

EXHIBIT 5

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Transcription of Video File

Senate Chamber

10-06-2021

10:18 a.m. to 11:00 a.m.

1 (Beginning of Video Recording.)

2 CHAIRMAN GRIFFIN: The senator is
3 recognized.

4 MALE VOICE: I like to make a motion to
5 suspend the rules for the purpose of holding
6 House Bill 1977 here in this chamber.

7 CHAIRMAN GRIFFIN: You've heard the
8 motion. It's non-debatable. Twenty-four
9 votes.

10 SENATOR TUCKER: So I'll -- Senator
11 Hickey objected to being transferred out.

12 CHAIRMAN GRIFFIN: Right.

13 SENATOR TUCKER: And then Senator
14 Hammer is moving to also keep it here. Am
15 I -- do I have all of that correct?

16 CHAIRMAN GRIFFIN: No, no, no. Senator
17 Hickey -- Senator Hickey was objecting to
18 the --

19 SENATOR TUCKER: Yes.

20 CHAIRMAN GRIFFIN: Without objection.

21 SENATOR TUCKER: Yeah.

22 CHAIRMAN GRIFFIN: We were operating by
23 unanimous consent and comity.

24 SENATOR TUCKER: But what I've heard
25 from Senator --

1 CHAIRMAN GRIFFIN: Senator Hickey
2 objected to it --

3 SENATOR TUCKER: I understand.

4 CHAIRMAN GRIFFIN: -- to it staying
5 here.

6 SENATOR TUCKER: Yes. But what I heard
7 Senator Hammer said was a motion to suspend
8 the rules to keep it here. Did I -- did I
9 misunderstood what you -- what you said,
10 Senator?

11 CHAIRMAN GRIFFIN: That's correct. He
12 wants to keep it here. Hickey wants --

13 SENATOR TUCKER: So everybody wants to
14 keep -- everybody wants to keep it here.

15 CHAIRMAN GRIFFIN: Well, not everybody.

16 MADAM SECRETARY: Well, wait a minute.

17 CHAIRMAN GRIFFIN: Some people want to
18 move on and some people want to keep it here.

19 SENATOR TUCKER: Okay. All right.

20 CHAIRMAN GRIFFIN: Senator Clark?

21 SENATOR CLARK: Here's form to order.

22 I'm familiar, but I don't understand. If
23 Senator Hammer make a motion, then I will make
24 the motion -- for -- for it.

25 CHAIRMAN GRIFFIN: Yeah. Let me -- let

1 me walk you through this. Senator -- Senator
2 Hammer came down, he said, I don't know if I
3 need to make a request or make a motion
4 because this is done by commenting a lot where
5 you just say, and I'm going to ask that that
6 stay here, and not be immediately transmitted.
7 And I'll say, without objection then people
8 go, okay. Yeah, let's move on. In this
9 instance, we had an objection.

10 So the unanimous consent is broken
11 which means if you're going to do something
12 out of the ordinary that breaks the rules,
13 then you got to make a motion to suspend the
14 rules. Therefore, Senator Hammer came down,
15 and made that motion. It's nondebatable,
16 that's where we are. It requires 24 votes.

17 All those in favor, say aye.

18 MULTIPLE VOICES: Aye.

19 CHAIRMAN GRIFFIN: Opposed?

20 MULTIPLE VOICES: No.

21 CHAIRMAN GRIFFIN: Nos have it. The
22 motion fails. Senator English, if we are
23 ready for her, is -- is it still that
24 engrossing?

25 MADAM SECRETARY: No. No, it's here.

1 CHAIRMAN GRIFFIN: We got it.

2 MADAM SECRETARY: Well, your committee
3 on --

4 CHAIRMAN GRIFFIN: Senator Hickey?

5 SENATOR HICKEY: But you didn't say
6 transmit it to the House.

7 CHAIRMAN GRIFFIN: Transmit it to the
8 House. It's going to transmit --

9 MADAM SECRETARY: It's going to return
10 it to the House.

11 CHAIRMAN GRIFFIN: We're going to
12 return it to the House.

13 SENATOR HICKEY: Either way.

14 CHAIRMAN GRIFFIN: Either way. It's
15 not staying here.

16 MADAM SECRETARY: There it is. Okay.

17 CHAIRMAN GRIFFIN: Senator English?

18 MADAM SECRETARY: Okay. We, your
19 committee on Engrossed Bills, to whom it was
20 referred signals 743 by Senator English
21 compared the engrossed copy with Rachel, and
22 find the some and correctly engrossed.
23 Calendar. Calendar.

24 CHAIRMAN GRIFFIN: Calendar. This is
25 the -- this is the bill that was earlier

1 amended for technical correction and then we
2 put at the bottom of the calendar. We're now
3 at the bottom of the calendar. Senator
4 English?

5 MADAM SECRETARY: Senate Bill 743 by
6 Senator English concerning the definition of
7 the four United States Congressional Districts
8 of Arkansas and to declare an emergency.

9 CHAIRMAN GRIFFIN: Senator English?

10 SENATOR ENGLISH: Thank you very much.
11 And we are back here with Senate Bill 743.

12 CHAIRMAN GRIFFIN: Sorry, Senator.

13 SENATOR ENGLISH: Pardon me?

14 CHAIRMAN GRIFFIN: Go right ahead. We
15 just got a lot of chitchat.

16 SENATOR ENGLISH: 743 and one of the
17 things that I asked the staff to put on your
18 desk this morning was this thing which I took
19 off of Facebook, which unfortunately left of
20 the very top districts here in the -- in the
21 state or counties.

