# EXHIBIT 3

BOARD OF APPORTIONMENT PUBLIC HEARING

MONTICELLO, ARKANSAS

July 29, 2021

(Recording Begins)

JUSTICE DICKEY: My name is Betty Dickey and I am the coordinator for the Board of Apportionment.

Thank you to Jeff Weaver and Monticello UAM for helping us prepare for this. We appreciate your help.

The men who are with me, I want to introduce to you, from the governor's office, Andres Rhodes, on my right. From the secretary of state's office, Kevin Niehaus. From the AG's office, Brad Nye and Doug House. And with me is the head of GIS, that's Geographic Information Systems, Shelby Johnson; and, with him, are Jonathan Durand and Thomas Melton.

These men are the -- the brains behind the redistricting. They're bright, dedicated, hard working, committed to transparency and fairness in this effort that takes place every ten years, based on our Constitution.

We are six months behind in our work because we don't have the census information yet. We have a prognosis, that's -- they -- 2019 map that was put out by the American Community System, which is what our, one of the

maps that we have here tonight, is predicated upon.

The map, the data in its interpretive form will be sent to us by the Census Bureau on September -- on or before September the 30th. And then the maps will be drawn, you know, we will have a basis.

The purpose tonight is to get your input before we draw the maps. Your comments, your suggestions, your criticisms. PBS and Marty Ryall are live-streaming this as well as videoing it for your comments.

You have comment forms that we ask you to fill out with your suggestions.

The -- the legal basis under which we operate is Article Eight of our Constitution, the Voter's Rights Amendment of 1965 is amended in the Equal Protection Clause of the 14th Amendment.

We have -- in front of me is a list of our criteria, our goals, which we strive to meet, but we are not perfect. And there may be some situations that are unavoidable.

The first of the criteria is based on the Equal Protection Clause of the 14th Amendment;

and that is one person, one vote, or that, every ten years, there has to be a redrawing of the boundaries to -- based on each district being equal or substantially equal in population.

That's five percent plus or minus. With the one hundred house seats, that means it will be about 30,000 per district. And as you have -- if you've looked at one of the maps that Shelby's going to talk to you about, some of those positions are way over 30,000 in population.

We say they're illegal, not -- that's not a reference to your representative. That's a reference to the population amount in that district, if I can get that straight.

The 35 Senate seats will be about 86,000 persons per district.

Section Two, the second of the criteria of the Voter's Rights Amendment of 1965 prohibits discrimination based on race, color, or language minority.

And, number three, the Equal Protection Clause of the 14th Amendment, limits redrawing districts bound -- district boundaries strictly

on the basis of race. So there's a balance there.

The next four are geographic principles; compactness, that's the eyeball test, that it's round or square, not that it's gerrymandered or dummy-mandered or whatever.

In 1812, Governor Gerry of Massachusetts drew an area around Boston that looked like a salamander, hence the word gerrymandering or a weird pronunciation, Gerrymandering, based on this man.

Contiguous is another of the goals; and that is that a common border or no islands, no partial districts, that are separated from others.

The core of existing districts, we strive to keep the counties whole, the cities whole, precincts. That's the goal. Minimizing the splitting of political subdivisions, that is our goal. We won't achieve that in some cases.

Communities of interest, commonalities of economic, social, political, cultural, ethnic or religious interest, you can help there, as far as your suggestions, as well as the other criteria.

Continuity of representation, it may seem unusual that we try to avoid making incumbents run against each other, but these incumbents were elected. That is the will of the voters and we strive to recognize, appreciate, and try to avoid, as I said, making incumbents run against each other.

Minimizing partisanship, no targeting or giving preferential treatment to one of the two or three parties, if we have three.

You can look at past maps from ten years and further ago and see strange drawings where someone has drawn in or out of the district little fingers or abrupt lines to draw someone in or out, we strive not to do that, to be fair and impartial.

If there is a lawsuit involving that, it will go, at this time, or from now on, to state court instead of federal court. That's the Rucho Decision.

