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

JACKIE WILLIAMS SIMPSON, REPRESENTATIVE DENISE ENNETT, WANDA KING, CHARLES E. BOLDEN, SENATOR LINDA CHESTERFIELD, And DR. ANIKA WHITFIELD **Plaintiffs,** **v.** **JOHN THURSTON, in his official capacity as the Arkansas Secretary of State, and the STATE OF ARKANSAS** **Defendants.**	**CIVIL ACTION** **Case No: 4:22-cv-213** **REQUEST FOR THREE-JUDGE PANEL** **(28 U.S.C. §2284)**

FIRST AMENDED COMPLAINT

Introduction

1. This is an Amended Complaint challenging two identical Congressional redistricting acts (Acts 1114 and 1116 of the 93rd General Assembly of Arkansas, herein, ñthe 2021 Reapportionment Actsò, or simply ñThe Actsò) adopted by the Arkansas General Assembly (ñthe Legislatureò) in October 2021, asserting that those Acts violated Federal and State constitutional provisions and Section 2 of the Federal Voting Rights Act by dividing a largely Black and Hispanic community in

In fact, according to the census data, the precincts that this map moves to the First and Fourth districts are 65% and 70% nonwhite respectively. This means that neighbors, churchgoers, classmates and coworkers living in the same communities are going to have completely different representation. I live in Blytheville, Mississippi County. I can tell you we don't need the same things that people in Rose City do. This map completely ignores their needs.

That part of Pulaski County has its own judicial subdistrict because of the racial makeup of those precincts. This is so they will have fair and diverse representation on the bench. This map will do the exact opposite. It will dilute and diminish their representation. é

Any partisan advantage you gain by this map is worth little compared with the negative effects that this will have on the black communities in Pulaski County. So ask yourself, is it worth it to have a little partisan gain at the sake of those communities? Is it worth it to deafen the voice of the people who look like me? I will be voting no. I believe we can do better. I ask you to vote no as well. Thank you.

Rep. Nicole Clowney: We had a colleague earlier stand up here and say that he was tired of racism being injectedð allegations of racismð being injected into this debate. I actually hadn't heard anybody make allegations of racism. I heard us talking about race, so I do just want to talk about race very quickly as it pertains to this bill.

There are two slices of Pulaski County that are being discussed as being kind of carved out, one to the First and one to the Fourth. Those districts are 65% nonwhite and 70% nonwhite, respectively. Representative Tollett stood down here and talked about the importance of keeping row-crop farmers together, condensing their political power. Representative Pilkington did the same thing. That is what we all do.

We want folks who have the same interests to be kept together. I am sorry that conversations about race may feel inconvenient to some

members of this body, but I guarantee you that the impacts of race and racism are even worse for our colleagues of color, who are telling us quite clearly not what the intent of this bill is but rather what it does I would ask you to consider that and vote no.

Rep. Tippi McCullough: None of us wanted our county split up. I think we're better than this. None of us want our city split up. I think we did have maps and I think we could have maps that achieve all of those goals, that work out for the best for all of us.

I think there was mention made of Pulaski County people maybe not showing up at these meetings or emailing or whatever. It's been hard enough for *us* to follow the calendar and to be up here and to break for 30 minutes, and *then it not being posted online in time for anybody to get here*. To try to get somebody to get here is nearly impossible, especially people who have families and who are working and trying to live their lives and trusting us with those matters.

I also could not sit in my seat today and listen to anyone accuse my friends and my colleagues ² your colleagues ² of cheap political tricks and to dismiss their perspectives and their lived experiences. It is ridiculous. Often when we hear that something's not about race, *it's about race*. I just suggest that we listen to the folks who know what they're talking about. Thank you.

House of Representatives General Session - October 7, 2021

Rep. Fred Love: I got up to speak against the bill yesterday in regards to its impact. I was very intentional in my comments because, as the day went on, race was talked about. When we have conversations on race as I said, they were going to be sensitive, and here we were discussing race. We said, you know, people said people were racist, and people said this. *Nobody said any of those things*. This map adversely impacts African Americans.

Now, I did not know that my house was drawn into the Fourth Congressional District. *If we were talking about communities that have likenesses and share likenesses, parts of Little Rock do not belong in the Fourth Congressional District*. The interests are totally different.

If there is conversation in regards to race in Little Rock, south of [Interstate] 630 does mean that race comes into play. For those who don't know about how 630 was constructed, it did actually go straight through the African-American business district, destroying, in essence, the African-American business district. So anybody who knows anything about the sensitivity of race, Interstate 630 is actually that line of demarcation. Now, as I said, that doesn't go to me saying what the intent of this map is, but the *impac*t of this map is that it's going to disenfranchise African-American communities. Period! I did not say, Mrs. Speaks, just because you proposed this map that you are a racist. I did not say that. But I want you to go to the impact of this map. So when we discuss racial, let's not interject these different feelings, because it's all about the impact of things that can R F F X U « It's going to disenfranchise African-American communities, regardless of their intent. That's why I stand here and ask you to vote against this map. It is going to disenfranchise ² not the intent. So I wanted to make that clear. Thank you.

Senate General Session - October 7, 2021

Sen. Joyce Elliott (Pulaski County): [W]e've heard a great deal about é the issue of race. People who are listening and people in this body need to be very, very clear that just as we deliberately deliberately as we shou² consider the other criteria, we absolutely can and should do consider race as a part of what we're doing

To say things like ñI don't see race and we didn't consider raceò is against everything that we are allowed to do, according to the courts. So that comes down to a choice, because in the map that we have

we've made a choice to crack. We're not supposed to pack these districts, and we're not supposed to crack these districts when it comes to minority groups. (underlining added)

This map does absolutely what it is not supposed to do. It doesn't PHDQ WKDW \RX VDW WKHUH DQG VDLG ³:HOO $PHULFDQ IRONV DQG WDNH WKHP RXW ´ <RX G as has been pointed out so many times as the impact of what you do

But we absolutely can and should think about these districts the way ten other Southern states that were part of the Confederacyð ten other Southern statesð have done exactly what we get all flummoxed about, even thinking about, doing. That is to draw a district that would include a possibility and, an opportunity to put minority groups together that they might have an opportunity to elect somebody the way the other ten Confederate states have done, who represents large portions of the minority in this state.

)RU XV WR FRQWLQXH WR KLGH EHKLQG WKH JX about racial impact? , GRQ W NQRZ DQ\WKLQJ DERXW LW GRQ W ZDQW WR GHDO ZLWK LW. It's not racism to ask us to think about this. The courts have deliberately said that we can and we should. I want you to understand that. However you vote is how you vote, but I do not want this notion to continue that we don't have the right to do this. We have been very clear and very comfortable about considering every other criteria. This is one of them. Thank you.

Sen. Clarke Tucker (Pulaski County): [T]he way this bill has been presented in committee and on the floor is that the First District had lost population and the Second District had gained population. Then why would it make sense to take an entire county, Cleburne County, out of the First District and put it into the Second District?

The answer seems fairly obvious to me, and that's to account for the portion of Pulaski County that's being moved from the Second District

into the First District and, of course, we know that a portion of Pulaski County is also being moved from the Second into the Fourth. I want to talk for a moment just about exactly who this map moves from the Second to the First and from the Second to the Fourth.

First of all, Precinct 54 is being moved from the Second to the First. That's a part of North Little Rock, so this map does split the city of North Little Rock into two congressional districts. Second of all, Precincts 103 and 124 in Pulaski County are part of the city of Little Rock, and they're being moved to the Fourth Congressional District, so this map does split the city of Little Rock into two congressional districts in addition to splitting Pulaski County three ways.

The population that's being moved from Pulaski County to the First District is 34 % white, 58 % African American and 4 % Hispanic. Of the population that's being moved from Pulaski County to the Fourth, 27 % is white, 49 % is African American and 27 % is Hispanic. Now let's contrast that to the rest of the population of Pulaski County that's staying in the second Congressional District. That's 52 % white, 34 % African American and 7 % Hispanic.
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They're separated from the majority of their county. They're isolated in that way. They're a small piece of the county isolated from the rest of the congressional district, so they're left on their own to fend for themselves. é Not every project that we do, but on a lot of projects we work with members of Congress to make sure that they get done in the best way possible. When we have three congressional districts, it's going to make that process more complicated and more cumbersome.

So I believe this map hurts Pulaski County as a whole, but it hurts even more the portions that are being split off into the First and Fourth congressional districts. And all for what?

Sen. Linda Chesterfield (Pulaski County) [a Plaintiff herein]: Mr. Chair, ladies and gentlemen of the Senate. It has been said that the

> road to hell is filled with good intentions. The people I represent feel that this is a hellish map. It is prejudiced. It is hyperpartisan, and it's petty.
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> I know surely the fact that in the last congressional race in the Second Congressional District a black woman launched a credible race against the incumbent. How dare she? How dare the folks in my Senate district support her overwhelmingly. How dare they be proud to see someone who looks like them and has a history like theirs vie for one of the highest positions in this country. How dare they want their state to join the other former Confederate states in having black representation. That desire and that hope is being squashed here today by the map that you are presenting for our consideration. The state Senate district I represent is being punished punished for being majority black and Hispanic, punished for being Democratic. The Republican Party is the majority in every single instance in this state, yet they insist on being poor winners. ñSo we're going to make sure that the Senate district I represent in Pulaski County has its voice diminished.ò
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> Having grown up in this state, I have stopped being surprised by the way people of color are treated. But I can still be disappointed. I would ask that you not vote for a map that is prejudiced, hyperpartisan and petty.

66. The Bills approved by both houses of the legislature were still being corrected while they were being adopted on Wednesday by both houses, and also while many legislators, Republicans and Democrats, were still trying to determine what the bills did. Each house adopted the otherôs bill Thursday and sent it to Governor Asa Hutchinson, who refused to sign either of them. His comments, and those of Little Rock Mayor Frank Scott, Jr., are quoted herein.

67. As a complicating factor, the census numbers used in preparing the redistricting in Acts 1114 and 1116 were far off base. On May 19, 2022, the Bureau of the Census announced that an analysis of the census showed that eight states had significant undercounts. Arkansas had the highest undercount at 5.04 percent. The Bureau said its analysis had no way of determining which parts of a state had undercounts or overcounts or what ethnic or racial populations were undercounted.

68. Based on the historical difficulties of counting minorities in census, it is a certainty that the minority portions of the population were those undercounted. This undercounting undermines the factual and legal justifications for the Legislatureôs expressed priority to comply with :HVEHUU\ Y mandate for 6DQGHUV ¶ tight population parity to the sacrifice of minority voting rights and protection.

69. There are legislators and others in positions of authority who will freely engage in ñcrackingò or ñpackingò racial groups into limited geographical areas, but very few of them are willing to admit that racial voter discrimination is their motivation or a tool to achieve political goals. In fact, they go to great effort to conceal that motivation. No rationale or explanation was offered by the sponsors of HB 1982 and SB 743 for the ñcarving outò of the areas of eastern and southern Pulaski County into Congressional Districts One and Four, respectively, other than it was claimed to be necessary to achieve numerical equality between the Districts.

However, other Plans and maps were proposed that achieved that purpose equally as well or better than HB 1982 and SB 743 without splitting the heavily Black populated areas of Congressional District Two.

70. The majority-Black communities that were ñcrackedò by the Arkansas Reapportionment Law of 2021 can be preserved and allow Black voters to have the opportunity to elect candidates of their choice, and yet allow the State to achieve balanced, proportional congressional districts without dividing such community into three Congressional Districts. Attached as exhibits to this Complaint are the following bills that were introduced in the redistricting session of the General Assembly in 2021, but not considered, that would achieve equal or better equalization of population in the respective districts, but not require the ñcrackingò of Pulaski County:

SB 720 by Senator Mark Johnson **(Exhibit No. 5)**;

SB 727 by Senators Clarke Tucker, Joyce Elliott and Linda Chesterfield **(Exhibit No. 6)**;

HB 728 by Senators Joyce Elliott, Linda Chesterfield, Clarke Tucker and Keith Ingram and Representatives Tippi McCullough, Jamie Scott, Denise Ennett and Trent Garner **(Exhibit No. 7)**;

HB 1966 by Representative Stephen Meeks **(Exhibit No. 8)**;

HB 1968 by Representative David Whitaker **(Exhibit No. 9)**;

HB 1978 by Representative Fred Love **(Exhibit No. 10)**;

HB 1980 by Representatives Vivian Flowers, Reginald Murdock and Monte Hodges **(Exhibit No. 11)**.

Other plans can also be devised to achieve numerical equality without breaking up the Second Congressional District as did The Acts.

71. Although none of the Bills or plans introduced into the 2021 reapportionment session produce a majority minority district where Blacks would be assured of a member of Congress of their race, all except the Acts adopted by the Legislature would give them the promise of electing a congressman of their choice in the foreseeable future. Recent elections, including those in the Second Congressional District, suggest strongly that many Whites will support and vote for a Black candidate, and a racial majority is not required for that to happen.

72. This Court and many others, including the Supreme Court, have recognized that, in reapportionment cases where racial discrimination is practiced, there are few ñsmoking gunsò in the form of written or oral statements by the sponsors of racial gerrymandering admitting that they intend to discriminate. Those whose voting rights and opportunities are impinged upon are left to show intent by circumstantial evidence, such as showing the impact of the gerrymandering and the lack of rationale to support it. In this case, even without the benefit of what discovery might produce, there is evidence showing strong racial bias in the gerrymandering of a large Black voting block that was in the Second District, and that was perceived as a threat to the continued reelection of a white incumbent

congressman. As John Locke observed: ñThe actions of men are the best interpreters of their thoughts.ò

73. This allegation is supported by the words of two political leaders who are very familiar with Arkansas voting laws and practices. When The Bills reached the desk of Governor Asa Hutchinson, he announced that he refused to sign either Bill into law because he had serious reservations that the changes in the districts made in the Bills violated minority voting rights, stating on October 13, 2021:

> I am concerned about the impact of the redistricting plan on minority populations. While the percentage of minority populations for three of the four congressional districts do not differ that much from the current percentages, the removal of minority areas in Pulaski County into two different congressional districts does raise concerns.

74. Governor Hutchinson recalled that, in 1990, he represented the NAACP in challenging that yearôs Congressional redistricting plan. Although he was not successful in doing so, he said that he ñlearned from that experience the real concern of the minority population about their equal opportunity to have an effective voice in Congressional elections,ò adding, ñFair and equal representation is necessary for the integrity and essence of our democratic process.ò

75. Nevertheless, in deference to the legislators who sponsored and voted for the bills, he stated that he would allow them to become law without his signature rather than vetoing them, stating: ñThis will enable those who wish to challenge the redistricting plan in court to do so."

76. The Hon. Frank Scott, Mayor of the City of Little Rock, and a Black, and evidence of the electability of Black citizens in central Arkansas, was very specific in his criticism of the ñcrackingò of the Black voters in the southern portion of Little Rock and Pulaski County from the Second District to the First and Fourth Districts, stating:

> I am deeply concerned about the gerrymandering along racial lines happening in our community, which was designed to dilute the voices of the residents of Little Rock. This plan sent to the Governor today for his signature separates the communities south of I-30 from the rest of the city, and those neighborhoods are predominantly Black and Hispanic. It is essential that we respect communities of interest in districting, and there is no more fundamental community of interest than a city like Little Rock. Additionally, it is illogical to split Arkansasô capital city into two congressional districts. I am hopeful our stateôs judicial system will correct this flawed attempt at redrawing the boundaries." (Italics added)

77. On January 14, 2022, the congressional redistricting plan and maps approved by the Arkansas General Assembly in HB 1982 and SB 743 and unsigned by the Governor went into effect ninety days after adjournment sine die of the General Assembly, and became Acts 1114 and 1116.