22 But I think one of the things that this
23 kind of does is we have the map of what the
24 poor districts would look like under this
25 legislation. But I think it's kind of

1 important to look at how the state has changed
2 over the last ten years, where it is grown,
3 and where it has declined. And that is
4 basically the reason for the redistricting --
5 the new maps to take into account for those
6 things.

7 So these maps are basically simply done
8 on population across the state. Moving some
9 people here because we didn't have enough
10 folks over here. Sometimes we have too many
11 people over here so we have to change it to
12 over here. So that is basically what we have.

13 All of the districts are in -- meet the
14 deviation. Everyone one of them is on -- on
15 target. The First Congressional District is
16 at point -- 0 minus 0.05 and that's 372 people
17 difference. The Second District is 252,881
18 and it is a minus 0.0, and that's a minus
19 71 -- 171 people. And the Third District is
20 753,219 and that's a 0.04 percent, 338 people.
21 And that's a four -- I'm in District 4,
22 753,086, and that's 0.03 deviation, 205
23 people.

24 So I believe this is a good map and a
25 lot of people have worked on this -- not me.

1 But a lot of people in the senate, and a lot
2 of people in the house, and I think we have
3 come up with a very good bill that we can all
4 live with. So I --

5 CHAIRMAN GRIFFIN: Any questions?
6 Senator Ingram.

7 SENATOR INGRAM: Is this the map that
8 we've got?

9 SENATOR ENGLISH: Yeah?

10 SENATOR INGRAM: Benton County is not
11 on it.

12 SENATOR ENGLISH: I just went --

13 SENATOR INGRAM: And those are
14 (inaudible) say because --

15 SENATOR ENGLISH: No.

16 SENATOR INGRAM: -- all I had
17 (inaudible) before which was blurred.

18 SENATOR ENGLISH: I think you -- I
19 think you did not hear me in the beginning
20 when I noted that was not a good photo taker
21 on Facebook today, and those upper map of
22 upper districts disappeared.

23 SENATOR INGRAM: Okay.

24 SENATOR ENGLISH: Sorry. But this is
25 just to give context of what we're talking

1 about and see how this state is grown and
2 declined.

3 CHAIRMAN GRIFFIN: I thought that it
4 might have gone.

5 SENATOR ENGLISH: You thought that was
6 funny.

7 CHAIRMAN GRIFFIN: Any -- Senator
8 Pitsch.

9 SENATOR PITSCH: Not to ask a question
10 but to get it on the record, somebody left a
11 note on my desk. Do you know how many people
12 Sebastian County is losing to the Fourth? Has
13 that been determined yet?

14 SENATOR ENGLISH: How many people what?

15 SENATOR PITSCH: That Sebastian County
16 is getting cut out of the third going to --

17 SENATOR ENGLISH: Have they grown?

18 SENATOR PITSCH: No. Your bill takes a
19 segment of Sebastian County out of the third.

20 SENATOR ENGLISH: Right.

21 SENATOR PITSCH: And I've asked
22 repeatedly for a number. Somebody left a cue
23 card here on my desk but I don't know if
24 that's right or wrong so I'm asking if one --

25 SENATOR ENGLISH: It's 9,698 people.

1 SENATOR PITTSCH: So does that mean --
2 follow up, Mr. Chair? I going to assume I get
3 a follow-up. The 2,500 that went out of it
4 yesterday, are they in that number? So the
5 original number only had 7,000 taken out of
6 the Sebastian County?

7 SENATOR ENGLISH: I don't know.

8 SENATOR PITTSCH: Well, we lost 2,500
9 yesterday with that technical correction.

10 SENATOR ENGLISH: I guess that the --
11 the -- at the end of the day, what the --
12 the -- the mapping showed is that Sebastian
13 County would be 10,000 people over the amount
14 for the -- for the congressional district.
15 And that is why those 900 and -- 9,698 people
16 are in the southern part.

17 SENATOR PITTSCH: Well, my question is,
18 we thought we are going to be 10 or 11,000
19 people out of our district with the cut. And
20 what I'm finding out today, and why I'm
21 questioning the 9,000 on this little blue page
22 that was on my desk, I don't know that that
23 includes the 2,500. Because if it does, then
24 the numbers they were giving me prior to your
25 map meant that we were at 7,000 out.

1 SENATOR ENGLISH: No.

2 SENATOR PITSCH: And that seems awful
3 small for the -- where the geography line is.

4 SENATOR ENGLISH: I think the numbers
5 you're seeing are correct.

6 CHAIRMAN GRIFFIN: Any more questions?
7 senator --

8 MALE VOICE: I have a motion to
9 (inaudible).

10 CHAIRMAN GRIFFIN: Okay.

11 SENATOR ENGLISH: Good. Good.

12 CHAIRMAN GRIFFIN: Do you want to yield
13 to let the senator make a motion, Senator
14 English?

15 SENATOR ENGLISH: No. That's fine.
16 Hang on.

17 CHAIRMAN GRIFFIN: Is that fine with
18 you?

19 SENATOR ENGLISH: I'm closed. I'm
20 closed.

21 CHAIRMAN GRIFFIN: Okay. Well, we
22 hadn't gotten --

23 SENATOR ENGLISH: I'll move at the
24 proper time.

25 CHAIRMAN GRIFFIN: Okay, at the --

1 okay. You can either step away and yield now,
2 or we can -- because we still got to go
3 through forward against. Senator Rapert, if
4 you want to come down and make a motion?
5 Senator Rapert.