I want Shelby to further explain some of the maps and then we'll open this for questions or comments, if you have any. Thank you.

MR. JOHNSON: Thank you, Justice Dickey. Good Evening.

My name again is Shelby Johnson and I am in the Arkansas Geographic Information Systems Office, and we provide technical support to the Board of Apportionment and assist them with some of the data.

And so, for this evening, what I wanted to do was to share some of the information that we do have available.

And the first map that you see on the screen here shows our state's population change over the last nine years for the period from 2010 to 2019.

The information that this is built on is from the Census Bureau and it's an annual estimate that they produce at the county level and it does a decent job of helping us predict trends. Demographers use this to do all sorts of other analysis.

But, for us and for this particular work for the Board, it helps to highlight parts of Arkansas where our population has shifted or our population has changed. Some of our population has stayed relatively steady.

The information that comes out, comes out each year. It is based on an estimate and that

estimate is a combination of mortality from each year, statistics such as births and deaths that are fed to the Census Bureau, and then they use some other forecasting methods to arrive at these estimates.

The estimates are not perfect but they are in the ballpark; and so that is, at this time, all that we're able to leverage and take advantage of.

So you can see, in this corner of Arkansas, here, specifically in Drew County, across the nine-year period, the county has seen a little population decline over the nine years, but that population decline isn't quite dramatic.

If you look further to the south or to the east, Chicot County or Ashley County, where we have seen some more dramatic decline in terms of population.

And it shouldn't come as any surprise, but population follows jobs; and so we have seen a migration and a shifting of population in Arkansas to where the economic opportunities are more available.

And then, in some places, we just have

what we would characterize as migration into the state.

The next map that we'd like to take a look at is going on to using the same data to then run some analysis that looks at the variances of the -- well look -- can you move it to the house, the estimated house variance slide, please? Perfect. Thank you, sir.

So what we've done or what we were able to do is to look at the population estimates from the 2019 and to cast those onto the current districts here in Arkansas.

And I want to kind of take a couple of minutes and just describe the colors. So if you see the colors that are in shades of red, that illustrates a district that its population is too low.

It suggests to us that we need to make that district larger to reach out and grab additional population so that it can become more equal.

The lighter shades of red are still a little bit low but not as excessive as the darkest colors. And then, trending down to the lighter colors, those districts are closer to

where they're equal but not necessarily perfect.

Then the map transitions into shades of white and then shades of blue. And, as you graduate up the scale, the darkest blue colors are suggestive of districts where there is too much population.

That population is not equal; and, therefore, that's an example where the district has to shrink in size in order for other districts that are smaller in population to -- to gain population and to become equal.

Here in southeast Arkansas, just to give you some numbers, for example, House District 11, currently, we estimate that House District 11 needs to gain 4,300 in population.

Next to it is House District Nine. House District Nine needs to gain 1,900 in order to become more equal with its neighbors.

If you contrast that with, for example, House District 23 in Saline County which is just outside of the Little Rock area, that house district currently has 3,400 population above what would be the ideal amount.

So these give you a notion of where the

district -- the house districts in Arkansas must grow or must shrink in order to become more equal.

The next map we'll look at is the Senate map and it's similar in nature. And I'll walk you through just a few of those numbers.

And, on those numbers, here in Senate District 26 -- would you be able to move that to the Senate map, please? Thank you very much.

Senate District 26, which is where we are currently, Justice Dickey mentioned the Senate districts are larger in Arkansas, in terms of population, due to the makeup of the Senate being 35 members. So our state population is divided by 35; and then that number would be the ideal number for a target district.

Under these estimates, that would be about a little over 85,000. And Senate District 26, right now, is about 8,561 below that target.

Senate District 25, just a little north of us here, needs to grow the most in terms of our Senate Districts. It needs to grow by 12,000 population.

So, when we look at the trends here in

this corner of our state, we see the districts are going to become larger in geographic size in order to become more equal in population.