78. The dilution of minority voting power taken from the Second District as a result of the 2021 congressional redistricting is a setback for the 800,000 people of ethnic and racial minorities in Arkansas, who until the enactment of The Acts, had some hope that their interests in such national policies as education, health care, earnings and wages, and social justice could find some representation

in Washington through at least one member of Congress. That right of all minorities is protected by the Fourteenth and Fifteenth Amendments and the language of Section 2 of the Voting Rights, but it is now marginalized by The Acts.

79. In enacting Acts 1114/1116, and allowing them to become law, the State of Arkansas has placed illegal and unconstitutional barriers to the legitimate and natural growth of the stateôs Black population to translate to increased political influence at the federal level.

80. The 2020 census data make clear that minority voters in Arkansas are sufficiently numerous and geographically compact in one geographic area of Arkansas that they could prevail in congressional elections. Historical data from recent elections, including those in the Second Congressional District, the presidential elections of 2008 and 2012, when the Democratic nominee was a Black man, and the election of Frank Scott, Jr., a Black man as Mayor of Little Rock, illustrate that claim.

81. The intent behind the division of the Black population in the southern area of Pulaski County under Acts 1114/1116 was to divide, or ñcrack,ò the Black voters, so that the impact of Black voting will be spread among three districts, rather than concentrated in one (the Second Congressional District), to discourage the incentive of the Black voters of the area to vote, and to reduce the significance

of their votes.

Applicable Law

82. ñFederal law impose[s] complex and delicately balanced requirements regarding the consideration of raceò in congressional redistricting. Abbott v. Perez, 138 S. Ct. 2305, 2314, 201 L.Ed.2d 714 (2018). On the one hand, the Equal Protection Clause ñrestrict[s] the use of race in making districting decisions.ò Id. More particularly, ñ[t]he Equal Protection Clause forbids óracial gerrymandering,ô that is, intentionally assigning citizens to a district on the basis of race without sufficient justification.ò Id. (quoting Shaw v. Reno, 509 U.S. 630, 641 (1993)). On the other hand, the Equal Protection Clause ñalso prohibits intentional óvote dilution,ôò which is ñinvidiously . . . minimiz[ing] or cancel[ing] out the voting potential of racial or ethnic minorities.ò Abbott, 138 S. Ct. at 2314 (quoting Mobile v. Bolden, 446 U.S. 55, 66ï 67 (1980) (plurality opinion)).

83. ñWhen a voter sues state officials for drawing . . . race-based lines, [Supreme Court precedents] call for a two-step analysis. First, the plaintiff must prove [at a hearing on the merits] that race was the predominant factor motivating the legislatureôs decision to place a significant number of voters within or without a particular district.ò Cooper, 137 S. Ct. at 1463 (emphasis added) (internal quotation marks omitted). ñThe racial predominance inquiry concerns the actual considerations that provided the essential basis for the lines drawn, not post hoc

justifications the legislature in theory could have used but in reality did not.ò Bethune-Hill v. Va. State Bd. of Elections, 137 S. Ct. 788, 799 (2017). $ O W K R X J K ³ D conflict or inconsistency between the enacted plan and traditional redistricting F U L W H U L D L V Q R W D W K U H V K R O G U H T X L U H P H Q W R U D F L D O S U H G R P L Q D Q F H V X F K ³F R Q I O L F W R U L Q F R circumstantial evidenceó of it. Id. As alleged in this Complaint, traditional redistricting principles ñinclud[e] compactness, contiguity, respect for political subdivisions or communities defined by actual shared interests, incumbency protection, and political affiliation.ò Alabama Legislative Black Caucus v. Alabama, 575 U.S. 254, 272 (2015) (citation and internal quotation marks omitted).

84. The size of any disparities in a ruleôs impact on the members of different racial or ethnic groups is an important factor to consider. Even neutral regulations may well result in disparities in rates and impact of voting, and the ability of minorities to elect representatives of their choice. Brnovich v. Democratic National Committee, 141 S.Ct. 2321, 210 L.Ed.2d 753 (2021).

85. Recent decisions of the United States Supreme Court in Shelby County v. Holder, 570 U.S. 529, 133 S.Ct. 2612, 186 L.Ed.2d 651 (2013), Rucho v. Common Cause, 139 S.Ct. 2484, 204 L.Ed.2d 931 (2019), and last yearôs Brnovich v. DNC, supra, have made the subject more difficult to analyze.

86. To make it even more difficult, the U.S. Supreme Court in Rucho v. Common Cause, supra, determined that gerrymandering of political boundaries for partisan purposes is not justiciable, although doing so for racial purposes remains justiciable. Race-based gerrymandering is ñthe drawing of legislative district lines to subordinate racial adherents of one political party and entrench a rival party in power,ò Ariz. State Legislature v. Ariz. Indep. Redistricting Comm'n, 135 S.Ct. 2652, 2658, 192 L.Ed.2d 704 (2015), and strikes at the heart of this foundational constitutional principle.

87. Application of the restrictions imposed by the Equal Protection Clause is complicated. The problem, of course, is in distinguishing the purpose of the gerrymandering in particular cases, and that in some cases the racial and partisan purposes may overlap. The Supreme Court acknowledged this dilemma in Abbott v. Perez, 138 S. Ct. at 2314, stating: ³[B] H F D X V H D Y R W H U ¶ V U D F H V R correlates closely with political party preference, it may be very difficult for a court to determine whether a districting decision was based on race or party preference.ò Id. (citations omitted) (Italics added).

88. The evidence developed to this point strongly indicates that the predominant factor in the adoption of the Reapportionment Bills in this case was to ñcrackò a large number of the minority voters from the Second District into the First and Fourth District to dilute their voting power in the Second District, and to

ensure the continued reelection of a White Congressman who happens to be a Republican. It would be no less egregious if he were a member of another political party. The effect on the minorities here involved and their constitutional rights would be identical.

89. The constitutional provisions and statutes that are relied upon by the Plaintiffs herein are set forth and discussed in the following paragraphs.

The Equal Protection Clause of
The Fourteenth Amendment to the U.S. Constitution

90. The Equal Protection Clause of the 14th Amendment to the U.S. Constitution, provides in relevant part that:

> é No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State é deny to any person within its jurisdiction the equal protection of the laws.

91. This provision has, from its adoption to the present day, been cited by the U.S. Supreme Court as a source of the right of racial and ethnic minorities to be protected from the arbitrary and capricious actions of state legislators in ñpackingò and ñcrackingò such minorities into districts where their effectiveness to elect representatives of their choice or to simply merit the attention of officeholders is reduced or eliminated. ñThe purpose of segregating voters on the basis of race is not a lawful one,ò Vieth v. Judelirer, 541 U.S. 267, 286, (2004). ñA purpose to discriminate on the basis of race receives the strictest scrutiny under the Equal

Protection Clause, while a similar purpose to discriminate on the basis of politics does not.ò (Id, at 293).

92. The recent case of Abbott v. Perez, supra, confirms the applicability of the Equal Protection Clause to racial dilution claims. In an opinion written by Justice Alito for the Courtôs plurality, it was stated:

> The Equal Protection Clause forbids ñracial gerrymandering,ò that is, intentionally assigning citizens to a district on the basis of race without sufficient justification. Shaw v. Reno, 509 U.S. 630, 641, 113 S.Ct. 2816, 125 L.Ed.2d 511 (1993). It also prohibits intentional ³YRWH G²L³OXWLRQ´RXVO\ PLQLPL]>LQJ@ RU FD voting potential of racial or ethnic minorities. Mobile v. Bolden, 446 U.S. 55, 66ï67, 100 S.Ct. 1490, 64 L.Ed.2d 47 (1980) (plurality opinion). (Italics added)

93. In Shaw v. Reno, 509 U.S. 630, 113 S.Ct. 2816, 125 L.Ed.2d 511, 61 USLW 4818 (1993), the Supreme Court, speaking through Justice OôConnor, found that the appellants had stated a claim under the Equal Protection Clause by alleging that the reapportionment legislation, though race-neutral on its face, rationally cannot be understood as anything other than an effort to separate voters into different districts on the basis of race, and that the separation lacks sufficient justification, explaining:

> Where members of a racial minority group vote as a cohesive unit, practices such as multimember or at-large electoral systems can reduce or nullify minority voters' ability, as a group, ñto elect the candidate of their choice.ò Ibid. Accordingly, the Court held that such schemes violate the Fourteenth Amendment when they are adopted with a discriminatory purpose and have the effect of diluting minority

> voting strength. See, *e.g.*, *Rogers v. Lodge*, 458 U.S. 613, 616ï 617, 102 S.Ct. 3272, 3274ï 3275, 73 L.Ed.2d 1012 (1982); *White v. Regester*, 412 U.S. 755, 765ï 766, 93 S.Ct. 2332, 2339ï 2340, 37 L.Ed.2d 314 (1973).
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> The difficulty of proof, of course, does not mean that a racial gerrymander, once established, should receive less scrutiny under the Equal Protection Clause than other state legislation classifying citizens by race. Moreover, it seems clear to us that proof sometimes will not be difficult at all. **In some exceptional cases, a reapportionment plan may be so highly irregular that, on its face, it rationally cannot be understood as anything other than an effort to ³VHJUHJDW>H@ YRWHUV RQ WKH EDVLV RI U** *Gomillion, supra*, 364 U.S., at 341, 81 S.Ct., at 127. (Emphasis added)

The Court concluded that:

> [A] plaintiff challenging a reapportionment statute under the Equal Protection Clause may <u>state a claim</u> by alleging that the legislation, though race-neutral on its face, rationally cannot be understood as anything other than an effort to separate voters into different districts on the basis of race, and that the separation lacks sufficient justification.

94. In the present case, Plaintiffs are stating a claim, based in part upon the Equal Protection Clause of the Fourteenth Amendment, against the 2021 Arkansas Reapportionment Bills adopted by the Arkansas General Assembly because:

(i) the legislative history of those Bills shows that they **totally ignore** the traditional redistricting principles of compactness, contiguity, and

respect for political subdivisions or communities defined by actual shared interests recognized in Alabama Legislative Black Caucus v. Alabama, supra, and other precedent; and

(ii) the ñcrackingò of the fourteen (14) minority-populated precincts that were surgically excised from District Two into Districts One and Four cannot rationally be understood as anything other than an effort to separate voters into different districts on the basis of race. Such action lacks sufficient justification as voter numerical equality could easily have been achieved by numerous other plans, and no other justification was provided for the Arkansas Reapportionment Bills.

95. The evidence alleged in this Complaint shows that racial considerations ï although unspoken and ignored ï predominated over others, and thus the ñcrackingò of the Second District must withstand strict scrutiny. The burden thus shifts to the State to prove that its race-based sorting of voters serves a compelling interest and is narrowly tailored to that end.ò Cooperv. Harris, 137 S. Ct. 1455 at 1464, 197 L.Ed.2d 837 (2017). ñ[T]he impact of the official actionð whether it óbears more heavily on one race that another,ôWashington v. Davis, 426 U.S. at 242, 96 S.Ct., at 2049 - may provide an important starting point.ò Arlington Heightsv. MetropolitanHousingDev.Corp., supra, at 266, 97 S.Ct., at 564. Sometimes a clear pattern, unexplainable on grounds other than race,

emerges from the effect of the state action even when the governing legislation appears neutral on its face. Yick Wo v. Hopkins, 118 U.S. 356, 6 S.Ct. 1064, 30 L.Ed. 220 (1886); Guinn v. United States, 238 U.S. 347, 35 S.Ct. 926, 59 L.Ed. 1340 (1915); Lane v. Wilson, 307 U.S. 268, 59 S.Ct. 872, 83 L.Ed. 1281 (1939); Gomillion v. Lightfoot, 364 U.S. 339, 81 S.Ct. 125, 5 L.Ed.2d 110 (1960).

The Fifteenth Amendment to
The U.S. Constitution

96. The 15th Amendment to the U.S. Constitution has as its purpose the rights of minorities to vote and to have those votes counted on an equal basis, providing:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

97. In the Supreme Courtôs decision in City of Mobile, Ala. v. Bolden, 446 U.S. 55, 100 S.Ct. 1490, 64 L.Ed.2d 47 (1980), the Court explained the purpose and effect of the Fifteenth Amendment thusly:

> The Court's early decisions under the Fifteenth Amendment established that it imposes but one limitation on the powers of the States. It forbids them to discriminate against Negroes in matters having to do with voting. See Ex parte Yarbrough, 110 U.S. 651, 665, 4 S.Ct. 152, 159, 28 L.Ed. 274; Neal v. Delaware, 103 U.S. 370, 389ï 390, 26 L.Ed. 567; United States v. Cruikshank, 92 U.S. 542, 555ï 556, 23 L.Ed. 588; United States v. Reese, 92 U.S. 214, 23 L.Ed. 563.

> The Amendment's command and effect are wholly negative. ñThe Fifteenth Amendment does not confer the right of suffrage upon any one,ò but has ñinvested the citizens of the United States with a new constitutional right which is within the protecting power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude.ò Id., at 217ï 218.
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> The Court's more recent decisions confirm the principle that racially discriminatory motivation is a necessary ingredient of a Fifteenth Amendment violation (citing Gomillion v. Lightfoot, 364 U.S. 339, 81 S.Ct. 125, 5 L.Ed. 2d 110 (1960).

98. In Perkins v. City of West Helena, Ark., 675 F.2d 201 (8th Cir. 1982), the Eighth Circuit Court of Appeals discussed the Bolden decision regarding its Fifteenth Amendment protection against vote dilution:

> Plaintiffs' claim of racially discriminatory vote dilution is é cognizable under the Fifteenth Amendment. Washington v. Finlay, 664 F.2d 913, 919 (4th Cir. 1981); Lodge v. Buxton, supra, 639 F.2d at 1373; United States v. Uvalde Consolidated Independent School District, 625 F.2d 547, 552 (5th Cir. 1980), cert. denied, 451 U.S. 1002, 101 S.Ct. 2341, 68 L.Ed.2d 858 (1981). But see McMillan v. Escambia County, Florida, 638 F.2d 1239, 1242 (5th Cir.), cert. dismissed, ð - U.S. ð ð , 102 S.Ct. 17, 71 L.Ed.2d ð ð (1981).
>
> Although the four members of the Bolden plurality concluded that the Fifteenth Amendment only prohibits official action denying blacks the right to register and vote, City of Mobile v. Bolden, supra, 446 U.S. at 64-65, 100 S.Ct. at 1498-99; a majority of the Court apparently concluded that the Fifteenth Amendment protects more than this mechanical right. Five justices indicated that the Fifteenth Amendment also protects against vote dilution that limits the effective

> - not merely technical access of blacks to the political process
> See id. at 80, 84, 94, 103, 126-129, 100 S.Ct. at 1506, 1509, 1514, 1518, 1532-1534 (Blackmun, J., concurring in result); Stevens, J., concurring in judgment); (Brennan, White and Marshall, JJ., dissenting).
> 675 F.2d at 205-206) (Italics added)

99. The Fifteenth Amendment, which commands that the right to vote shall not be denied or abridged on account of race or color, and gives Congress the power to enforce that command, is not designed to punish for the past; its purpose is to ensure a better future. Shelby County, Ala. v. Holder, U.S.2013, 133 S.Ct. 2612, 570 U.S. 529, 186 L.Ed.2d 651. The Fourteenth and Fifteenth Amendments were written into Constitution to insure to Blacks, who had recently been liberated from slavery, the equal protection of the laws and right to full participation in process of government. Rice v. Elmore, C.C.A.4 (S.C.) 1947, 165 F.2d 387, certiorari denied 68 S.Ct. 905, 333 U.S. 875, 92 L.Ed. 1151.

The Federal Voting Rights Act of 1965, as Amended
52 U.S.C. §10301

100. The Federal Voting Rights Act, of 1965, 52 U.S.C. § 10301, was enacted expressly for the purpose of remedying attempts to deprive minorities of, not only their right to vote, but to have their votes counted in an equal measure and importance as that of other voters.

101. Section 2(a) of the Voting Rights Act (ñVRAò) provides:

> (a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), as provided in subsection (b).