6 SENATOR RAPERT: Mr. President, I make
7 a motion to lay Senate Bill 743 on the table.
8 And it's nondebatable. It takes 18 votes.

9 CHAIRMAN GRIFFIN: SB 743. SB 743,
10 which is not this one. Oh, yes. This is --
11 I'm sorry. My numbers are wrong on the sheet
12 of paper. Not debatable but I will take
13 questions, 18 votes. Senator --

14 SENATOR ELLIOTT: I was.

15 CHAIRMAN GRIFFIN: You affirm.

16 SENATOR ELLIOTT: I was. Oh, thank
17 you.

18 CHAIRMAN GRIFFIN: She goes first. Oh,
19 well, I'm sorry.

20 SENATOR ELLIOTT: All right.

21 CHAIRMAN GRIFFIN: Senator Elliott.

22 SENATOR ELLIOTT: I -- I -- I want to
23 clarify. Does it take 24 votes to remove it
24 from the table?

25 CHAIRMAN GRIFFIN: Yes.

1 SENATOR ELLIOTT: Eighteen to put it
2 on, twenty-four to take it out?

3 CHAIRMAN GRIFFIN: Yes.

4 SENATOR ELLIOTT: All right. Thank
5 you.

6 CHAIRMAN GRIFFIN: Eighteen to lay it
7 on the table, not debatable, twenty-four to
8 take it off. Okay. Senator Chesterfield?
9 One second you all. Senator Chesterfield.

10 SENATOR CHESTERFIELD: Are you laying
11 it on the table for a specific period of
12 time --

13 CHAIRMAN GRIFFIN: It's just --

14 SENATOR CHESTERFIELD: -- or are you
15 laying it on the table indefinitely?

16 CHAIRMAN GRIFFIN: It's laid on the
17 table until it's not. You got to get 24 votes
18 to pull it off. All those in favor, say aye.

19 MULTIPLE VOICES: Aye.

20 CHAIRMAN GRIFFIN: All those opposed.

21 MULTIPLE VOICES: No.

22 CHAIRMAN GRIFFIN: Noes have it.

23 MALE VOICE: Roll call.

24 CHAIRMAN GRIFFIN: Please call the
25 roll.

1 MADAM SECRETARY: Ballinger?

2 SENATOR BALLINGER: Aye.

3 MADAM SECRETARY: Beckham? Beckham?

4 Bledsoe? Bledsoe?

5 SENATOR BLEDSOE: No.

6 MADAM SECRETARY: Caldwell?

7 SENATOR CALDWELL: No.

8 MADAM SECRETARY: Okay. Chesterfield?

9 SENATOR CHESTERFIELD: No.

10 MADAM SECRETARY: Clark?

11 SENATOR CLARK: Aye.

12 MADAM SECRETARY: Davis?

13 SENATOR DAVIS: Aye.

14 MADAM SECRETARY: Dismang?

15 SENATOR DISMANG: Nay.

16 MADAM SECRETARY: Eads? Eads?

17 Elliott?

18 SENATOR ELLIOTT: No.

19 MADAM SECRETARY: English?

20 SENATOR ENGLISH: Aye.

21 MADAM SECRETARY: Flippo?

22 SENATOR FLIPPO: Aye.

23 MADAM SECRETARY: Flowers? Flowers?

24 Garner? Garner? Gilmore? Gilmore? Hammer?

25 Hammer? Hendren? Hendren? Hester?

1 SENATOR HESTER: Yes.

2 MADAM SECRETARY: Hickey?

3 SENATOR HICKEY: No.

4 MADAM SECRETARY: Hill? Hill? Ingram?

5 SENATOR INGRAM: No.

6 MADAM SECRETARY: Irvin? Irvin? Blake
7 Johnson?

8 SENATOR B. JOHNSON: Aye.

9 MADAM SECRETARY: Mark Johnson?

10 SENATOR M. JOHNSON: Aye.

11 MADAM SECRETARY: Leding?

12 SENATOR LEDING : No.

13 MADAM SECRETARY: Pitsch? Pitsch?
14 Rapert?

15 SENATOR RAPERT : Yes.

16 MADAM SECRETARY: Rice? Rice? Sample?
17 Sample?

18 SENATOR SAMPLE: No.

19 MADAM SECRETARY: Stubblefield?

20 SENATOR STUBBLEFIELD: Aye.

21 MADAM SECRETARY: Sturch? Sturch?
22 Sullivan?

23 SENATOR SULLIVAN: Aye.

24 MADAM SECRETARY: Teague? Teague?
25 Tucker? Tucker? Wallace?

1 SENATOR WALLACE: Aye.

2 CHAIRMAN GRIFFIN: Senator Hill is no.
3 Senator Pitsch?

4 MALE VOICE: Point of order. Can -- I
5 just want to --

6 CHAIRMAN GRIFFIN: Let the --

7 MALE VOICE: I want to remind my
8 colleagues that we have two people who are on
9 leave and in my opinion that means the
10 tradition that we sometimes vote for people
11 should not happen at this time.

