
5 already know, it's called "Dave's
6 Redistricting." If you're really interested,
7 you can draw your own maps. Just Google
8 Dave's and you can have them take a snapshot
9 of the map you draw, and you can e-mail it to
10 me and I'd put it up right here on this page
11 (indicating).

12 CHRISTY HARRIS: On behalf of the
13 committee, thank you so much for taking your
14 time. And I know that it turned into an
15 extra day up here for you, but we do
16 appreciate you coming and listening to our
17 input.

18 MR. WOODSON: That's good. I like little
19 trips. It was a pleasure.

20 (WHEREUPON, the proceedings were
21 concluded in the matter at 1:11 p.m.)

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CERTIFICATE

STATE OF ARKANSAS)
)ss
COUNTY OF PULASKI)

I, Terri J. Wolfe, Certified Court Reporter #698,
do hereby certify that the facts stated by me in the
caption on the foregoing proceedings are true; and
that the foregoing proceedings were reported verbatim
through the use of the voice-writing method and
thereafter transcribed by me or under my direct
supervision to the best of my ability, taken at the
time and place set out on the caption hereto.

I FURTHER CERTIFY, that I am not a relative or
employee of any attorney or employed by the parties
hereto, nor financially interested or otherwise, in
the outcome of this action, and that I have no
contract with the parties, attorneys, or persons with
an interest in the action that affects or has a
substantial tendency to affect impartiality, that
requires me to relinquish control of an original
deposition transcript or copies of the transcript
before it is certified and delivered to the custodial
attorney, or that requires me to provide any service
not made available to all parties to the action.

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I FURTHER CERTIFY, that in accordance with Rule 30(3) of the Rules of Civil Procedure, review of the transcript was not requested.

WITNESS MY HAND AND SEAL this 24th day of June, 2011.

TERRI J. WOLFE

Arkansas State Supreme Court
Certified Court Reporter #698

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