102. Reapportionment is a ñprocedureò that can be applied by a State in a manner that results in the abridgement of the right of any citizen to vote on account of race or color.

103. Included in the Section 2 prohibition of practices that deny the exercise of the right to vote is vote dilution through reapportionment. Thornburg v. Gingles, 478 U.S. 30, 106 S.Ct. 2752, 92 L.Ed.2d 25 (1986) (ñGinglesò).

104. Section 2(b) of the Voting Rights Act provides the evidence by which a citizen may show that he or she has been subject to a violation of Section (a) of the VRA:

> (b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate é to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered. é .

105. The reapportionment of congressional districts are ñpolitical processes leading to nomination or election,ò because the process of drawing congressional district lines ideally require the legislature to consider the numerous reapportionment factors discussed above, including the racial and ethnic composition of neighborhoods. The division of those neighborhoods and communities of interest to reduce the effectiveness of their votes, rather than pursuing the reapportionment goals of preservation of communities of interest and the preservation of counties and other political subdivisions, means that those citizens and their candidates have less opportunity to participate in the political process and elect representatives of their choice.

106. Further, Section 2(b) specifically describes ñthe extent to which members of a protected class have been elected to office in the political subdivisionò as one circumstance which may be considered. As alleged in this Complaint, no Black or other minority has ever been elected to Congress from the State of Arkansas, although minority candidates for the Second District congressional seat had been slowly increasing their votes in recent elections until the imposition of the Arkansas Reapportionment Act, under which the minority candidateôs vote significantly declined.

107. The facts surrounding the adoption of the 2021 Reapportionment Bills as alleged in this Complaint state a claim that, under those alleged facts, the Bills are a violation of Subsection (a) of Section 2 of the VRA.

108. Further, Plaintiffs are not required to prove that the Legislatureôs discriminatory action was based solely on racial considerations. In Village of Arlington Heights v. Metropolitan Housing Development Corp., 429 U.S. 252, 97 S.Ct. 555, 50 L.Ed.2d 450 (1977), the Supreme Court held that, in an Equal Protection Clause challenge to a reapportionment plan, a plaintiff is not required to prove that the challenged action rested solely on racially discriminatory purposes, stating:

> Rarely can it be said that a legislature or administrative body operating under a broad mandate made a decision motivated solely by a single concern, or even that a particular purpose was the ñdominantò or ñprimaryò one. (Footnote omitted) In fact, it is because legislators and administrators are properly concerned with balancing numerous competing considerations that courts refrain from reviewing the merits of their decisions, absent a showing of arbitrariness or irrationality. But racial discrimination is not just another competing consideration. When there is a proof that a discriminatory purpose has been a motivating factor in the decision, this judicial deference is no longer justified. (Footnote omitted) (Italics added)
> 429 U.S. at 265

109. The procedure for establishing violations of the foregoing Constitutional and statutory provisions is embodied in Section 2(b) of the VRA, describing the evidence required to establish a violation of Section 2(a) of the Act. That Section 2(b) provides:

> (b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not

> equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: Provided,That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.ò
> Codified as 52 U.S.C. § 10301(b).

110. Thus, a violation of Section 2 of the VRA is established if ñit is shown that the political processes leading to nomination or electionò in the jurisdiction results in the members of a minority group having ñless opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.ò Id. § 10301(b). The intent behind the ñpolitical processesò in question is not relevant; it is the result of the voting qualification, or prerequisite to voting, or standard, practice, or procedure in denying the minority groupôs opportunity to participate and to elect representatives of their choice that is the issue.

111. ñLess opportunity to participate in the election process and to elect representatives of their choiceò results from ñcrackingò or ñpackingò minority voters. To illustrate, the dilution of Black voting strength ñmay be caused by the dispersal of blacks into districts in which they constitute an ineffective minority of votersò ï cracking ï ñor from the concentration of blacks into districts where they constitute an excessive majorityòð packing. Thornburg v. Gingles, 478 U.S. 30, 46

n.11 (1986).

112. The Senate Report on the 1982 amendments to the Voting Rights Act identified several nonexclusive factors that courts should consider when determining whether, under the totality of circumstances in a jurisdiction, the operation of the challenged electoral device results in a violation of Section 2. See, Cottier v. City of Martin, 551 F.3d 733 (8th Cir. 2008); BoneShirt v. Hazeltine, 461 F.3d 1011 (8th Cir. 2006).

113. These ñSenate Report Factorsò include:

> (a) the history of official voting-related discrimination in the state or political subdivision;
>
> (b) the extent to which voting in the elections of the state or political subdivision is racially polarized;
>
> (b) the extent to which the state or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts, majority-vote requirements, or prohibitions against bullet-voting;
>
> (c) the exclusion of members of the minority group from candidate-slating processes;
>
> (d) the extent to which minority group members bear the effects of discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process;
>
> (e) the use of overt or subtle racial appeals in political campaigns; and,

> (f) the extent to which members of the minority group have been elected to public office in the jurisdiction.

114. The Senate Report itself and the cases interpreting it have made clear that ñthere is no requirement that any particular number of factors be proved, or that a majority of them point one way or the other.ò Whitfield v. Democratic Party of State of Ark., 890 F.2d 1423 (8th Cir., 1989) (in concurrence by Bright, J.).

Article 2, Section 3 Of The Constitution Of The State Of Arkansas

115. Article 2, Section 3 of the Constitution of the State of Arkansas that, like the Equal Protection Clause of the 14th Amendment to the U.S. Constitution, provides broad protections to all citizens of Arkansas in their basic civil rights, stating:

> The equality of all persons before the law is recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immunity; nor exempted from any burden or duty, on account of race, color or previous condition.

116. The Arkansas Supreme Court has held that, in interpreting provisions of the Arkansas Constitution that are similar in wording and purpose to provisions in the United States Constitution and its amendments, Arkansas courts will give the State Constitution provisions the interpretation given by the Federal courts to the comparable Federal Constitution provisions. Protect Fayetteville v. City of Fayetteville, 2019 Ark. 28, 566 S.W.3d 105; Mullinax v. State, 327 Ark. 41, 938

S.W.2d 801 (1997); Stoutv. State, 320 Ark. 552, 898 S.W.2d 457 (1995).

117. This Court has ancillary jurisdiction of Plaintiffsô claim under Article 2, Section 3 of the Arkansas Constitution. That provision combines recognition of the equality of all persons ï White, Black or any other color, or previous condition of servitude; guarantees that no citizen, regardless of color or creed, shall be deprived of any right ï which includes the right to equality in, not only the casting of votes, but in the significance of those votes.

118. In Village of Arlington Heightsv. MetropolitanHousingDevelopment Corp., 429 U.S. 252, 97 S.Ct. 555, 50 L.Ed.2d 450 (1977), the Supreme Court held that, where a Federal three-judge court must hear a claim of which it has federal jurisdiction (in that case, a Fifteenth Amendment claim), once convened, ñthe jurisdiction of the District Court so constituted ... extends to every question involved, whether of state or federal law, and enables the court to rest its judgment on the decisions of such of the questions as in its opinion effectively dispose of the case.ò Sterlingv. Constantin, 287 U.S. 378, 393ï 94, 53 S.Ct. 190, 193, 77 L.Ed. 375 (1932); U.S.v. GeorgiaPublic ServiceCommission, 371 U.S. 285, 287ï 88, 83 S.Ct. 397, 399, 9 L.Ed.2d 317 (1963).

119. Article 2, §3 of the Arkansas Constitution should be given the same interpretation as that given by the Federal courts to the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.

Historical Facts Demonstrating
Racial Discrimination In Arkansas -
³6HQDWH 5HSRUW)DFWRUV

120. The length of time and the severity of the history of racial discrimination that has occurred in Arkansas was noted in opinions written by the Hon. Richard S. Arnold, the late Chief Judge of the U.S. Court of Appeals for the Eighth Circuit, and an Arkansas native. Judge Arnold wrote the opinions for three-judge District Courts assembled to hear claims of VRA violations in Smith v. Clinton, 687 F. Supp. 1310, 1317 (E.D. Ark. 1988) and Jeffers v. Clinton, 730 F. Supp. 196 (E.D. Ark. 1989). Judge Arnold wrote:

> The Court takes judicial notice that there is a history of racial discrimination in the electoral process in Arkansas. See Perkins v. City of West Helena, 675 F.2d 201, 211 (8th Cir.), aff'd mem., 459 U.S. 801, 103 S.Ct. 33, 74 L.Ed.2d 47 (1982). We do not believe that this history of discrimination, which affects the exercise of the right to vote in all elections under state law, must be proved anew in each case under the Voting Rights Act.
>
> We further find that the history of discrimination has adversely affected opportunities for black citizens in health, education, and employment. (footnote omitted) The hangover from this history necessarily inhibits full participation in the political process.

Smith v. Clinton, 687 F. Supp. 1310, 1317 (E.D. Ark. 1988)

121. Courts may differ on whether something as significant, long-standing, varied and subtle as racial discrimination may be judicially noticed. Furthermore, time blurs the memory, and many people alive today were born after these events and are not acutely aware of them. Therefore, some recitation of examples of such

past and on-going discrimination is provided in this Complaint.

122. Arkansasôs past discrimination against its Black citizens, including its numerous attempts to deny Black voters an equal opportunity to participate in the political process, is extensive and well documented. The consequences of the stateôs historic discrimination persist to this day as well, as Black Arkansans continue to experience socioeconomic hardship and marginalization.

Violence and Discrimination As An Exercise of White Supremacy

123. In the years following the Civil War, lynching was a common means of white supremacists maintaining authority over Blacks. The number of lynchings perpetrated against blacks increased in the 1890s, when Jim Crow segregation statutes were implemented. Indeed, lynching remained a part of life in Arkansas as the state moved into the twentieth century. The ratio of black victims compared to whites rose steadily, peaking in the 1920s. The nature and methods of lynchings also became more gruesome and terrifying. A March 1904 lynching in St. Charles (Arkansas County) represented a particularly horrific example, in which thirteen black victims were murdered in a four-day frenzy of violence.

124. Although some scholars alleged that Jim Crow laws actually reduced lynching by separating black and white groups, and thus limiting the potential for interpersonal violence, the more modern scholarly interpretation of this relationship holds that Jim Crow statutes actually facilitated racial violence by

reducing the political power of African Americans; this explains the increase of lynching, especially anti-black lynching, in the 1890s. In addition, newspaper accounts of lynching at the time were rife with tropes that served to dehumanize the victim or exaggerate the dignity of the mob that perpetrated the murder, among other things. (Source: Encyclopedia of Arkansas History and Culture, Feb. 19, 2022)

125. Lynching was sanctioned by some Arkansas leaders and public officials, who inflamed racial passions as a means of achieving their own political or economic ends. Former governor Jeff Davis (who was born in Sevier County in 1862 and served as attorney general and then as governor of the state from 1901 to 1907) was quite willing to defend the practice of lynching. When President Theodore Roosevelt visited Arkansas in 1905, Davis famously remarked, ñ[W]e have come to a parting of the way with the Negro. If the brutal criminals of that raceé lay unholy hands upon our fair daughters, nature is so riven and shocked that the dire compact produces a social cataclysm,ò which resulted in a rebuke from Roosevelt. Thus, lynching represented not only a way of asserting white supremacy but also a political tool wielded by demagogues. (Source: Encyclopedia of Arkansas, February 19, 2022).

126. On the evening of September 30, 1919, the notorious Elaine Massacre erupted, which marked the deadliest racial episode in Arkansas history. The

lynchings and murders that occurred in Elaine arose out of white fear and distrust of a black union organization in Phillips County. A shooting at a church in Hoop Spur (Phillips County) sparked the conflict; the presence of about 100 sharecroppers attending a meeting of the Progressive Farmers and Household Union of America quickly spurred massive violence by whites against blacks throughout the county. Although the exact death toll remains unknown, historians have estimated that hundreds of black citizens were killed, while five whites died in the incident. (Ibid.)

127. Lynching of Blacks did not stop despite the active opposition of Governor Thomas C. McRae and the persistent work of many churchwomen. Indeed, the 1920s embraced two of the most sadistic examples of lynching to be found in Arkansas history, or in American history.

128. On January 26, 1921, Henry Lowry, a Black man who lived in Nodena (Mississippi County) fled the state after killing a White plantation owner in an argument at settlement time. Caught in Texas, Lowry was extradited to Arkansas. A mob from Arkansas stopped the train just outside of Memphis, and took Lowery by car to Nodena. The widely reported execution was described in gruesome detail by the Memphis Press

> With the negro chained to a log, members of the mob placed a small pile of leaves around his feet. Gasoline was then poured on the leaves, and the carrying out of the death sentence was under way. Inch by inch the negro was fairly cooked to death. Every few minutes fresh

> leaves were tossed on the funeral pyre until the blaze had passed the negro’s waist. As the flames were eating away his abdomen, a member of the mob stepped forward and saturated his body with gasoline. It was then only a few minutes until the negro had been reduced to ashes.

129. Six years later, perhaps the most notorious isolated lynching in Arkansas history occurred. On May 4, 1927, thirty-seven-year-old black Little Rock resident John Carter was accused of striking a local white woman and her daughter and asking for whiskey. This followed close upon the earlier killing of a young white woman in Little Rock, although not by Carter. Enraged whites scoured the area in search of Carter. He was found late in the day, hanged from a telephone pole, and repeatedly shot. Later, his body was burned and dragged through the streets of Little Rock to the corner of 9th and Broadway streets—the heart of the city’s black community and five blocks south of the present location of the Richard S. Arnold Federal Courthouse – where a pyre was built from pews ripped from a nearby Black church and Carter’s body was burned there before a large, celebrating crowd. An all-White Grand Jury conducted a brief investigation, but no one was ever arrested for any of the crimes against Carter. (Ibid.)[4]

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[4] Four blocks in the other direction on Broadway from the Federal Courthouse, at the Robinson Concert Hall, the Arkansas Symphony Orchestra gave a momentous concert on February 26, 2022, featuring (W K L R S L D ¶ V 6 K D G R Z in America by the great American classical composer Florence Price, a Black woman, Little Rock native and music teacher at Shorter College, who wrote the piece in 1932. Five years earlier, she and her husband, who lived a short distance from where Carter’s body was violated and incinerated, packed their belongings and, like many other Blacks,

130. Discrimination bordering on violence was common in Arkansas. On March 5, 1959, twenty-one boys burned to death inside a dilapidated dormitory at the Negro Boys Industrial School at Wrightsville, twelve miles south of Little Rock. They were locked inside for the night with no adult around when a fire, apparently caused by ancient wiring, broke out before dawn. A few stronger children managed to break windows and pry through bars to escape. State officials, including the board appointed by governors to monitor the little school, had repeatedly ignored reports of the dangerous conditions at the school, which bore no comparison to the training school for White boys at Alexander. The training school, which housed youngsters who were abandoned or had gotten into minor scrapes, was little more than a slave farm where boys worked in the fields, received little education, slept in squalor and drank from a fetid well.

131. Police in Arkansas have arrested pickets and boycotters of businesses that did not hire blacks, and for offenses such as spitting on the sidewalk. Blacks were also arrested at the lunch-counter sit-ins in Little Rock in the early '60s, and the State Police clubbed Philander Smith College students who came to the Capitol during a legislative session in 1965 to eat in the Capitol cafeteria, which state officials had made a private club, called the Capitol Club. U.S. District Judge J.

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fled Arkansas to Chicago, where her musical career blossomed.

Smith Henley subsequently ruled that a private club in a public building violated the Equal Protection Clause of the Fourteenth Amendment.

132. Violence, or the threat of violence, continues to be used as a means of racial superiority and discrimination in Arkansas and other states.

"Sundown Towns"

133. Between 1890 and the present, thousands of towns across the United States drove out their black populations or took steps to forbid or discourage African Americans from living in them. Thus were created ñsundown towns,ò so named because many marked their city limits with signs typically reading, ñNigger, Donôt Let The Sun Go Down On You In Alixòð an Arkansas town in Franklin County that had such a sign around 1970.