12 CHAIRMAN GRIFFIN: Okay. Well, you --
13 you --

14 MALE VOICE: You asked us to say --

15 CHAIRMAN GRIFFIN: They haven't voted
16 yet, but -- I don't think -- okay. If they
17 vote, you can object. Senator English? No.
18 Senator Tucker, no. Cast out at the ballot,
19 11 yeas, 12 nays. The motion to lay on the
20 table fails. Okay.

21 All right. Back --

22 MADAM SECRETARY: Senator English?

23 CHAIRMAN GRIFFIN: Back -- yeah. We're
24 back to Senator English, and Senator English
25 has answered questions. And now we're going

1 to take people who want to speak against the
2 bill. Senator Elliott, if you want to speak
3 against the bill and you know that right now,
4 let me put you on the list. Elliott, Tucker,
5 Pitsch, senators all, Senator Chesterfield,
6 okay. Senator John -- okay, Senator Johnson.
7 Senator Elliott?

8 SENATOR ELLIOTT: Thank you, Governor.

9 CHAIRMAN GRIFFIN: One second, Senator
10 Elliott.

11 SENATOR ELLIOTT: Okay.

12 CHAIRMAN GRIFFIN: Please give the
13 senator in the well your attention, please.
14 Thank you. Senator? Senator Ballinger? Yep.
15 Thank you. Senator Elliott?

16 SENATOR ELLIOTT: Good. Thank you,
17 governor and -- and members of -- of the
18 assembly. I just have really two other points
19 that I'd like to make regarding this process,
20 and what we've done, and what the effect is on
21 Pulaski County.

22 It was said that there was no way to
23 draw a map without splitting districts and get
24 the result that we need to get. So I checked
25 into that. So I just want to tell you what

1 the numbers actually are. There are 36 bills
2 that have been filed on redistricting, 21 in
3 the House -- 21 in the House --

4 CHAIRMAN GRIFFIN: Sorry, senator.

5 SENATOR ELLIOTT: Okay.

6 CHAIRMAN GRIFFIN: Let's just take
7 conversations in a place where you can express
8 yourself freely.

9 SENATOR ELLIOTT: Okay.

10 CHAIRMAN GRIFFIN: Senator Elliott.

11 SENATOR ELLIOTT: Twenty-one in the
12 House, these are the -- these are bills on
13 redistricting. Twenty-one in the House and 15
14 in the Senate. Of those four are shell bills,
15 two of those in the House and two in the
16 Senate. And 21 of the subjective bills
17 currently file splits -- 21 split counties.
18 That means that there are 11 bills that do not
19 split counties, and we're able to achieve what
20 we need to achieve. So for us to say, we
21 cannot get a good map without splitting
22 Pulaski County. It's just patently not true.
23 It's a choice that's made so I would
24 appreciate folks just saying we just made the
25 choice to do it because we can, because that's

1 a genuine thing to say.

2 The second thing that we've heard a
3 great deal about is the issue of race. People
4 who are listening and people in this body need
5 to be very, very clear that just as we
6 deliberately -- deliberately as we should
7 consider the other criteria, we absolutely
8 can, and should -- the -- consider race as a
9 part of what we're doing. To say things like
10 I don't see race, and we didn't consider race
11 is against everything that we are allowed to
12 do according to the courts. So that comes
13 down to a choice.

14 Because in the map that we have, we've
15 made a choice to crack -- we're not supposed
16 to pack these districts, and we're not
17 supposed to crack these districts. When it
18 comes to minority groups, this map does
19 absolutely what it is not supposed to do. And
20 that doesn't mean that you sat there and said,
21 well, let's pull out all of the African-
22 American folks and take them out. You don't
23 have to say it out loud.

24 As has been pointed out so many times
25 to see impact of what you do. But we

1 absolutely can and should think about these
2 districts the way ten other southern states
3 that were part of the Confederacy, ten other
4 southern states have done exactly what we get
5 all flummoxed about, even thinking about doing
6 it. And that is to draw a district that would
7 include a possibility and opportunity to put
8 minority groups together, that they might have
9 an opportunity to elect somebody the way the
10 other ten Confederate States have done that
11 represents large portions of the minority in
12 this state.

13 For us to continue to hide behind the
14 guise of I don't know about racial impact. I
15 don't know anything about it. All it says is,
16 we don't want to deal with it. It is not
17 racism to ask us to think about this. The
18 courts have deliberately said we can, and we
19 should.

20 I want you to understand that. However
21 you vote is how you vote, but I do not want
22 this to continue that we don't have the right
23 to do this. We have been very clear and very
24 comfortable about considering every other
25 criteria. This is one of them. Thank you.

1 CHAIRMAN GRIFFIN: Thank you, senator.

2 Anyone wants to speak in favor? Senator
3 Rapert.

4 SENATOR RAPERT: Thank you, members.

5 And I do want to speak in favor of this bill.

6 And I'll just tell you, my motion here was
7 simply procedural motion We're a body of
8 procedure. I respect procedure. I've used
9 procedure. You've used procedure. My hope
10 was to try to get us to an opportunity to get
11 a situation where 24 votes are required either
12 way to get out of here. So that failed.
13 We'll see what's available to us in the
14 future.

15 But on this bill, and -- and I'm going
16 to say this, and it goes to everybody. First
17 of all, to each of the -- the committee
18 members on the Senate State Agencies, you work
19 extremely hard, and I don't know of anyone
20 that hasn't been given an audience. We have
21 had meeting after meeting that's been called.
22 Senator Hickey has worked very hard on the
23 redistricting as well, which is truly the
24 original focus we thought coming down here.
25 So I respect that.