When you contrast that, for example, with Senate District One in northwest Arkansas, that district is 27,000 above the target, so it is -- it has got too much population in it and it must become smaller in order for its neighbors around it to become more equal in terms of population and, as a result, representation.

Our timeline or our expectation from the U.S. Census Bureau is that the -- what the format they call Legacy Data is going to be released on about the second week of August. It will take probably a week to ten days for that information to be processed into a form where the Board can use it, and then the Board can begin doing its work with the 2020 population data.

So that's just a little bit about the maps that we have for you today. Along each side of the front here are the specific House and Senate and then we have detailed charts that illustrate those numbers based on the analysis that we've run and we would invite you to take

a look at those when your time permits to see those numbers and see how those districts may change.

And I'll turn it back to Justice Dickey.

JUSTICE DICKEY: Thank you, Shelby.

And now we're here to hear your comments and suggestions.

We have a microphone, we have two microphones, so if you'll raise your hand, the men with the microphones will bring that to you.

If you will, state your name and, if you know, what district, and I assume you know what county you live it, will you please state that.

Any questions? Comments? Suggestions? If you'll stand up. It's hard to see out there. Do you -- are there --

(Indiscernible Crosstalk)

JUSTICE DICKEY: All right.

COREY BREEVE: I'm Corey Breeve from Warren, Bradley County.

I know y'all are talking about the state legislative House and Senate and all that redistricting. But will it also be required of all the cities and the counties -- they will

have to go through their own process of redistricting for wards, or JP Districts, or you know, whatever the case may be? Is that correct?

JUSTICE DICKEY: That's correct.

Shelby, do you want to -- Shelby has been talking to the county judges and county clerks about that.

And the answer is, yes. Which is why, to the extent that we can avoid splitting many counties, it makes -- and precincts, it'll make the county clerks jobs a lot easier.

And, you know, they're in a time crunch much greater than we are.

Other questions or comments about the maps?

BENNY RAVORD: Yes. Benny Ravord, Drew County. I'd like to see Bradley (inaudible).

JUSTICE DICKEY: The comment, Benny, is you'd like to see -- it's hard to hear also up here. It's hard for me.

BENNY RAVORD: I said all of Bradley and Drew County. District Eight.

JUSTICE DICKEY: All right.

BENNY RAVORD: (Inaudible.)

JUSTICE DICKEY: Okay. Benny and -- well, for the rest of you, you know that the website, the Secretary of State's website, will also take -- and it's ArkansasRedistricting.org is that website.

And we ask you either to fill out these comments that are provided to you or register that online. That's very helpful to us, as far as how we draw the lines. So please register it either here tonight or online.

Other comments, questions, suggestions? This is the first of what we hope will be eight meetings throughout the state, depending on the pandemic of the unvaccinated.

And we appreciate your masking and social distancing tonight.

If you have other comments, either give them to us tonight or register.

Anything else?

We appreciate Monticello, Jeff Weaver, and the people who have helped him and appreciate your attendance. Thank you.

(End of Recording)

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1 **C E R T I F I C A T E**

2 STATE OF ARKANSAS )
)
3 COUNTY OF PULASKI )

4 I, CRIS M. BRASUELL, Certified Court Reporter and Notary Public do hereby certify the proceedings which
5 appear in the foregoing pages contain a true and correct record of the testimony given by said witness held to the
6 best of my ability, along with all items of evidence admitted hereto.
7
I FURTHER CERTIFY, that I am not a relative or
8 employee of any attorney or employed by the parties hereto, nor financially interested or otherwise, in the
9 outcome of this action, and that I have no contract with any parties within this action that effects or has a
10 substantial tendency to affect impartiality, that requires me to relinquish control of an original
11 transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or
12 that requires me to provide any service not made available to all parties in the action.
13

14 WITNESS MY HAND AND SEAL this 4th day of October,

15 2021.

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18 Cris M. Brasuell
CRIS M. BRASUELL, CCR
19 Arkansas State Supreme Court
Certified Court Reporter No. 742
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22 My Commission Expires:
August 16, 2031
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