134. By 1970, when sundown towns were at their peak, more than half of all incorporated communities outside the traditional South probably excluded African Americans, including probably more than a hundred towns in the northwestern two-thirds of Arkansas. By 1930, three Arkansas counties had no African Americans at all, and another eight had fewer than ten, all in the Arkansas Ozarks. By 1960, six counties had no African Americans (Baxter, Fulton, Polk, Searcy, Sharp, and Stone), seven more had one to three, and yet another county had six. All fourteen were probably sundown counties; eight have been confirmed. (Source: Encyclopedia of Arkansas, February 19, 2022)

Electability of Black Political Candidates

Federal Offices

135. No Black persons have ever been elected or appointed to the United States Senate or the United States House of Representatives from the State of Arkansas. The 2021 congressional redistricting plan, in removing a significant number of Black voters from the Second District, drastically diminishes the prospect of a Black being competitive for a Congressional seat in the foreseeable future.

136. As noted above, in the November 2020 general election for Second District congressman, State Senator Joyce Elliott, a Black educator and State Senator from Senate District 31 (constituting a portion of Pulaski County), received 44.6 percent of the votes to the White incumbent congressman French Hillôs 55.3 percent. See **Exhibit No.** 1. The Second District, with its substantial Black voting population, has been in recent years the only electorally competitive congressional district in the state, where the cohesive Black voting population and other ethnic minorities and their policy concerns were a major consideration for congressional candidates of both parties.

State Constitutional Offices

137. No Black person has ever been elected to the Office of Governor of the State of Arkansas.

138. No Black person has ever been elected to the Office of Lieutenant Governor of the State of Arkansas.

139. No Black person has ever been elected as a Chief Justice or Associate Justice of the Arkansas Supreme Court.

140. No Black person has ever been elected to the Office of Attorney General of the State of Arkansas.

141. No Black person has ever been elected to the Office of Secretary of State of the State of Arkansas.

142. No Black person has ever been elected as Treasurer of the State of Arkansas.

143. No Black person has ever been elected as Auditor of the State of Arkansas.

144. No Black person has ever been elected as Land Commissioner of the State of Arkansas.

History of Black Voting in Arkansas

145. The Arkansas legislature in 1891 adopted an election law that imposed strict procedures for illiterate men to vote, and most Blacks and many

White men were functionally illiterate. According to the law, each time an illiterate person came to vote the precinct had to be cleared of voters and observers so that election judges could help the man fill out his ballot. The humiliation kept most Black men from the polls. The law was part of the Jim Crow laws enacted in the 1890s to restore segregation to all facets of life after the freedoms imposed during Reconstruction.

146. In 1893, Arkansas joined most other Southern states in requiring the payment of a one-dollar poll tax to vote in any election. It was a substantial burden, because the average annual wage in Arkansas was $548, and far less for Blacks. To vote, a Black man had to produce a current receipt that he had paid the tax. A practice in many parts of the state, well into the second half of the 20th century, was for major landowners or other community leaders, such as the doctor, the mill owner, or commissary owner, to purchase poll taxes for their tenants or patients or regular customers and cast their votesð for whomever the purchaser favored for public offices. It helped produce lopsided votes, nearly always for Democratic politicians favored by the county political machines and usually detrimental to the interests of the Black voters.

147. The Arkansas Democratic Party early in the 20th century declared voting in its primaries to be restricted to White people of voting age. For all practical purposes, until late in the century, except for a few counties in northwest

Arkansas, all public offices were filled in the Democratic primaries, which meant that except for presidential elections and ballot issues such as initiated acts and constitutional amendments, Blacks had no voice in determining public policy. They could purchase a poll tax receipt and vote in general elections, where most officeholders had already been decided in the Democratic primaries.

148. Starting with Smith v. Allwright, 321 U.S. 649, 64 S.Ct. 757, 88 L.Ed. 987 (1944), which declared white-only primaries illegal, the United States Supreme Court began to dismantle the voting impairments for minorities. Governor Homer M. Adkins (formerly a Ku Klux Klan leader in Pulaski County) declared: ñIf I cannot be nominated by the white voters of Arkansas, I do not want the office.ò

149. One study reflected that in 1940 only 3 percent of Black adults (women were eligible to vote by then) had paid poll taxes and were eligible to vote in general elections. The percentage had increased to 21 percent in 1948, when Blacks could vote in Democratic primaries and to only 33 percent in 1958, the year after the historic confrontation between the state and federal governments at Little Rock over judicially ordered racial integration of the schools.

150. The country ratified the 24th Amendment in 1962, prohibiting states from imposing a poll tax as a requirement for voting in federal elections. In 1964, Arkansas ratified a State constitutional amendment, put on the ballot by initiative,

prohibiting poll taxes and establishing a system of permanent voter registration for all elections in the state. People could register to vote and retain their voting eligibility for life in federal, state or local elections. The amendment prohibited the legislature or local governments from adding requirements for voting beyond the registration.

151. That lasted until 2016, when the legislature proposed and voters ratified a constitutional amendment that altered the voter-registration law to permit the state to establish requirements for people to produce photo identifications at the polls to cast a ballotð an intimidating requirement for Blacks and the aged, especially women, who often had no driverôs license or passport and who had to endure intimidating procedures to cast a ballot at the polling precinct and then to get the ballot counted.

152. Owing to the poll tax, white primaries and other discriminatory procedures, no Black person was elected to the Arkansas Senate or House of Representatives from 1894 until after the reapportionment in 1971, which for the first time created districts where Blacks were in the majority or near parity with Whites. That redistricting followed the U.S. Supreme Courtôs ñone-man, one-voteò decision in Reynolds v. Sims, 377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed.2d 506 (1964) and the 1970 census. The first minority legislators took office in 1973. That redistricting, led by Governor Dale Bumpers and Attorney General Ray Thornton,

set out specifically to create majority-minority districts.

153. In 1981, Arkansas passed a statewide legislative apportionment plan under the Voting Rights Act. Black voters subsequently filed a suit in federal court in 1989 alleging that the stateôs plan violated the act, noting that no black legislator had been elected from a non-majority-Black district despite Blacks being 16 percent of the stateôs population.

154. In 1989, a federal court in Jeffers v. Clinton agreed and ordered several racial ñmajority-minorityò districts for the Arkansas House of Representatives and Arkansas Senate to be redrawn so that the minority populations would have a better opportunity to elect their preferred candidate. This new plan created seven more majority-Black House districts and two more majority-Black Senate districts. As a result, more Black candidates have been elected to House and Senate offices in Arkansas.

155. In a 2012 Voting Rights Act case, the U.S. Attorney General stated that there was evidence of voting discrimination in jurisdictions not covered by the Voting Rights Act formula, including northern Florida, Tennessee, and Arkansas. In 2012, the Jeffers v. Beebe lawsuit challenged Arkansasôs reapportioned state Senate district border lines because of alleged racial gerrymandering and violations of the Voting Rights Act.

156. Arkansasôs history of racial discrimination in voting has been thoroughly documented by historians and scholars. Indeed, ñ[t]he history of the state[ôs] segregation practice and laws at all levels has been rehashed so many times that the Federal Court, in Jeffers v. Clinton, took judicial notice of it.

157. Arkansas, like other states of the Confederacy, has a long history of racial discrimination at all levels. This discrimination was ratified into state constitutions, enacted into state statutes, and promulgated in state policy. Racism and race discrimination were apparent and conspicuous realities, the norm rather than the exception.

Use of Racial Appeals in Political Campaigns

158. In addition to Arkansasôs history of discrimination against minorities in voting, political campaigns in the state have often relied on both overt and subtle racial appealsð both historically and during recent elections.

a. In 1867, voting was held in the State of Arkansas on whether to adopt a constitution that Congress would approve and thus bring the state back into the union, Albert Pike opposed it, writing: ñWhen our vote is worth no more than an ignorant negroeôs [sic], it is not worth picking out of the gutter.ò

b. In 1891, the State adopted the ñAustralian ballotò, which served as a literacy test, giving rise to the limerick:

> The Australian ballot works like a charm
> It makes them think and scratch,
> And when a negro gets a ballot

> He has certainly got his match.

c. In 1892, the State of Arkansas required proof of payment of a poll tax in order to vote.

d. In 1906, the State of Arkansas enacted a law providing that only Whites could vote in the Democratic primary.

e. In 1927, the U.S. Supreme Court gave Blacks the right to vote in Democratic primaries (Nixon v. Herndon, 273 U.S. 536, 47 S.Ct. 446 (Mem), 71 L.Ed. 759 (1927)

f. However, when Arkansas Blacks made an effort to exercise their voting rights, the state Supreme Court, in Robinson v. Holman, 181 Ark. 428, 26 S.W.2d 66 (1930) ruled that although party primaries were legal elections, the state had no control over private bodies such as the Democratic Party.

g. In 1940, Congressman William F. Norrell, a Democrat and former Ku Klux Klan leader in eastern Arkansas stated at a campaign rally:

> It matters not how great the financial need of white men and women and how much their need for employment, Southern people in their indignation will never bring themselves to permit such an outrage as to allow white men, women, and girls to be interviewed and supervised by Negroes.

h. In 1942, in a campaign for a vacant congressional seat against Democrat Brooks Hays, his opponent, Lieutenant Governor Bob Bailey, claimed that Hays favored racial equality, saying: ñWell, we donôt want any nigger votes, do we?ò

i. In 1942, Blacks try to vote in the Democratic primary and are turned away.

j. 1946: Arkansas Governor Homer Adkins stated: ñThe Democratic Party in Arkansas is a white manôs party.ò An oath for party

membership required all persons to swear to support the permanent separation of the races.

k. In the case of Branton v. State, 214 Ark. 861 (1949), Wiley Branton of Pine Bluff, later to be a renowned civil rights attorney, was convicted of the crime of handing out mimeographed sheets at Jefferson Countyôs Mount Zion Church listing the candidates in the upcoming election. A state law prohibited the distribution of ballots other than at the polls. The Arkansas Supreme Court held, over the dissent of Chief Justice Griffin Smith, that these sheets constituted ballots, although none of them were ever presented at the polls. A Grand Jury had been impaneled to investigate Black efforts to get out the vote before the election and concentrated on Branton. The U.S Supreme Court declined to hear the appeal. The $300 fine was raised from the local Black community. The law was repealed in 1969 and this was apparently the only prosecution under it.

l. In 1949, Ed McCuiston, state director of Negro education, showed that $4,250,000 had been diverted from Black schools to Whites in the previous year, and that West Memphis was spending $144.51 per White student and only $19.51 for each Black student.

m. Following the U.S. Supreme Courtôs 1954 ruling in Brown v. Board of Education, nineteen U.S. senators and eighty-one congressmen, including all members from Arkansas, signed the ñSouthern Manifestoò denouncing the U.S. Supreme Courtôs decision and urging Southern states to resist it. The reaction to the decision in Arkansas is well-and-universally known. Arkansas Governor Orval Faubus on September 2, 1957, called out units of the Arkansas National Guard to prevent nine Black children from entering Central High School. He later closed the city's public high schools for the 1958ï 59 school year to prevent Black children from entering the schools under court orders.

n. In 1956, the voters adopted Amendment 44 to the Arkansas Constitution, known as ñthe interposition amendmentò written by

State Senator Jim Johnson, a state legislator and future Justice of the Arkansas Supreme Court, which declared that integration was illegal, and instructing state officials to interpose the state's authority between the people and the federal government and take all steps necessary to block the enforcement of Brown v. Board of Education in Arkansas Thirty-three years later (1988), the Arkansas Legislature proposed a constitutional amendment officially repealing Amendment 44, although it had already been declared null and void. The repealing amendment (Amendment 69) barely passed in 1990, with 273,527 for, and to 263,261 against.

o. State lawmakers segregated everything from public schools to hospitals and graveyards. Black Arkansans were also precluded from sitting on juries, which effectively denied Black litigants equal justice under the law. Moreover, Black Arkansans were excluded from the most desirable manufacturing jobs, which limited their employment opportunities to primarily unskilled, low-paying labor. And in times of economic hardship, Black employees were the first to lose their jobs.

p. More recently, Arkansas today remains as one of three states that does not have a Hate Crimes law, notwithstanding that it is home to 14 groups designated by the Southern Poverty Law Center as hate groups such as the Knights of the Klu Klux Klan.

q. An Arkansas legislator has sponsored bills in the Arkansas General Assembly that would prohibit the teaching of critical race theory, which is a concept that seeks to critically examine the history of racial relations in the U.S., and the intersection of race and law. The current State Attorney General has issued an opinion stating that the teaching of critical race theory violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.

r. In August 2021, four Black inmates of the Washington County, Arkansas detention center who had contracted Covid-19 were given high doses of ivermectin, an anti-parasitic drug commonly used on livestock, without their consent, resulting in their having negative

reactions such as vision problems, diarrhea, and stomach cramps, raising specters of the infamous Tuskegee Syphilis experiments conducted on Black men in the mid-1900s by American government officials.

Ongoing Effects of Arkansas ¶ History of Discrimination

159. Decades of Jim Crow and other forms of state-sponsored Discrimination ï followed by continued segregation of public facilities well into the latter half of the 20th century, in defiance of federal law ï has resulted in persistent socioeconomic disparities between Black and White Arkansans. These disparities hinder the ability of Black voters to participate effectively in the political process.

160. Black Arkansans, for instance, have higher poverty rates than white Arkansans. According to the U.S. Census Bureau 28.9 percent of Black Arkansans have lived below the poverty line in the past 12 months, compared to 13.43 percent of White Arkansans. Arkansas Report:ñTalk Poverty,ò The Center for American Progress 2022.

161. Relatedly, Black and Hispanic Arkansans have a lower per capita income than white Arkansans. The Census Bureau data for 2020 shows that White Arkansans had an average per capita income of $30,250 over the past 12 months, compared to $18,986 for Black Arkansans, and $18,867 for Hispanic Arkansans. Source: U.S. Census Bureauôs American Community Survey, published by

Americaôs Health Rankings: United Health Foundation, Ed. 2021.

162. Arkansas educational attainment by Race is also telling. The Arkansas population was 3,042,017 in 2020 with persons identifying as White as 1,542,183. Of those, 89 percent have completed high school and 25 percent have a bachelorôs degree. 235,207 identify as Black. Of those, 84 percent have completed high school and 16 percent have a bachelorôs degree. 109,930 identify as Hispanic. Of those, 58 percent have a high school education and 10 percent have a bachelorôs degree. State of Arkansas: Analysis of Impediments to Fair Housing Choice, Prepared for AEDC, November 6, 2016.

163. Arkansasôs poverty rate correlates with education. 27.14 percent of those in poverty have less than an 8th grade education, 15.64 percent have less than a high school education, 12.14 percent have some college, and only 4.69 percent of those who have a bachelorôs degree or greater live in poverty. (Id.)

164. Black Arkansans also have lower homeownership rates than white Arkansans. 55.3 percent of Black Arkansans live in renter-occupied housing compared to 28.9 percent of White Arkansans. And Black Arkansans also spend a higher percentage of their income on rent than white Arkansans. The percent of income spent on rent is 51 percent for Black Arkansans compared to 48 percent for White Arkansans. (Id.)

165. These disparities impose hurdles to voter participation including working multiple jobs, working during polling place hours, lack of access to childcare, lack of access to transportation, and higher rates of illness and disability. All of these hurdles make it more difficult for poor and low-income voters to participate effectively in the political process.

166. Racism in Arkansas continues to this day. On November 10, 2022, the Arkansas State Senate divided into congressional district caucuses to choose members from the districts for the important Legislative Council and Joint Audit committees. The redistricting moved the Plaintiff, Sen. Linda Chesterfield of Little Rock into the 4th Congressional District caucus for the first time. In that caucus, she and Sen. Stephanie Flowers**,** a Democrat from Pine Bluff, ranked 1 and 2 in seniority. Both are Black, and seniority normally determines who gets the first choice. However, the 4th District caucus (11 members, of which nine are White Republicans and two ï Chesterfield and Flowers -- are Black) decided to change the seniority rule and allow only Republicans to get seats on the committees. Sen. Chesterfield stated on the floor of the Senate that sheôd earned the right to be on Legislative Council by her service, but ñObviously that is not appreciated in this body. é Individuals with whom Iôve worked across the aisle have decided to engage in rank racism in their decision-making.ò Her speech drew no response from senators, and they proceeded on to selection of their parking spaces.