1 And I talked with him just a while ago
2 just so you know. I respect procedure. My
3 motion is that one. This is a body of
4 procedure. We use procedure to try to affect
5 the policies we want, and that's the way it
6 goes. But I am going to have to object to
7 some of the words that are spoken up here as
8 it relates to race.

9 Number one, specifically with staff,
10 with leadership, we have done our very best to
11 not have any discussion so that we can focus
12 on the parameters that we're supposed to look
13 at in redistricting.

14 I have not pulled any numbers on racial
15 statistics. Now I know that it comes up on
16 maps that are redrawn. But I have seen no
17 numbers on racial statistics as it related to
18 the changes.

19 But today, I did ask the bureau to tell
20 me what was the racial makeup of the 2011 map.
21 The 2011 map that was passed by a majority
22 Democrat body. First Congressional District -
23 - and I could go through every one of this,
24 white, black, et cetera. But since it's being
25 alleged that there's been some effort, the

1 First District was 18 percent with the First
2 District map. The Second District was 21.4
3 percent. The Third District was 2.6 percent,
4 and the Fourth District was 19.4 percent.

5 In the current map, the First District
6 is, and make sure I'm getting this right, 17.2
7 percent. Even with adding what you are
8 alleging is more minority population to the
9 district. The Second District, 20.1; Three ,
10 2.8; Four, 19.4.

11 So there is the numbers and you --
12 you're welcome to get those numbers yourself.
13 But I can tell you members, and I -- I have
14 purposely tried to -- to keep myself as an
15 arbiter, as the chair of the committee.

16 People will going to get heated, people
17 are going to make claims. But there's been
18 effort whatsoever, senator. I would object if
19 there were. And you've heard me make those
20 statements before, senator. So I'm just
21 trying to assure you. But that's not been an
22 effort that's been made. It has not been made
23 in my presence. I will say to you this and
24 coming from Perry County, and it -- less --
25 less we forget ourselves, one last time I hope

1 in debate.

2 I was elected to a seven-county
3 district myself, my own legislative district.

4 I was cut out of my entire seven-county
5 district. This body in 2011, disenfranchised
6 all of my voters except one ballot box, one.
7 One. One. My former colleague, Senator Jack
8 Critcher, black individual, he sued over his
9 district. He sued over his district. He
10 absolutely did.

11 So in terms of -- of this, now I will
12 tell you what did I -- what did I learned from
13 that? In my county, Perry County. That's
14 where my home is. Actually, closer to Conway
15 than anywhere else, but I'm right there on the
16 edge. And here's what happened in Perry
17 County.

18 It used to have one rep and one senator
19 for the whole county most of the time. But
20 you know what we figured out a way to do? We
21 figured out a way to turn lemons into
22 lemonade. And you know what? Now every time
23 there is an event or request, guess what
24 happens? Four state representatives are sent
25 messages, and they show up, two state senators

1 show up. Do you not think that six is greater
2 than two?

3 So let me ask you as the most populous
4 county in the state, do you think that they
5 might benefit from having three congressmen
6 that care about them instead of just one?
7 It's all about the way you look at things. It
8 absolutely is. This map is better. I looked
9 in the paper today, and I wish I had some big
10 charts.

11 But I don't think that's in our rules
12 either to use those. But if you look at the
13 big charts and you see the big horseshoe that
14 you all gave us in 2011. I think the map
15 looks a lot better today with what this
16 committee has given us. So the -- the map
17 looks better. And it's not all crossed up and
18 gerrymandered like it was in 2011. And guess
19 what? There's only two county split instead
20 of five.

21 Could we make it perfect? No. But I'm
22 tired of hearing some of the allegations
23 thrown at members on all this stuff. They've
24 done the best they could, and they got it down
25 to two instead of five so be happy.

1 CHAIRMAN GRIFFIN: Is -- for the
2 record, you could bring posters and whatever
3 you want down here unless someone objects,
4 unless someone objects.

5 MALE VOICE: Or get on that personal
6 verbiage.

7 SENATOR RAPERT: I -- I made a mistake,
8 I said Jack Critcher. I apologize. Senator
9 Jack Crumbly. I apologize. That was the
10 senator I was trying to say so that's it.

11 CHAIRMAN GRIFFIN: Grace. Grace.
12 Senator Tucker. Anybody wants to speak --
13 want to speak for after Senator Tucker? Okay,
14 Senator Tucker. And then we'll go to
15 senator -- unless someone wants to speak for
16 her, we got Senator Pitsch, Senator
17 Chesterfield, Senator Mark Johnson of
18 Ferndale. Senator Tucker.

19 SENATOR TUCKER: Thank you, governor.
20 We've had a lot of discussion about this but
21 there's a few points I want to make that I
22 think ought to be part of the record. Just to
23 start, the way this bill has been presented in
24 committee and on the floor is that the First
25 District lost population, and the Second

1 District gained population. Then why would it
2 make sense to take an entire county, Cleveland
3 County, out of the First District and put it
4 into the Second District?

5 The answer seems fairly obvious to me.
6 And that's to account for the portion of
7 Pulaski County that's being moved from the
8 Second District into the First District. And,
9 of course, we know that a portion of Pulaski
10 County is also being moved from the Second
11 into the Fourth. And I want to talk for a
12 moment just about exactly who this map moves
13 from the Second to the First and from the
14 Second to the Fourth.

