

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

CHRISTIAN MINISTERIAL ALLIANCE, *et al.*,

PLAINTIFFS,

v. Case No. 4:23-cv-00471-DPM-DRS-JM (three-judge court)

JOHN THURSTON,

DEFENDANT.

SECRETARY THURSTON’S LOCAL RULE 56.1 STATEMENT OF UNDISPUTED MATERIAL FACTS

In support of Defendant Secretary Thurston’s motion for summary judgment, which is being contemporaneously filed, he submits the following “short and concise statement of the material facts as to which [he] contends there is no genuine dispute to be tried.” Local R. 56.1(a).

1. After the 2020 Census, Arkansas’s population shifted unevenly between congressional districts. (Bryan Rep. 30.)
2. Due to this population change, the General Assembly had to enact a new congressional map to adhere to the one-person, one-vote requirement. (Cooper Dep. 100:2-11).
3. The ideal population for each congressional district after the 2020 Census was 752,881. (Bryan Rep. 28.)
4. After the 2020 Census, District 1 (“D1”) was underpopulated by 36,493; D2 was overpopulated by 16,510; D3 was overpopulated by 86,266; and D4 was underpopulated by 66,283 relative to the ideal population for each district. (Bryan Rep. 28-29.)
5. The 2011 Plan split four counties; the Enacted plan splits only two. (Cooper Rep. 36.)
6. Former Senator Jason Rapert, Chair of the Senate State Agencies Committee, testified that the desire to split fewer counties than the 2011 plan drove the three-way split of Pulaski County. (Rapert Dep. 20:20-24.)

7. According to Sen. Rapert, Pulaski County was “the logical and easiest place to get” the necessary “population separated where it’s manageable” because “the boundaries of three congressional districts clearly met around Pulaski County and [it] being the most populous county in the state[.]” (Rapert Dep. 20:202-24.)

8. To Sen. Rapert’s knowledge, race was not a consideration in the drawing of the Enacted Plan. (Rapert Dep. 12:25-13:1.)

9. Sen. Rapert recalled “tons of people” using Dave’s Redistricting website to pull up partisan data during the districting process. (Rapert Dep. 24:11-14.)

10. Every Republican legislator who spoke on the topic of race during the districting process denied that race was or should be a consideration. (Burch. Rep. 42; 48-89.)

11. Several Republican legislators discussed partisan considerations during the districting process. (Burch Rep. 51053.)

12. The Enacted Plan splits just one more municipality than the 2011 Plan. (Cooper Rep. 36.)

13. The Enacted Plan splits fewer school districts than the 2011 Plan. (Cooper Rep. 36.)

14. The Enacted Plan is more compact than the 2011 Plan. (Cooper Rep. 36.)

15. The Enacted Plan has a core retention of over 92%. (Cooper Rep. ¶ 63.)

16. The Enacted Plan has improved partisan outcomes for the Republican Party compared to the 2011 Plan. (Cooper Rep. ¶ 64)

17. The Enacted Plan does not pair incumbents. (Cooper Rep. ¶ 63.)

18. The 2011 Plan’s D2 Black Voting Age Population (“BVAP”) under the 2020 Census figures is 22.64%, compared with the Enacted Plan’s 20.33%. (Cooper Rep. 36.)

19. Alternative Plan 1 has a BVAP of 23.15% in D2.
20. Alternative Plan 1 does not give the same level of partisan advantage to Republicans as the Enacted Plan. (Bryan Reb. Rep. 30.)
21. The Enacted Plan has a higher core retention than Alternative Plan 1. (Cooper Rep. 40.)
22. Alternative Plan 1 moves over twice as much of the Any Part Black (“APB”) population from their previous district as the Enacted Plan. (Bryan Reb. Rep. 28.)
23. Alternative Plan 2 has a BVAP of 22.26% in D2. (Cooper Rep. ¶ 42.)
24. Alternative Plan 2 does not give the same level of partisan advantages to Republicans as the Enacted Plan. (Cooper Rep. 43.)
25. The Enacted Plan has a higher core retention than Alternative Plan 2. (Cooper Rep. 42.)
26. Alternative Plan 2 moves over three times as much of the APB population from their previous district as the Enacted Plan. (Bryan Reb. Rep. 28.)
27. Alternative Plan 3 has a BVAP of 20.33%.
28. Alternative Plan 3 matches or exceeds the partisan performance for Republicans as compared to the Enacted Plan. (Cooper Reb. Rep. 9.)
29. The Enacted Plan has a higher core retention than Alternative Plan 3. (Cooper Reb. Rep. 9.)
30. Alternative Plan 3 moves over four-and-a-half times as much of the APB population from their previous district as the Enacted Plan.

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