CAUSES OF ACTION

COUNT I
Defendantsô Violation of the Equal Protection Clause of
The Fourteenth Amendment
To the Constitution of the United States

167. Plaintiffs affirm, ratify and reallege all allegations contained in the previous paragraphs, and incorporate all allegations contained in the subsequent paragraphs.

168. The ñEqual Protection Clauseò of the Fourteenth Amendment to the United States Constitution provides:

> No State shall é deny to any person within its jurisdiction the equal protection of the laws.

169. The harms that flow from racial sorting in drawing boundaries for electoral districts, for purposes of a racial gerrymandering claim under the Equal Protection Clause, include being personally subjected to a racial classification as well as being represented by a legislator who believes his primary obligation is to represent only the members of a particular racial group. *Bethune-Hill v. Virginia State Bd. of Elections*, 580 U.S. 178, 137 S.Ct. 788, 197 L.Ed.2d 85 (2017), on remand 326 F.Supp.3d 128.

170. The Arkansas General Assemblyôs 2021 Congressional Redistricting Plan had the discriminatory intent and effect of racially gerrymandering or ñcrackingò communities of Black voters in order to reduce, eliminate and impair

the potential and effectiveness of such communities of voters to elect candidates and pass issues that they favor.

171. The adoption of such Plan resulted in the intended consistent and permanent impairment and marginalization of Black citizens in their participation in Federal congressional political process, and enhanced the consistent and permanent potential for continued success in electing White candidates to Congress from the Second Congressional District.

172. The adoption of the 2021 Plan intentionally deprived and denied the Plaintiffs and other Blacks in Arkansas the equal protection of the laws as guaranteed under the ñEqual Protection Clauseò of the Fourteenth Amendment. Any opposite conclusion would approve the achievement by the State of any impairment of voting rights whatever so long as it was cloaked in the garb of the realignment of political subdivisions. ñIt is inconceivable that guaranties embedded in the Constitution of the United States may thus be manipulated out of existence.ò Gomillion v. Lightfoot, 364 U.S. 339, 344, 81 S.Ct. 125, 129, 5 L.Ed.2d 110 (1960).

173. The 2021 Arkansas Reapportionment Plan should thereby be voided, and the Arkansas General Assembly be ordered to reconsider such Plan and adopt one in keeping with constitutional and legal requirements. Alternatively, the court should select or devise another redistricting plan that meets constitutional

standards.

COUNT II
' H I H Q G D Q W V ¶ the Fifteenth Amendment
To the Constitution of the United States

174. Plaintiffs affirm, ratify and reallege all allegations contained in the previous paragraphs, and incorporate all allegations contained in the subsequent paragraphs.

175. The Fifteenth Amendment to the United States Constitution provides:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

176. This amendment nullifies onerous procedural requirements which effectively handicap exercise of the franchise by the colored race, although the abstract right to vote may remain unrestricted as to race. Lanev. Wilson, U.S.Okla.1939, 307 U.S. 268,59 S.Ct. 872, 83 L.Ed. 1281 (1939) See, also, Davis v. Schnell, 81 F.Supp. 872 (D.C.Ala.1949), affirmed 336 U.S. 933, 69 S.Ct. 749, 93 L.Ed. 1093. The Fourteenth Amendment, this Amendment and 42 U.S.C.A. §1971, forbid any distinction in the voting process based upon race, irrespective of whether such distinction involves actual denial of the vote. U.S.v. Bibb County DemocraticExecutiveCommittee, 222 F.Supp. 493 (M.D.Ga.1962).

177. A state government may not with impunity divide politically cohesive, geographically compact minority population between two single-member districts in which the minority vote will be consistently minimized by white bloc voting merely because minority population does not exceed single district's population divided by two. Armour v. State of Ohio, 775 F.Supp. 1044 (N.D.Ohio 1991).

178. The racially motivated drawing of redistricting lines, intended to minimize or cancel voting strength of racial minority, violates both the Equal Protection Clause of Fourteenth Amendment and the Fifteenth Amendment. Illinois Legislative Redistricting Commission v. LaPaille, 786 F.Supp. 704 (N.D.Ill.1992), motion to amend denied 792 F.Supp. 1110, affirmed 506 U.S. 948, 113 S.Ct. 399, 121 L.Ed.2d 325; Gomillion v. Lightfoot, 364 U.S. 339, 81 S.Ct. 125, 5 L.Ed.2d 110 (1960).

179. The Arkansas General Assemblyôs 2021 Congressional Redistricting Plan had the intended and deliberately discriminatory purpose and effect of racially gerrymandering or ñcrackingò communities of Black voters in order to reduce or eliminate the potential and effectiveness of such communities of voters to elect candidates and pass issues that they favored.

180. As such, the adoption of the 2021 Acts abridge the rights of the Plaintiffs and other Blacks in Arkansas as citizens of the United States that their vote not be denied or abridged by the United States or by any State on account of

race, color, or previous condition of servitude as provided by the Fifteenth Amendment to the U.S. Constitution.

181. The 2021 Arkansas Reapportionment Plan should thereby be voided, and the Arkansas General Assembly be ordered to reconsider such Plan and adopt one in keeping with constitutional and legal requirements. Alternatively, the court should select or devise another of redistricting plan that meets constitutional standards.

COUNT III
Acts 1114 and 1116 Violate
Section 2 of the Voting Rights Act

182. Plaintiffs affirm, ratify and reallege all allegations contained in the previous paragraphs, and incorporate all allegations contained in the subsequent paragraphs.

183. Section 2 of the Voting Rights Act prohibits the enforcement of any ñstandard, practice, or procedureò that ñresults in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, orò membership in a racial or language minority group. 52 U.S.C. § 10301(a).

184. Arkansasôs congressional district boundaries, as currently drawn, ñcracksò minority populations with the intent and effect of diluting their voting strength, in violation of Section 2 of the Voting Rights Act.

185. Black voters in Arkansas, including in and around this area, are politically cohesive. Elections in this area reveal a clear pattern of racially polarized voting that allows blocs of white voters usually to defeat Black votersô preferred candidates.

186. The totality of the circumstances establishes that the enacted congressional map had the intent and has the effect of denying Black voters an equal opportunity to participate in the political process and elect candidates of their choice, in violation of Section 2 of the Voting Rights Act.

187. By engaging in the acts and omissions alleged herein, Defendants have acted and continue to act to deny Plaintiffsô rights guaranteed by Section 2 of the Voting Rights Act. Defendants will continue to violate those rights absent relief granted by this Court.

188. The 2021 Arkansas Reapportionment Plan should thereby be voided, and the Arkansas General Assembly be ordered to reconsider such Plan and adopt one in keeping with constitutional and legal requirements. Alternatively, the court should select or devise another redistricting measure that meets constitutional standards.

COUNT VI
' H I H Q G D Q W V ¶ Article II, Section 3 Q R I
of the Constitution of the State of Arkansas

189. Article II, Section 3 of the Constitution of the State of Arkansas provides:

> The equality of all persons before the law is recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immunity; nor exempted from any burden or duty, on account of race, color or previous condition.

190. This provision of the Arkansas Constitution is similar in wording and purpose as the equal protection clause of the Fourteenth Amendment to the United States Constitution. Thus, the decisions of the Federal courts in interpreting that clause of the Fourteenth Amendment should largely be applicable to the interpretation of Article II, Section 3 of the Arkansas Constitution.

191. The Arkansas General Assemblyôs 2021 Congressional Redistricting Plan had the discriminatory intent and effect of racially gerrymandering or ñcrackingò communities of Black voters to reduce or eliminate the potential and effectiveness of such communities of voters to elect candidates and pass issues that they favored.

192. The adoption of such Plan was intended to and has resulted in the consistent and permanent impairment, depravation and degradation of Black citizens in their participation in Federal congressional political process and enhanced the consistent and permanent potential for continued success in electing

White candidates to Congress from the Second Congressional District.

193. The adoption of the 2021 Plan denied the Plaintiffs and other Blacks in Arkansas the equal protection of the laws as guaranteed under the ñEqual Protection Clauseò of the Fourteenth Amendment and the Fifteenth Amendment to the U.S. Constitution, and Article II, Section 3 of the Constitution of the State of Arkansas.

194. The 2021 Arkansas Reapportionment Plan should thereby be voided, and the Arkansas General Assembly be ordered to reconsider such Plan and adopt one in keeping with constitutional and legal requirements. Alternatively, the court should select or devise a proposed redistricting measure that meets constitutional standards.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court:

1. Declare that Acts 1114 and 1116 of the 2021 Arkansas General Assembly violates:

(a) The ñEqual Protection Clauseò of the Fourteenth Amendment to the United States Constitution;

(b) The Fifteenth Amendment to the United States Constitution;

(c) Section 2 of the Voting Rights Act; and

(d) Article II, Section 3 of the Constitution of the State of Arkansas.

2. Enjoin Defendants, as well as their agents and successors in office, from enforcing or giving any effect to the boundaries of the congressional districts as drawn in Acts 1114 and 1116, including an injunction barring Defendants from conducting any congressional elections under the enacted map;
3. Enjoin any further congressional election in Arkansas until the State of Arkansas has adopted a Congressional Reapportionment Plan that meets constitutional standards; or, alternatively
4. The Court select or devise a proposed redistricting measure that meets constitutional standards.
5. Grant such other or further relief the Court deems appropriate, including but not limited to an award of Plaintiffsô attorneysô fees and reasonable costs.

Respectfully submitted,

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Attorney for Plaintiffs
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njackson@richmayslaw.com

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the above and foregoing First Amended Complaint has been served upon counsel of record for the Defendants by the Courtôs ECF system. Counsel for Plaintiffs is unaware of any attorney or party to this action who require service by other means.

Date: December 2, 2022

/s/ Richard H. Mays
Richard H. Mays

EXHIBIT 1

Voting Results & Racial Proportions, by Precinct, in 2nd District Congressional Elections in Pulaski County 2016–2020
(The chart does not list the votes or percentages for third-party or write-in candidates. Percentages are rounded to the next highest whole number.)

Prct.	Wh. Pop.	Bl. Pop.	Other Pop.	2020 Election Hill (R)	2020 Election Elliott (D)	2018 Election Hill (R)	2018 Election Tucker (D)	2016 Election Hill (R)	2016 Election Curry (D)
1. (Maumelle)	1,714	483	205	717 (54%)	607 (45%)	530 (52%)	454 (45%)	778 (63%)	397 (32%)
2. (Maumelle)	2,054	904	292	685 (47%)	754 (52%)	489 (46%)	547 (52%)	765 (56%)	506 (37%)
3. (Maumelle)	561	135	79	234 (51%)	228 (49%)	191 (50%)	182 (47%)	251 (60%)	145 (35%)
4. (Maumelle)	3,297	636	275	1,566 (60%)	1,040 (40%)	1,121 (58%)	774 (40%)	1,447 (68%)	607 (28%)
5. (Maumelle)	2,558	345	292	1,287 (60%)	814 (40%)	964 (59%)	645 (40%)	1,336 (69%)	542 (28%)
6. (NLR)	699	115	58	266 (63%)	157 (37%)	202 (61%)	125 (38%)	280 (67%)	121 (29%)
7. (NLR)	1,040	402	114	454 (65%)	240 (35%)	331 (61%)	193 (36%)	405 (66%)	182 (30%)
8. (Maumelle)	2,140	896	335	841 (54%)	727 (46%)	585 (51%)	531 (47%)	839 (60%)	500 (36%)
9. (Maumelle)	2,068	3,087	400	554 (30%)	1,353 (71%)	336 (29%)	786 (69%)	635 (40%)	897 (56%)*VTDA pop. doesn't jibe
10. (NLR)	1,438	1,099	304	450 (40%)	668 (69%)	358 (40%)	528 (58%)	519 (45%)	541 (47%)
11. (NLR)	669	82	131	226 (72%)	88 (28%)	165 (67%)	79 (32%)	219 (66%)	98 (29%)
12. (NLR)	966	36	106	389 (71%)	156 (29%)	305 (69%)	121 (27%)	384 (71%)	127 (23%)
13. (Sherwood)	1,538	345	140	630 (62%)	386 (38%)	441 (57%)	316 (41%)	612 (66%)	276 (30%)
14. (NLR)	1,822	1,963	764	517 (37%)	885 (63%)	426 (37%)	686 (60%)	653 (45%)	700 (49%)
15. (NLR)	1,188	3,130	305	218 (17%)	1,025 (83%)	160 (16%)	793 (81%)	255 (21%)	883 (73%)
16. (NLR)	787	558	132	124 (21%)	467 (79%)	83 (20%)	329 (78%)	115 (27%)	286 (66%)
17. (NLR)	921	1,989	539	230 (22%)	818 (78%)	194 (24%)	595 (73%)	302 (28%)	708 (68%)
18. (NLR)	1,847	818	561	521 (35%)	966 (65%)	432 (34%)	781 (63%)	595 (43%)	703 (50%)
19. (NLR)	1,346	2,239	664	392 (28%)	1,029 (72%)	281 (28%)	717 (70%)	435 (33%)	816 (62%)
20. (NLR)	2,246	167	101	735 (47%)	845 (53%)	585 (43%)	742 (55%)	851 (56%)	604 (39%)
21. (NLR)	1,187	251	136	368 (46%)	427 (54%)	296 (45%)	349 (53%)	436 (55%)	308 (39%)
22. (NLR)	2,094	2,003	429	675 (39%)	1,043 (61%)	499 (39%)	761 (59%)	758 (47%)	789 (49%)
23. (NLR)	2,767	298	224	1,086 (56%)	865 (44%)	867 (53%)	746 (46%)	1,208 (63%)	647 (34%)
24. (NLR)	1,383	241	130	667 (58%)	483 (42%)	548 (56%)	417 (42%)	699 (63%)	365 (33%)
25. (NLR)	937	294	72	375 (53%)	338 (47%)	313 (52%)	273 (45%)	436 (61%)	238 (34%)
26. (Jxvle)	3,004	119	156	1,141 (79%)	290 (20%)	837 (76%)	240 (22%)	1,058 (78%)	209 (16%)
27. (Jxvle)	3,576	479	301	1,400 (72%)	556 (28%)	1,048 (69%)	448 (29%)	1,325 (72%)	437 (24%)
28. (NLR)	3,180	678	343	1,194 (63%)	7 02 (37%)	869 (61%)	521 (37%)	1,230 (67%)	503 (28%)
29. (Jxvle)	1,061	289	435	84 (54%)	73 (46%)	50 (56%)	38 (42%)	69 (66%)	26 (25%)
30. (Jxvle)	784	165	161	129 (57%)	97 (43%)	55 (49%)	56 (51%)	79 (57%)	44 (32%)
31. (Sherwood)	2,597	707	315	1,196 (62%)	750 (39%)	802 (62%)	466 (36%)	1,059 (70%)	391 (26%)
32. (Jxvle)	2,371	963	279	881 (49%)	904 (51%)	672 (48%)	704 (50%)	879 (52%)	723 (43%)
33. (Jxvle)	1,148	824	251	552 (48%)	593 (52%)	449 (50%)	428 (48%)	548 (56%)	395 (40%)
34. (Jxvle)	1,313	1,513	374	409 (47%)	465 (53%)	338 (48%)	350 (50%)	449 (50%)	403 (45%)
35. (Jxvle)	1,385	656	195	598 (58%)	428 (42%)	486 (58%)	337 (40%)	644 (63%)	332 (32%)