15 So first of all, Precinct 54 is being
16 moved from the Second to the First and that's
17 a part of North Little Rock. So this map does
18 split the City of North Little Rock into two
19 congressional districts.

20 Second of all, Precincts 103 and 124 in
21 Pulaski County are part of the City of Little
22 Rock. And they are being moved to the Fourth
23 Congressional District. So this map does
24 split the City of Little Rock into two
25 congressional districts in addition to

1 splitting Pulaski County three ways.

2 Of the population that's being moved
3 from Pulaski County to the First District,
4 that -- that population is 34 percent white,
5 58 percent African-American, and 4 percent
6 Hispanic. Of the population that's being
7 moved from Pulaski County to the Fourth, 27
8 percent white, 49 African-American, and 27
9 percent Hispanic.

10 Now let's take that in contrast to the
11 rest of the population of Pulaski County
12 that's staying in the second Congressional
13 district. That's 52 percent -- 52 percent
14 white, 34 percent African-American, and 7
15 percent Hispanic. To Senator Elliot's point
16 when she presented her map as well to what's
17 now two weeks ago.

18 Every other southern state has drawn
19 and every other member of the former
20 Confederacy has drawn a majority-minority
21 district in their state. We can do that.
22 We're not doing that, even though we can. And
23 we're the only former Confederate State that
24 has never sent an African-American person to
25 represent us in Congress. And not only are we

1 not doing that, we are slicing and dicing the
2 black and brown population in Pulaski County
3 into three different congressional districts.

4 Now to Senator Rapert's point -- and he
5 raised this in committee yesterday. And I
6 take him and everyone at their word that no
7 one intentionally is moving Pulaski County's
8 minority population into three different
9 Congressional districts.

10 But there is a point that intent is
11 different than impact. And this -- this is
12 what the impact is no matter what. And I want
13 to make sure everyone knows the impact of what
14 this map does before we vote on it. And when
15 I made this point in committee yesterday,
16 Senator English asked me what I think the
17 impact is. And I'm going to say the same
18 thing again here today.

19 And that is that we've heard from
20 everyone who represents a county that's been
21 split into multiple congressional districts.
22 That the smaller pieces of those counties that
23 are in a different congressional district are
24 left behind. They are separated from the
25 majority of their county so they're isolated

1 in that way. And they're a small of the
2 county isolated from the rest of the
3 congressional districts. So they are left on
4 their own to fend for themselves.

5 Now in Little Rock, I -- I believe
6 we -- we're in a great city right now. But
7 it's no accident that Little Rock was settled
8 right here. We have a -- a beautiful river
9 where the mountains meet the delta. And we
10 have a thriving urban downtown, and we have a
11 lot of assets here.

12 And we do a lot of big projects, not
13 just in Little Rock, but in Pulaski County.
14 Right now, we're renovating the Museum of
15 Fine -- Fine Arts, what use to the -- called
16 the art center. It's a -- a broad coalition
17 across the county that we're working on.
18 Whether people like it or not, the reality is
19 that the I30 Bridge is being renovated.

20 We've done Verizon Arena and Dicky
21 Stevens both on the north side of the river
22 which is a collaboration across the county.
23 We have the Little Rock Port, which is
24 responsible for billions of dollars of
25 business every year, which this map splits

1 into two different congressional districts.

2 On -- not every project that we do, but
3 a lot of projects, we work with members of
4 Congress to make sure they get done in the
5 best way possible. And when we have three
6 congressional districts, it's going to make
7 that process more complicated and more
8 cumbersome.

9 So I believe this map hurts Pulaski
10 County as a whole. But it hurts the portions
11 that are being split off into the First and
12 Fourth Congressional districts even more, and
13 all for what is the question I want to ask,
14 all for what?

15 We also know for certain that it's not
16 necessary to split any county in order to hit
17 the -- the deviation numbers that we need to
18 hit. And we had plenty amounts filed by both
19 Republican and Democratic legislators that
20 kept all 75 counties whole, that hit the
21 deviation numbers that we needed to hit in
22 order to propel -- to surpass constitutional
23 muster. And to be quite frank with you, it's
24 also totally unnecessary from a political
25 standpoint.

1 The Second Congressional District is
2 already a majority Republican Congressional
3 District and believe me, I know. And you
4 could change it and keep counties whole and
5 make it even more Republican than it is now
6 without splitting Pulaski County. So as far
7 as I can see, there is no legitimate purpose
8 to split Pulaski County, and yet that's what
9 we're doing in three different ways.

10 Now I have no idea if litigation is
11 going to be filed. My guess is that it will.
12 And the fact that we're splitting Pulaski
13 County three days is going to be Exhibit 1.
14 It was a headline in today's newspaper. And
15 it's going to be the headline in court. So
16 we're inviting trouble for what in my opinion
17 is not a legitimate reason. And -- and there
18 is a legitimate reason to be concerned on the
19 other side as I've laid out. So for these
20 reasons, I'll be voting no on this map, and
21 I'd ask you to do the same. Thank you.

22 CHAIRMAN GRIFFIN: Anyone wish to speak
23 in favor? Senator Pitsch against. Sabrina,
24 Senator Pitsch against.

25 SENATOR PITSCH: Thank you, Mr.

1 Chairman and I'm going to be very brief
2 because I've already been down here, and I
3 spoke. I had the pleasure of writing a letter
4 to 30 people today in Sebastian County, and I
5 apologized for what is occurring to their
6 county.