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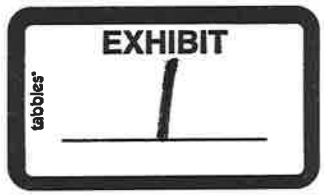

Prct.	Wh. Pop.	Bl. Pop.	Other Pop.	2020 Election Hill (R)	2020 Election Elliott (D)	2018 Election Hill (R)	2018 Election Tucker (D)	2016 Election Hill (R)	2016 Election Curry (D)
36. (Jxvle)	1,044	837	221	310 (45%)	385 (55%)	258 (46%)	279 (50%)	360 (53%)	276 (40%)
37. (Jxvle)	1,584	2,041	349	521 (38%)	854 (62%)	416 (39%)	632 (59%)	627 (46%)	663 (49%)
38. (Jxvle)	909	1,134	273	179 (32%)	383 (68%)	137 (31%)	288 (66%)	219 (35%)	367 (59%)
39. (Sherwood)	2,855	1,520	365	1,333 (52%)	1,220 (48%)	973 (53%)	853 (46%)	1,233 (60%)	749 (37%)
40. (Sherwood)	1,732	400	146	707 (55%)	581 (45%)	555 (53%)	478 (46%)	802 (63%)	427 (34%)
41. (Sherwood)	2,521	772	244	1,096 (59%)	772 (41%)	822 (56%)	622 (42%)	1,138 (65%)	550 (31%)
42. (Sherwood)	1,979	354	214	861 (59%)	610 (42%)	715 (59%)	468 (39%)	952 (66%)	408 (29%)
43. (Sherwood)	2,212	1,512	427	777 (48%)	835 (52%)	568 (46%)	632 (51%)	807 (50%)	675 (42%)
44. (Sherwood)	2,388	1,204	278	1,078 (51%)	1,007 (48%)	884 (51%)	801 (47%)	1,159 (58%)	779 (39%)
45. (Jxvle)	1,044	1,880	244	237 (26%)	683 (74%)	169 (25%)	484 (72%)	247 (29%)	551 (65%)
46. (Jxvle)	853	1,096	206	225 (35%)	420 (65%)	178 (38%)	277 (59%)	243 (39%)	340 (55%)
47. (Jxvle)	174	255	60	41 (26%)	119 (74%)	27 (21%)	99 (77%)	49 (29%)	113 (67%)
48. (NLR)	1,037	3,266	618	299 (19%)	1,320 (82%)	233 (19%)	982 80%)	367 (24%)	1,078 (72%)
49. (Sherwood)	2,658	467	203	1,236 (60%)	818 (40%)	975 (58%)	679 (40%)	1,337 (67%)	559 (28%)
50. (NLR)	2,030	411	147	929 (63%)	557 (38%)	771 (59%)	511 (39%)	1,010 (70%)	393 (27%)
51. (NLR)	1,133	390	128	430 (49%)	450 (51%)	352 (50%)	340 (48%)	489 (62%)	276 (35%)
52. (NLR)	497	2,483	158	108 (12%)	798 (88%)	57 (10%)	532 (89%)	120 (15%)	675 (83%)
53. (NLR)	343	1,555	205	91 (11%)	709 (89%)	74 (13%)	506 (86%)	123(16%)	622 (81%)
54. (NLR)	887	2,553	186	232 (21%)	872 (79%)	195 (22%)	693 (77%)	319 (27%)	833 (70%)
55. (Scott)	1,823	2,150	148	797 (38%)	1,330 (62%)	578 (37%)	978 (62%)	760 (42%)	972 (54%)
56. (LR)	1,280	32	52	609 (69%)	269 (31%)	458 (67%)	220 (31%)	561 (73%)	177 (23%)
57. (Roland)	1,319	81	67	618 (70%)	260 (30%)	447 (64%)	241 (35%)	581 (69%)	216 (26%)
58. (LR)	3,134	922	452	1,280 (56%)	992 (44%)	920 (55%)	732 (43%)	1,230 (64%)	626 (33%)
59. (LR)	1,366	30	56	723 (71%)	295 (29%)	567 (70%)	238 (29%)	678 (75%)	202 (22%)
60. (LR)	3,295	349	506	1,704 (63%)	1,019 (37%)	1,214 (61%)	752 (38%)	1,568 (75%)	484 (23%)
61. (LR)	2,361	90	240	1,067 (67%)	526 (33%)	748 (65%)	385 (34%)	900 (71%)	307 (24%)
62. (LR)	1,274	61	168	542 (65%)	287 (35%)	425 (64%)	225 (34%)	554 (69%)	199 (25%)
63. (LR)	1,569	192	294	340 (54%)	292 (46%)	436 (60%)	276 (38%)	559 (69%)	212 (26%)
64. (LR)	2,999	535	521	1,449 (60%)	982 (40%)	1,143 (60%)	739 (39%)	1,488 (71%)	554 (27%)
65. (LR)	1,058	309	161	381 (45%)	482 (55%)	288 (40%)	424 (59%)	417 (50%)	371 (45%)
66. (LR)	1,750	409	228	725 (49%)	748 (51%)	545 (46%)	638 (53%)	798 (58%)	515 (37%)
67. (LR)	1,835	957	285	534 (35%)	1,013 (66%)	446 (35%)	817 (64%)	655 (46%)	692 (49%)
68. (LR)	2,656	232	450	1,221 (59%)	840 (41%)	960 (53%)	682 (41%)	1,307 (71%)	493 (27%)
69. (LR)	2,113	646	365	961 (57%)	704 (42%)	793 (57%)	596 (43%)	1,088 (69%)	457 (29%)
70. (LR)	1,372	96	82	583 (54%)	485 (46%)	485 (52%)	437 (47%)	672 (66%)	317 (31%)
71. (LR)	2,621	228	326	1,132 (53%)	1,020 (47%)	937 (52%)	860 (47%)	1,259 (64%)	628 (32%)
72. (LR)	838	965	219	295 (35%)	547 (65%)	228 (33%)	442 (65%)	352 (41%)	460 (54%)
73. (LR)	2,257	452	498	1,043 (53%)	940 (47%)	590 (46%)	666 (52%)	824 (60%)	515 (37%)
74. (LR)	1,403	801	495	431 (40%)	656 (60%)	335 (39%)	503 (60%)	518 (52%)	441 (44%)
	Wh.	Bl.	Other	2020 Election		2018 Election		2016 Election	

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Prct.	Pop.	Pop.	Pop.	Hill (R)	Elliott (D)	Hill (R)	Tucker (D)	Hill (R)	Curry (D)
75. (LR)	1,443	1,757	371	360 (28%)	935 (72%)	299 (29%)	729 (70%)	481 (39%)	697 (57%)
76. (LR)	1,637	719	338	474 (37%)	792 (63%)	368 (38%)	594 (61%)	599 (51%)	522 (44%)
77. (LR)	3,276	812	1,126	1,117 (46%)	1,284 (54%)	805 (44%)	992 (55%)	1,139 (58%)	753 (38%)
78. (LR)	2,443	700	596	761 (41%)	1,080 (59%)	539 (40%)	788 (58%)	816 (54%)	632 (42%)
79. (LR)	1,040	2,044	363	386 (26%)	1,075 (74%)	298 (26%)	826 (72%)	424 (32%)	874 (65%)
80. (LR)	986	2,762	286	382 (18%)	1,807 (82%)	300 (19%)	1,303 (80%)	478 (27%)	1,251 (70%)
81. (LR)	1,486	1,628	1,264	442 (33%)	898 (67%)	407 (34%)	772 (65%)	583 (41%)	795 (56%)
82. (LR)	614	2,561	1,194	214 (18%)	969 (82%)	183 (19%)	763 (79%)	246 (21%)	906 (76%)
83. (LR)	595	2,739	576	195 (11%)	1,513 (89%)	167 (12%)	1,212 (87%)	256 (17%)	1,237 (80%)
84. (LR)	362	2,687	787	119 (8%)	1,406 (92%)	98 (8%)	1,131 (90%)	178 (12%)	1,244 (85%)
85. (LR)	741	2,844	320	206 (14%)	1,297 (86%)	152 (12%)	971 (86%)	270 (20%)	1,022 (77%)
86. (LR)	666	1,226	417	109 (15%)	644 (85%)	96 (15%)	520 (83%)	163 (21%)	598 (75%)
87. (LR)	1,278	933	292	405 (33%)	816 (67%)	315 (32%)	643 (67%)	465 (42%)	577 (52%)
88. (LR)	1,955	410	261	704 (45%)	848 (55%)	584 (44%)	734 (55%)	843 (56%)	600 (40%)
89. (LR)	1,163	1,208	225	356 (32%)	766 (68%)	310 (34%)	597 (65%)	511 (44%)	578 (50%)
90. (LR)	1,951	47	96	645 (45%)	806 (55%)	518 (49%)	770 (60%)	822 (60%)	518 (38%)
91. (LR)	1,836	21	90	552 (42%)	771 (58%)	438 (37%)	735 (62%)	675 (53%)	541 (43%)
92. (LR)	1,527	413	74	416 (36%)	744 (64%)	329 (33%)	651 (66%)	533 (49%)	509 (47%)
93. (LR)	1,621	462	167	452 (35%)	846 (65%)	346 (33%)	684 (65%)	625 (48%)	612 (47%)
94. (LR)	1,470	509	103	358 (34%)	708 (66%)	290 (33%)	589 (66%)	424 (49%)	406 (47%)
95. (LR)	1,979	713	202	584 (38%)	962 (62%)	478 (35%)	855 (63%)	717 (48%)	709 (48%)
96. (LR)	1,028	59	75	282 (37%)	479 (63%)	230 (34%)	440 (65%)	367 (53%)	299 (43%)
97. (LR)	1,051	829	195	246 (26%)	719 (74%)	195 (24%)	591 (74%)	322 (36%)	533 (59%)
98. (LR)	414	2,082	340	108 (9%)	1,035 (91%)	74 (9%)	784 (90%)	121 (12%)	894 (86%)
99. (LR)	657	1,575	440	151 (17%)	741 (83%)	144 (20%)	741 (83%)	215 (25%)	605 (70%)
100. (LR)	220	1,061	616	49 (10%)	425 (90%)	51 (13%)	328 (86%)	67 (14%)	379 (82%)
101. (LR)	526	1,022	248	160 (18%)	706 (82%)	147 (21%)	543 (27%)	212 (26%)	561 (69%)
102. (LR)	497	1,961	725	157 (16%)	817 (84%)	136 (18%)	622 (81%)	222 (23%)	706 (73%)
103. (LR)	232	2,682	775	86 (9%)	983 (91%)	89 (11%)	740 (87%)	133 (13%)	841 (83%)
104. (LR)	488	2,876	847	172 (11%)	1,385 (89%)	151 (12%)	1,101 (86%)	223 (15%)	1,208 (82%)
105. (LR)	522	2,234	2,060	181 (17%)	900 (83%)	157 (18%)	715 (80%)	196 (19%)	811 (77%)
106. (LR)	1,509	312	70	584 (49%)	602 (51%)	446 (42%)	622 (58%)	744 (62%)	429 (36%)
107. (LR)	1,647	29	63	566 (48%)	623 (52%)	436 (41%)	617 (59%)	671 (63%)	364 (34%)
108. (LR)	1,565	144	160	530 (46%)	630 (54%)	412 (41%)	592 (59%)	603 (59%)	394 (38%)
109. (LR)	2,982	151	230	544 (24%)	1,773 (77%)	410 (21%)	1,565 (79%)	777 (36%)	1,273 (59%)
110. (LR)	1,331	215	212	276 (35%)	505 (65%)	221 (35%)	402 (64%)	346 (49%)	334 (47%)
111. (LR)	2,993	965	372	552 (28%)	1,450 (72%)	380 (24%)	1,164 (74%)	695 (38%)	1,022 (56%)
112. (LR)	1,124	405	145	153 (20%)	614 (80%)	120 (18%)	524 (80%)	208 (30%)	453 (64%)
113. (LR)	1,492	418	149	183 (15%)	1,004 (85%)	132 (13%)	874 (85%)	254 (23%)	803 (71%)
	Wh.	Bl.	Other	2020 Election		2018 Election		2016 Election	
Prct.	Pop.	Pop.	Pop.	Hill (R)	Elliott (D)	Hill (R)	Tucker (D)	Hill (R)	Curry (D)

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114. (LR)	1,562	714	868	288 (23%)	957 (77%)	222 (20%)	846 (77%)	337 (30%)	729 (64%)
115. (LR)	461	2,111	143	79 (8%)	942 (92%)	77 (9%)	803 (90%)	132 (12%)	879 (83%)
116. (LR)	203	1,644	104	32 (5%)	642 (95%)	20 (3%)	559 (94%)	47 (7%)	623 (90%)
117. (LR)	229	2,107	80	47 (5%)	896 (95%)	48 (6%)	748 (93%)	78 (8%)	877 (88%)
118. (LR)	1,082	1,352	139	115 (10%)	1,058 (90%)	98 (10%)	879 (89%)	205 (19%)	810 (76%)
119. (LR)	269	2,110	108	47 (5%)	955 (95%)	53 (6%)	798 (92%)	95 (10%)	843 (87%)
120. (LR)	358	2,616	258	77 (8%)	946 (93%)	59 (8%)	702 (91%)	103 (10%)	844 (85%)
121. (LR)	1,016	2,682	1,561	135 (14%)	886 (87%)	112 (15%)	629 (84%)	176 (18%)	766 (79%)
122. (LR)	123	1,889	333	27 (4%)	735 (97%)	26 (4%)	565 (95%)	50 (7%)	670 (89%)
123. (LR)	323	2,057	1,224	95 (13%)	644 (71%)	72 (13%)	459 (85%)	109 (15%)	590 (80%)
124. (LR)	502	2,652	1,960	139 (14%)	885 (86%)	128 (16%)	680 (83%)	209 (20%)	824 (77%)
125. (LR)	1,057	1,561	742	294 (31%)	670 (69%)	221 (28%)	555 (71%)	281 (30%)	609 (65%)
126. (LR)	1,380	206	340	617 (66%)	319 (34%)	345 (62%)	198 (36%)	460 (56%)	213 (30%)
127. (LR)	2,279	578	452	575 (56%)	458 (44%)	611 (56%)	449 (42%)	756 (57%)	496 (37%)
128. (LR)	443	2,235	97	72 (5%)	1,240 (95%)	72 (6%)	1,028 (92%)	145 (12%)	1,054 (85%)
129. (LR)	404	710	84	149 (31%)	334 (69%)	120 (29%)	288 (70%)	147 (39%)	313 (64%)
130. (College Sta.)	17	787	10	10 (2%)	442 (98%)	3 (1%)	333 (97%)	15 (4%)	399 (95%)
131. (LR)	275	856	64	96 (17%)	466 (83%)	63 (13%)	408 (86%)	114 (20%)	451 (78%)
132. (Hensley)	487	649	178	155 (29%)	388 (71%)	128 (29%)	301 (69%)	168 (32%)	334 (64%)
133. (Wrightsville)	928	1,163	94	44 (10%)	411 (90%)	42 (11%)	341 (88%)	61 (13%)	378 (82%)
134. (LR)	167	1,981	88	32 (6%)	474 (94%)	38 (9%)	361 (89%)	45 (10%)	399 (85%)
135. (LR)	86	844	31	14 (5%)	292 (95%)	11 (4%)	266 (93%)	21 (6%)	309 (91%)
136. (Maumelle)	1,981	725	152	881 (55%)	725 (45%)	709 (55%)	553 (43%)	972 (64%)	491 (32%)
137. (Chenal, LR)	2,055	491	672	991 (54%)	859 (46%)	738 (53%)	644 (46%)	1,028 (64%)	510 (32%)

Yellow denotes precincts moved by Acts 1114 and 1116 of 2021 into the First Congressional District.
Green denotes precincts moved by Acts 1114 and 1116 of 2021 into the Fourth Congressional District.

The Candidates

French Hill is a longtime Little Rock resident and a banker. He was elected to Congress in 2014 and re-elected in 2016, 2018, and 2020. He was an aide to Republican Senator John Tower of Texas and worked in the Treasury Department under President George H.W. Bush.

Joyce Elliott, a Black schoolteacher who grew up in South Arkansas, was an English teacher in the Pulaski County schools. She was first elected to the Arkansas House of Representatives in 2000 and to the Senate in 2008. She was the Democratic nominee for Congress from the Second District in 2010 but was defeated by Republican Tim Griffin. She ran again in 2020, losing to French Hill.

Dianne Curry, a Black resident of Little Rock, was elected to the Little Rock School Board and in 2016 was the Democratic nominee for Congress from the Second District, losing to French Hill.

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Elliott and Curry both lived in and represented the minority community of southern Pulaski County that was split three ways by the 2021 redistricting as do the plaintiffs in the redistricting suit.

Clarke Tucker, a lawyer, is a state senator from Little Rock and formerly a state representative. One grandfather was chairman of the Little Rock School Board after the governor closed the high schools to avoid integration in 1958 and when they reopened integrated in 1959. Another grandfather, a physician, was director of the state Department of Human Services under Governor Dale Bumpers, 1971-75.

Districtwide Election Results

2020
French Hill 184,093 (55.4%)
Joyce Elliott 148,410 (44.6%)

2018
French Hill (Rep.) 132,125 (52.1%)
Clarke Tucker (Dem.) 116,135 (45.8%)
Joe Swafford (Lib.) 5,293 (2.1%)

2016
French Hill (Rep.) 176,472 (58.3%)
Dianne Curry (Dem.) 111,347 (36.8%)
Chris Hayes (Lib.) 14,342 (4.7%)
Two write-ins 303 (0.1%)
(2020 and 2016 were presidential election years, accounting for the larger turnout.)

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EXHIBIT 2

EXHIBIT D

Redistricting Overview

Michelle Davenport
Matthew Miller
Bureau of Legislative Research

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EXHIBIT
tabbies
2

Role of the General Assembly

United States Congressional Redistricting

- Ark. Code Ann. § 7-2-101 establishes that Arkansas is divided into four (4) congressional districts and the responsibility for the delineation of congressional districts of substantially equal population is given to the Arkansas General Assembly.
- United States Census data is utilized to determine the population of Arkansas and its distribution across the state.

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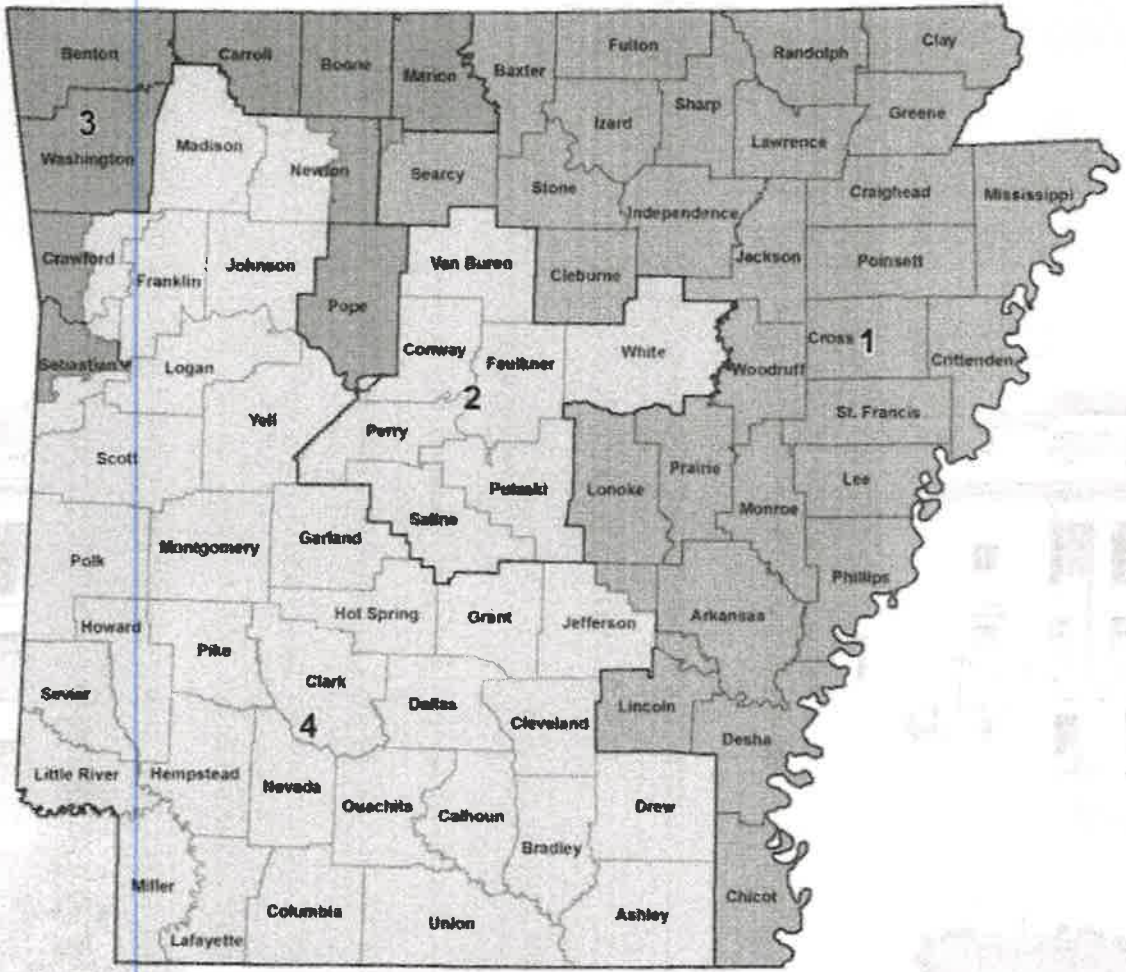
2011 Congressional Districts



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- The following slides are the codified Congressional District Arkansas Code sections which show the format of redistricting legislation.

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7-2-102. First Congressional District.

(a) The First Congressional District shall be composed of:

(1) The counties of Arkansas, Baxter, Chicot, Clay, Cleburne, Craighead, Crittenden, Cross, Desha, Fulton, Greene, Independence, Izard, Jackson, Lawrence, Lee, Lincoln, Lonoke, Mississippi, Monroe, Phillips, Prairie, Poinsett, Randolph, St. Francis, Sharp, Stone, and Woodruff;

(2) The following voting districts of Jefferson County as they existed on January 1, 2011:

(A) 19 (Dunnington) voting district;

(B) P15 (Dudley Lake) voting district;

(C) 25 (Old River) voting district;

(D) 57 (Villemont) voting district;

(E) P91 (Roberts) voting district;

(F) P851 (Humphrey) voting district; and

(G) P862 (Humphrey) voting district; and

(3) The voting districts and voting precincts of Searcy County as they existed on January 1, 2011, that are not listed under § 7-2-104(a)(4).

(b) The qualified electors residing in the counties and portion of Jefferson County and Searcy County listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

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7-2-103. Second Congressional District.

(a) The Second Congressional District shall be composed of the counties of Conway, Faulkner, Perry, Pulaski, Saline, Van Buren, and White.

(b) The qualified electors residing in the counties listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

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7-2-104. Third Congressional District.

(a) The Third Congressional District shall be composed of:

(1) The counties of Benton, Boone, Carroll, Marion, Pope, and Washington;

(2) The voting districts and voting precincts of Crawford County as they existed on January 1, 2011, that are not listed under § 7-2-105(a)(2);

(3) The following voting districts of Newton County as they existed on January 1, 2011:

(A) Big Creek voting district;

(B) Dogpatch voting district;

(C) Grove voting district;

(D) Hasty voting district;

(E) Polk voting district;

(F) Richland voting district; and

(G) White voting district;

(4) The Prairie voting district of Searcy County as it existed on January 1, 2011; and

(5) The voting districts and voting precincts of Sebastian County as they existed on January 1, 2011, that are not listed under § 7-2-105(a)(5).

(b) The qualified electors residing in the counties and portions of Crawford County, Newton County, Searcy County, and Sebastian County listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

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7-2-105. Fourth Congressional District.

(a) The Fourth Congressional District shall be composed of:

(1) The counties of Ashley, Bradley, Calhoun, Clark, Cleveland, Columbia, Dallas, Drew, Franklin, Garland, Grant, Hempstead, Hot Spring, Howard, Johnson, Lafayette, Little River, Logan, Madison, Miller, Montgomery, Nevada, Ouachita, Pike, Polk, Scott, Sevier, Union, and Yell;

(2) The following voting districts of Crawford County as they existed on January 1, 2011:

(A) Alma # 1 voting district;
(B) Alma # 4 voting district;
(C) Bidville voting district;
(D) Chester voting district;
(E) Dean Springs voting district;
(F) Dyer voting district;
(G) Eagle Crest voting district;
(H) Kibler voting district;
(I) Locke voting district;
(J) Mountain voting district;
(K) Mulberry # 1 voting district;
(L) Mulberry # 2 voting district;
(M) Mulberry # 3 voting district;
(N) Porter voting district;
(O) Vine Prairie voting district;
(P) Whitley voting district; and
(Q) Winfrey voting district;

(3) The voting districts and voting precincts of Jefferson County as they existed on January 1, 2011, that are not listed under § 7-2-102(a)(2);

(4) The voting districts and voting precincts of Newton County as they existed on January 1, 2011, that are not listed under § 7-2-104(a)(3); and

(5) The following voting districts of Sebastian County as they existed on January 1, 2011:

(A) 9-1-A voting district;
(B) 9-1-B voting district;
(C) 9-1-C voting district;
(D) 9-1-D voting district;
(E) 9-1-E voting district;
(F) 9-1-Q voting district;
(G) 9-2-E voting district;
(H) 9-3-E voting district;
(I) 9-3-F voting district;
(J) 9-3-G voting district;
(K) 9-3-H voting district;
(L) 9-3-I voting district;
(M) 9-3-J voting district;
(N) 9-3-K voting district;
(O) 9-3-L voting district; and
(P) 9-3-M voting district.

(b) The qualified electors residing in the counties and portions of Crawford County, Jefferson County, Newton County, and Sebastian County listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

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Legal Issues

- The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution has been interpreted by the United States Supreme Court to require the States to draw legislative districts so that each district is about the same size in population as the others.
- The leading issue for all court examinations of Congressional redistricting under Article 1, Section 2 of the US Constitution on the basis of reapportionment follows the "One person-One vote rule" established in Wesberry v. Sanders.
  - We hold that, construed in its historical context, the command of Art. I, § 2 that Representatives be chosen "by the People of the several States" means that, as nearly as is practicable, one man's vote in a congressional election is to be worth as much as another's. Wesberry v. Sanders, 376 U.S. 1,at 7-8 (1964).

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Legal Issues (Cont'd)

- The state must show that any population deviation is justified by some particular governmental reason.
- Population variance between the 4 congressional districts is one of the potential areas for legal challenge in redistricting. Keeping the variance below 1% is a general standard that some use, but that is not a "safe harbor" and the Census Bureau notes that the goal is for a district to be as equal in population to all other districts as practicable.

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Legal Issues (Cont'd)

- Gerrymander – A term of art to describe a plan or a district intentionally drawn to give one group or party advantage over another.

- The United States Supreme Court has heard numerous cases involving gerrymandering for partisan reasons, however, the Court has concluded, most recently in Rucho v. Common Cause, 139 S.Ct. 2484, (2019), that partisan gerrymandering is non-justiciable.

  - We conclude that partisan gerrymandering claims present political questions beyond the reach of the federal courts. Federal judges have no license to reallocate political power between the two major political parties, with no plausible grant of authority in the constitution, and no legal standards to limit and direct their decisions. "[J]udicial action must be governed by standard, by rule," and must be "principled, rational, and based upon reasoned distinctions" found in the Constitution or laws. Vieth, 541 U. S., at 278, 279 (plurality opinion). Judicial review of partisan gerrymandering does not meet those basic requirements.

- Other types of cases involving gerrymandering may be justiciable in Federal Court if they violate the Equal Protection Clause of the Fourteenth Amendment or the Voting Rights Act of 1965.

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Traditional Redistricting Principles (or Criteria)

- **Compactness**: Having the minimum distance between all the parts of a constituency (a circle, square or a hexagon is the most compact district).
- **Contiguity**: All parts of a district being connected at some point with the rest of the district.
- **Preservation of counties and other political subdivisions**: This refers to not crossing county, city, or town, boundaries when drawing districts.
- **Preservation of communities of interest**: Geographical areas, such as neighborhoods of a city or regions of a state, where the residents have common political interests that do not necessarily coincide with the boundaries of a political subdivision, such as a city or county.
- **Preservation of cores of prior districts**: This refers to maintaining districts as previously drawn, to the extent possible.
- **Avoiding pairing incumbents**: This refers to avoiding districts that would create contests between incumbents.

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Redistricting Principles (Cont'd)

- **Compliance with the Equal Protection Clause of the Fourteenth Amendment:** Courts have held that the Equal Protection Clause of the Fourteenth Amendment means that mapmakers cannot draw districts based solely or primarily on race. The U.S. Supreme Court has held that districts should not be defined exclusively by race, although it is permissible to take race into account while drawing district boundaries. There are exceptions for drawing or adjusting a district based on racial considerations in order to avoid a violation of the Voting Rights Act.

- **Compliance with the Voting Rights Act of 1965 (VRA):** In addition to equal population as the primary goal and the Fourteenth Amendment's prohibition against intentional discrimination, the VRA prohibits any practice or procedure that has a discriminatory effect on racial or language minorities.

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Confidentiality

- The confidentiality you are accustomed to in the drafting and research process may not be available in a court challenge.
- Comments or written documents you provide to staff, your colleagues, or other state officials may be discoverable in the event of a legal challenge.
- This could include emails, text messages, conversations with staff, or other information related to the mapping process.
- However, as stated above, absent any litigation on the matter, Bureau staff will continue to keep your drafts confidential and not be shared without your approval.

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General Information Regarding Apportionment and Redistricting of the Arkansas House of Representatives and the Arkansas Senate

- The Board of Apportionment is responsible for redistricting the seats for the Arkansas House of Representatives and the Arkansas Senate.
- Article 8 of the Arkansas Constitution creates the Board of Apportionment, prescribes the Board's duties, and sets out the redistricting process.
- The Board of Apportionment is made up of the Governor, Secretary of State and Attorney General.
- The Board of Apportionment will hold public meetings regarding the proposed plans prior to adoption.
- The website for the board is: arkansasredistricting.org
- The Board of Apportionment is holding meetings across the state and the list of these events is found on the website under the events calendar.

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Census Data

- The official release date of the 2020 Census data is September 30, 2021.

- The raw 2020 Census data was available to our vendor on August 12th and is currently being processed.

- The 2020 Census data should be available for use in early September.

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Procedural Information

- Once the census data is processed by our vendor, members of the General Assembly will be able to meet with Lori Bowen, Michelle Davenport, or Matthew Miller of the Bureau to request a map be drawn with their recommendations for the boundaries of the four congressional districts.
- Once the member approves the map, the information will be transmitted to Michelle Davenport for a bill to be drafted reflecting the boundaries of the congressional districts.