7 I came down here for the very first of
8 all the hearings. And a member in this body
9 told me we've decided Sebastian County needs
10 to divided. That's the only way it works.
11 And we had just heard Nelda Speaks' first map
12 that showed all 75 counties whole and the
13 deviation working. I wrote the letter today
14 to 30 people in Sebastian County that this
15 body didn't hear their message. Thank you.

16 CHAIRMAN GRIFFIN: Anyone in favor?
17 Senator Chesterfield then Senator Mark
18 Johnson.

19 SENATOR CHESTERFIELD: Mr. Chair,
20 ladies and gentlemen of the -- of the Senate.
21 It has been said that the road to hell is
22 filled with good intentions. And the people I
23 represent feel that this is a hellish map. It
24 is prejudiced, it is hyper-partisan, and it's
25 petty.

1 I know surely the fact that in the last
2 congressional race in the second congressional
3 district, a black woman launched a credible
4 race against the incumbent. And how dare she?
5 How dare the folks in my senate district to
6 support her overwhelmingly?

7 How dare they be proud to see someone
8 who looks like them, has a history like
9 theirs, vie for the one of the highest
10 positions in this country? How are they want
11 their state to join the other former
12 Confederate States in having black
13 representation? That desire and that hope is
14 being squashed here today by the map that you
15 are presenting for our consideration.

16 The State Senate District I represent
17 is being punished, punished for being majority
18 black and Hispanic, punished for being
19 Democrat -- Democratic. Republican Party is
20 the majority in every single instance in this
21 state. And yet they insist on being poor
22 winners.

23 And so we're going to make sure that
24 the Senate District that I represent in
25 Pulaski County has its voice diminished. It's

1 altogether disturbing, even more disturbing
2 that it comes from a member of the Pulaski
3 County delegation, a person who represents a
4 district that adjoins mine. Her district is
5 majority white, and mine is majority black.
6 Hers is majority Republican, and mine is
7 majority Democrat.

8 Having grown up in this state, I have
9 stopped being surprised by the way people of
10 color are treated. But I can still be
11 disappointed. I would ask that you not vote
12 for a map that is prejudiced, hyper-partisan,
13 and petty.

14 CHAIRMAN GRIFFIN: In favor of the
15 bill, anyone? Senator Mark Johnson against.
16 Senator Johnson.

17 MR. M. JOHNSON: Thank you, Mr.
18 President. I find myself agreeing and
19 disagreeing with my Democrat colleagues. I
20 don't believe this is about race. I think
21 it's absolutely about politics, just like ten
22 years ago when former Representative Hall
23 created what became known as the Fayetteville
24 Finger. It wasn't about anything, but he or
25 someone like him from Southeast Arkansas could

1 maybe get to Congress if they could go up in
2 there to Washington County and pick out the
3 Democrats, you know, around the University of
4 Arkansas at Fayetteville. I don't see any
5 other real thing. This is about politics, and
6 the courts have ruled carefully that
7 redistricting is a political thing.

8 Now, I agree with my friend Senator
9 Tucker when he talked about how this could be
10 done without splitting counties. I believe --
11 I believe our secretary told me that my bill
12 was the first senate bill filed on
13 redistricting.

14 And I did it with two things in mind to
15 try to correct some of the atrocities of the
16 2011, and to keep all counties whole. And the
17 first thing I did, and I talked to Senator
18 Pitsch about this is I -- I made Sebastian
19 County whole. But I put it in the Fourth
20 District because I saw that as something that
21 was inevitable given the patterns of
22 population change that we've all seen. They
23 didn't want that. They really wanted to be in
24 the Third. And I get all this. We all have
25 our preferences. I -- I didn't want to split

1 any counties and I didn't -- I wanted to keep
2 it as close to what we have, and -- and our
3 traditions as possible.

4 But I think it's important that we keep
5 counties together. Counties matter. Pulaski
6 County matters as a county, not just as a
7 bunch of people, or some Democrats over here
8 and some Republicans over here. And this is a
9 black area and this is a white area. And I
10 don't think that's as relevant as this Pulaski
11 County. And I appreciate what Senator Pitsch
12 has tried to do to keep Sebastian County
13 whole.

14 This is difficult. And I want to thank
15 our chairman and members of state agencies for
16 the tremendous job that y'all have done with
17 this. And I -- I -- I think we can all agree
18 that maybe for the -- in the next ten years,
19 the Senate and the House can come up with
20 maybe a little bit more efficient process to
21 get this.

22 But let's -- let's not forget how we
23 got sitting here on the 6th day of October
24 doing this is because of politics. Because
25 the current administration in Washington held

1 back the data we needed to complete our job in
2 regular order in the spring and have time
3 while we were here working on other matters to
4 deliberate properly and do that. That's
5 politics.

6 You're not going to change the party in
7 any of the four seats in the State of Arkansas
8 by most prognostications. But maybe somewhere
9 else they could. And that's politics. So
10 let's recognize it for what it is, and
11 acknowledge why we're standing here in October
12 doing this.

13 I want us to come out of here with a
14 bill. And this may very well be the best
15 thing we can do. We have to come out of here
16 with something. And, you know, I don't want
17 the perfect to be the enemy of the good.
18 However, I just can't in good conscience vote
19 to split any county, and I certainly in good
20 conscience can't vote to split my own
21 counties.

22 So I appreciate it if we could -- would
23 fall back and regroup, and defeat this bill,
24 and move to the next possibility, which can be
25 done. But in any of that, I do want to close

1 with my gratitude to how hard everyone has
2 worked and sincerely tried to come up with
3 something that would help Arkansas.

4 I wanted to say this: If this passes
5 to my friends in Pulaski County that might
6 find themselves instead of Represented
7 Congressman Hill, represented by Congressman
8 Westerman, or Congressman Crawford, or anyone
9 else. I know that they won't forget you and
10 they'll a good job for you. But it does,
11 counties matter, and I think we need to in the
12 future try, to the extent that we can, to keep
13 counties together. Thank you, Mr. President.

14 CHAIRMAN GRIFFIN: Thank you, senator.
15 Anybody in favor? Any against? Senator,
16 ready to close.

17 SENATOR ENGLISH: Yes. I'm ready to
18 close for my bill.

19 CHAIRMAN GRIFFIN: Okay. Madam
20 Secretary, please count the roll.

21 MADAM SECRETARY: Okay, pairs of desk.
22 Senator Starch, yes, Senator Pitsch, no,
23 Senator Garner, yes, and Senator Tucker, no.

24 MADAM SECRETARY: You ready?

25 MADAM SECRETARY: Ballinger?

1 Ballinger? Beckham? Beckham? Bledsoe?

2 Bledsoe? Caldwell?

3 SENATOR CALDWELL: Aye.

4 MADAM SECRETARY: Chesterfield?

5 SENATOR CHESTERFIELD: No.

6 MADAM SECRETARY: Clark? Clark?

7 Davis? Davis? Dismang?

8 SENATOR DISMANG: Aye.

9 MADAM SECRETARY: Eads?

10 SENATOR EADS: Aye.

11 MADAM SECRETARY: Elliott?

12 SENATOR ELLIOTT: No.

13 MADAM SECRETARY: English?

14 SENATOR ENGLISH: Aye.

15 MADAM SECRETARY: Flippo?

16 SENATOR FLIPPO: Aye.

17 MADAM SECRETARY: Flowers? Flowers?

18 Garner?

19 SENATOR GARNER: Aye.

20 MADAM SECRETARY: Gilmore?

21 SENATOR GILMORE: Yes.

22 MADAM SECRETARY: Hammer?

23 SENATOR HAMMER: Yes.

24 MADAM SECRETARY: Hendren?

25 SENATOR HENDREN: Yes.

1 MADAM SECRETARY: Hester?
2 SENATOR HESTER: Yes.
3 MADAM SECRETARY: Hickey?
4 SENATOR HICKEY: Aye.
5 MADAM SECRETARY: Hill?
6 SENATOR HILL: Yes.
7 MADAM SECRETARY: Ingram?
8 SENATOR INGRAM: No.
9 MADAM SECRETARY: Irvin? Irvin? Blake
10 Johnson?
11 SENATOR B. JOHNSON: Aye.
12 MADAM SECRETARY: Mark Johnson?
13 SENATOR M. JOHNSON: No.
14 MADAM SECRETARY: Leding?
15 SENATOR LEDING: No.
16 MADAM SECRETARY: Pitsch?
17 MADAM SECRETARY: No.
18 MADAM SECRETARY: He's no. Rapert?
19 Rapert?
20 Rice? Rice? Sample?
21 SENATOR SAMPLE: Aye.
22 MADAM SECRETARY: Stubblefield?
23 Stubblefield? Sturch? Yes. Sullivan?
24 Sullivan? Teague? Teague? Tucker? No.
25 Wallace?

1 SENATOR WALLACE: Aye.

2 CHAIRMAN GRIFFIN: Anyone wish to vote
3 or change the vote, up here. Over here. Cast
4 of the ballot. 16 yeas, 8 nays. The bill
5 fails.

6 Any items at the desk? Any
7 announcements? Senator Hickey?

8 SENATOR HICKEY: Yes, sir. I'd like
9 first to come back at 2 o'clock today.

10 CHAIRMAN GRIFFIN: Okay. Any other
11 announcement? So, okay. One -- one second.
12 Senator English? Senator English?

13 SENATOR ENGLISH: I'd like to move --
14 move to expunge the vote.

15 CHAIRMAN GRIFFIN: Okay. We've got a
16 motion to expunge the vote by which SB743 just
17 failed. Any questions on the motion?
18 Anything anyone wants to say on the motion?
19 This requires 24 votes. All those in favor,
20 say aye?

21 MULTIPLE VOICES: Aye.

22 CHAIRMAN GRIFFIN: Opposed?

23 MULTIPLE VOICES: No.

24 CHAIRMAN GRIFFIN: The ayes have it.
25 The motion is carried. Senator Hammer?

1 SENATOR HAMMER: I have a motion.

2 CHAIRMAN GRIFFIN: Senator Hammer has a
3 motion.

4 SENATOR HAMMER: I'd like to make a
5 motion recall House Bill 1977 that was sent --
6 transmitted to the House earlier, please?

7 CHAIRMAN GRIFFIN: Okay. One second.

8 (End of Video Recording.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

I, Wendy Sawyer, do hereby certify that I was authorized to and transcribed the foregoing recorded proceedings and that the transcript is a true record, to the best of my ability.

DATED this 12th day of August, 2022.



WENDY SAWYER, CDLT