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Important Contacts

- Lori Bowen – BLR Policy Analysis and Research Services, (501) 682-2135, MAC- R-509, bowenl@blr.arkansas.gov
- Michelle Davenport- BLR Legal Research and Drafting Services, (501) 537-9126, MAC – L-504, davenportm@blr.arkansas.gov
- Matthew Miller – BLR Legal Research and Drafting Services, (501) 537-9122, MAC – L-525, millerm@blr.arkansas.gov

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EXHIBIT 3

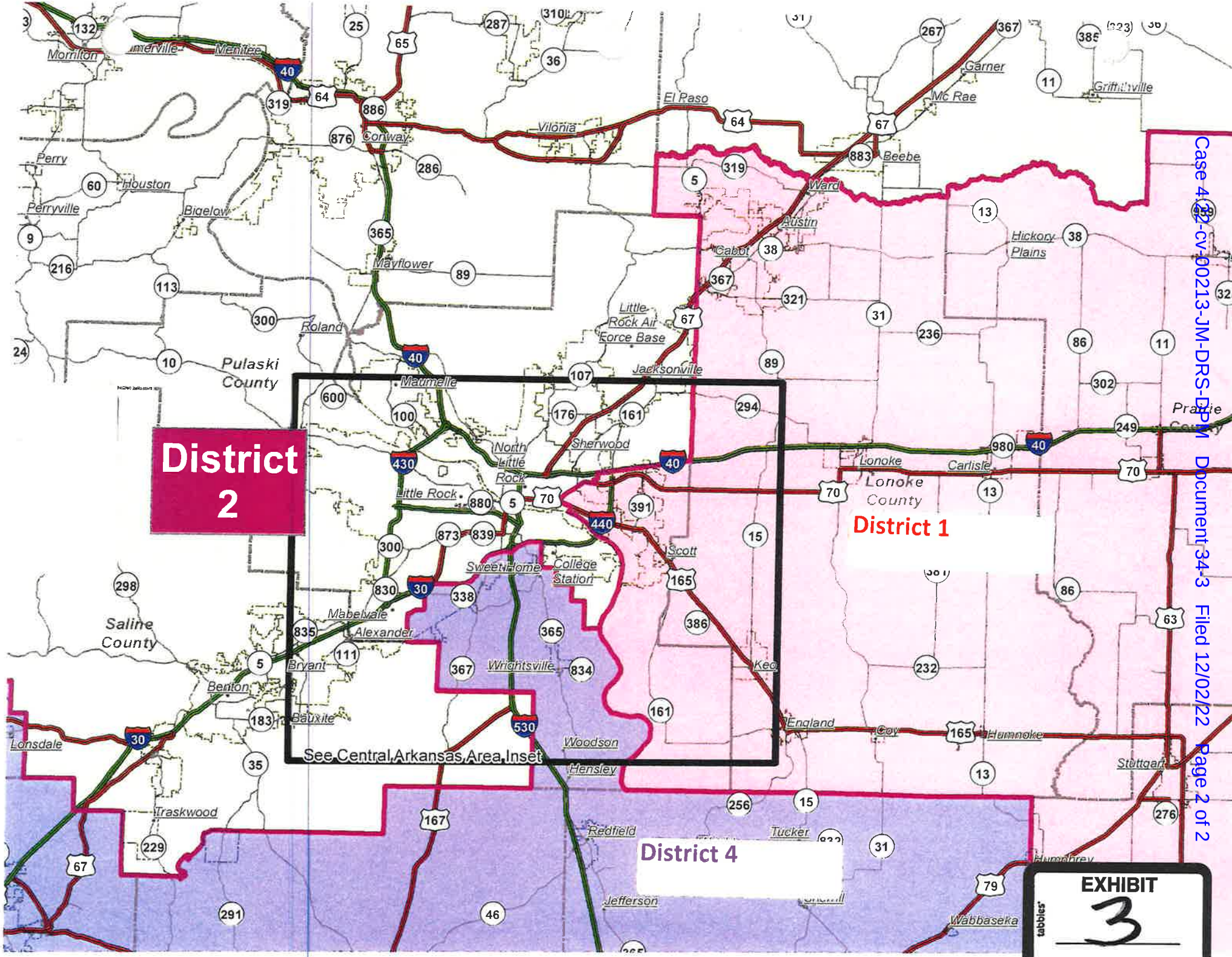

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EXHIBIT 3

EXHIBIT 4

WHITES/BLACKS MOVED FROM 2D DISTRICT

Pulaski Precincts Moved to the First District

	White Population	Black Population
Precinct 047	174	255
Precinct 054	887	2,553
Precinct 055	1,823	2,150
Total	**2,884**	**4,958**

Pulaski Precincts Moved to the Fourth District

	White Population	Black Population
Precinct 103	232	2,682
Precinct 104	488	2,876
Precinct 105	522	2,234
Precinct 124	502	2,652
Precinct 125	1,057	1,561
Precinct 126	1,380	206
Precinct 127	2,279	578
Precinct 131	275	856
Precinct 132	487	649
Precinct 133	928	1,163
Precinct 135	86	844
Total	**8,236**	**16,301**

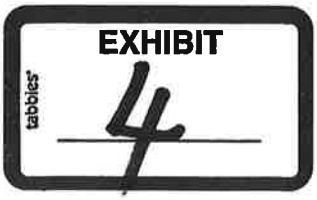


EXHIBIT 5

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 720

By: Senator M. Johnson

For An Act To Be Entitled

AN ACT TO AMEND THE FOUR CONGRESSIONAL DISTRICTS OF ARKANSAS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE FOUR CONGRESSIONAL DISTRICTS OF ARKANSAS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 7-2-102 is amended to read as follows:

7-2-102. First Congressional District.

(a) The First Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of Arkansas, Baxter, ~~Chicot~~, Clay, Cleburne, Craighead, Crittenden, Cross, ~~Desha,~~ Fulton, Greene, Independence, Izard, Jackson, Lawrence, Lee, ~~Lincoln,~~ Lonoke, Mississippi, Monroe, Phillips, ~~Prairie,~~ Poinsett, Prairie, Randolph, ~~St. Francis,~~ Sharp, St. Francis, Stone, White, and Woodruff~~;~~

~~(2) The following voting districts of Jefferson County as they existed on January 1, 2011:~~

~~(A) 19 (Dunnington) voting district;~~

~~(B) P15 (Dudley Lake) voting district;~~

~~(C) 25 (Old River) voting district;~~

~~(D) 57 (Villemont) voting district;~~

~~(E) P91 (Roberts) voting district;~~

~~(F) P851 (Humphrey) voting district; and~~

~~(G) P862 (Humphrey) voting district; and~~

~~(3) The voting districts and voting precincts of Searcy County~~

EXHIBIT 5 tabbies

09/09/2021 8:09:04 AM MLD373

~~as they existed on January 1, 2011, that are not listed under § 7-2-104(a)(4)~~.

(b) The qualified electors residing in the counties ~~and portion of Jefferson County and Searcy County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 2. Arkansas Code § 7-2-103 is amended to read as follows:

7-2-103. Second Congressional District.

(a) The Second Congressional District shall be composed of the counties of Conway, Faulkner, Perry, Pope, Pulaski, Saline, and Van Buren~~, and White~~.

(b) The qualified electors residing in the counties listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 3. Arkansas Code § 7-2-104 is amended to read as follows:

7-2-104. Third Congressional District.

(a) The Third Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of Benton, Boone, Carroll, ~~Marion, Pope,~~ Crawford, Franklin, Johnson, Madison, Marion, Newton, Searcy, and Washington~~;~~

~~(2) The voting districts and voting precincts of Crawford County as they existed on January 1, 2011, that are not listed under § 7-2-105(a)(2);~~

~~(3) The following voting districts of Newton County as they existed on January 1, 2011:~~

~~(A) Big Creek voting district;~~

~~(B) Dogpatch voting district;~~

~~(C) Grove voting district;~~

~~(D) Hasty voting district;~~

~~(E) Polk voting district;~~

~~(F) Richland voting district; and~~

~~(G) White voting district;~~

~~(4) The Prairie voting district of Searcy County as it existed on January 1, 2011; and~~

~~(5) The voting districts and voting precincts of Sebastian~~

~~County as they existed on January 1, 2011, that are not listed under § 7-2-105(a)(5)~~.

(b) The qualified electors residing in the counties ~~and portions of Crawford County, Newton County, Searcy County, and Sebastian County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 4. Arkansas Code § 7-2-105 is amended to read as follows:

7-2-105. Fourth Congressional District.

(a) The Fourth Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of Ashley, Bradley, Calhoun, Chicot, Clark, Cleveland, Columbia, Dallas, Desha, Drew, ~~Franklin,~~ Garland, Grant, Hempstead, Hot Spring, Howard, Jefferson, ~~Johnson,~~ Lafayette, Lincoln, Little River, Logan, ~~Madison,~~ Miller, Montgomery, Nevada, Ouachita, Pike, Polk, Scott, Sebastian, Sevier, Union, and Yell~~;~~

~~(2) The following voting districts of Crawford County as they existed on January 1, 2011:~~

~~(A) Alma # 1 voting district;~~

~~(B) Alma # 4 voting district;~~

~~(C) Bidville voting district;~~

~~(D) Chester voting district;~~

~~(E) Dean Springs voting district;~~

~~(F) Dyer voting district;~~

~~(G) Eagle Crest voting district;~~

~~(H) Kibler voting district;~~

~~(I) Locke voting district;~~

~~(J) Mountain voting district;~~

~~(K) Mulberry # 1 voting district;~~

~~(L) Mulberry # 2 voting district;~~

~~(M) Mulberry # 3 voting district;~~

~~(N) Porter voting district;~~

~~(O) Vine Prairie voting district;~~

~~(P) Whitley voting district; and~~

~~(Q) Winfrey voting district;~~

~~(3) The voting districts and voting precincts of Jefferson County as they existed on January 1, 2011, that are not listed under § 7-2-~~

~~102(a)(2);~~

~~(4) The voting districts and voting precincts of Newton County as they existed on January 1, 2011, that are not listed under § 7-2-104(a)(3); and~~

~~(5) The following voting districts of Sebastian County as they existed on January 1, 2011:~~

~~(A) 9-1-A voting district;~~

~~(B) 9-1-B voting district;~~

~~(C) 9-1-C voting district;~~

~~(D) 9-1-D voting district;~~

~~(E) 9-1-E voting district;~~

~~(F) 9-1-Q voting district;~~

~~(G) 9-2-E voting district;~~

~~(H) 9-3-E voting district;~~

~~(I) 9-3-F voting district;~~

~~(J) 9-3-G voting district;~~

~~(K) 9-3-H voting district;~~

~~(L) 9-3-I voting district;~~

~~(M) 9-3-J voting district;~~

~~(N) 9-3-K voting district;~~

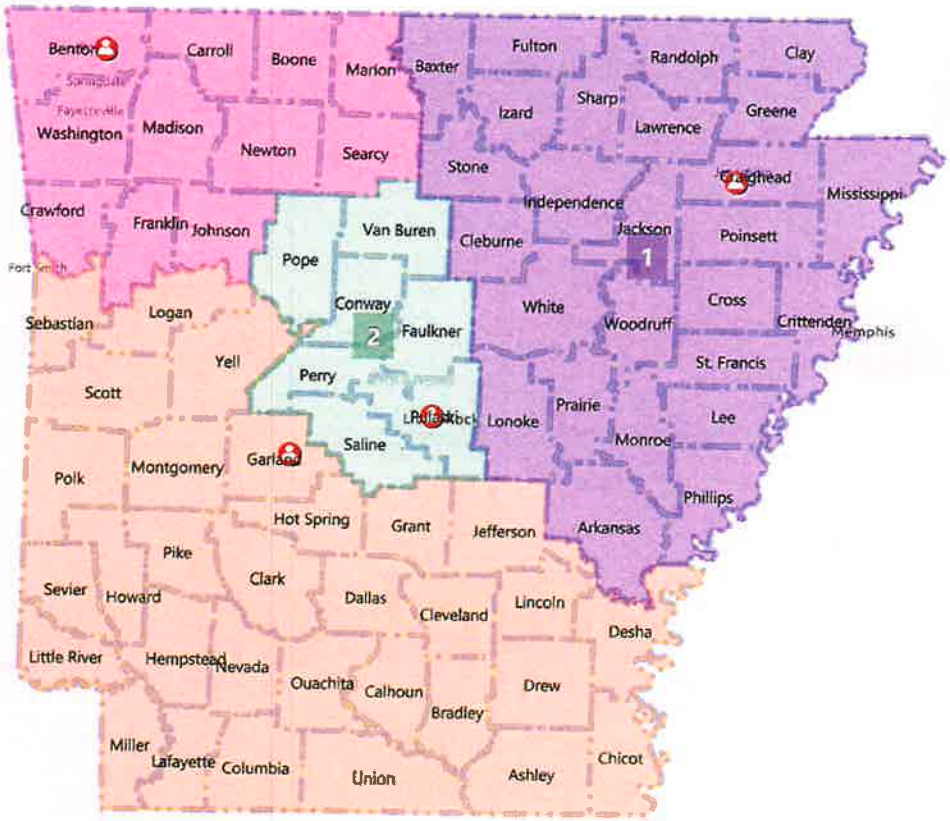
~~(O) 9-3-L voting district; and~~

~~(P) 9-3-M voting district~~.

(b) The qualified electors residing in the counties ~~and portions of Crawford County, Jefferson County, Newton County, and Sebastian County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

Congressional Plan

SB 72J- Sen. Johnson 2



Case 4:22-cv-00213-JM-DRS-DPM Document 34-5 Filed 12/02/22 Page 6 of 7

AutoBound Edge MAP - Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/22/2021 3:26:14 PM Last Edit:8/31/2021 2:54:48 PM

EDGE 2020 Professional Redistricting

Congressional Plan

SB 72 - Sen. Johnson 2

Case 4:22-cv-00213-JM-DRS-DPM Document 34-5 Filed 12/02/22 Page 7 of 7

AutoBound Edge MAP - Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/22/2021 3:26:14 PM Last Edit:8/31/2021 2:54:48 PM

EDGE 2020 Professional Redistricting

EXHIBIT 6

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 727

By: Senators C. Tucker, Elliott, L. Chesterfield

For An Act To Be Entitled

AN ACT CONCERNING THE FEDERAL DECENNIAL CENSUS AND THE BOUNDARIES OF CONGRESSIONAL DISTRICTS; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE FEDERAL DECENNIAL CENSUS AND THE BOUNDARIES OF CONGRESSIONAL DISTRICTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 7-2-102 is amended to read as follows:

7-2-102. First Congressional District.

(a) The First Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of ~~Arkansas,~~ Baxter, Boone, ~~Chicot,~~ Clay, Cleburne, Craighead, ~~Crittenden,~~ Cross, ~~Desha,~~ Faulkner, Fulton, Greene, Independence, Izard, Jackson, Lawrence, ~~Lee, Lincoln, Lonoke, Mississippi, Monroe, Phillips, Prairie,~~ Madison, Marion, Mississippi, Newton, Poinsett, Randolph, ~~St. Francis,~~ Searcy, Sharp, Stone, White, and Woodruff~~;~~

~~(2) The following voting districts of Jefferson County as they existed on January 1, 2011:~~

~~(A) 19 (Dunnington) voting district;~~

~~(B) P15 (Dudley Lake) voting district;~~

~~(C) 25 (Old River) voting district;~~

~~(D) 57 (Villemont) voting district;~~

~~(E) P91 (Roberts) voting district;~~

~~(F) P851 (Humphrey) voting district; and~~

EXHIBIT 6

~~(C) P862 (Humphrey) voting district; and~~

~~(3) The voting districts and voting precincts of Searcy County as they existed on January 1, 2011, that are not listed under § 7-2-104(a)(4)~~.

(b) The qualified electors residing in the counties ~~and portion of Jefferson County and Searcy County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 2. Arkansas Code § 7-2-103 is amended to read as follows:

7-2-103. Second Congressional District.

(a) The Second Congressional District shall be composed of the counties of ~~Conway, Faulkner, Perry,~~ Arkansas, Ashley, Bradley, Chicot, Cleveland, Crittenden, Desha, Drew, Jefferson, Lee, Lincoln, Lonoke, Monroe, Phillips, Prairie, Pulaski, ~~Saline, Van Buren, and White~~ and St. Francis.

(b) The qualified electors residing in the counties listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 3. Arkansas Code § 7-2-104 is amended to read as follows:

7-2-104. Third Congressional District.

(a) The Third Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of Benton, ~~Boone,~~ Carroll, Crawford, Sebastian, ~~Marion, Pope,~~ and Washington~~;~~

~~(2) The voting districts and voting precincts of Crawford County as they existed on January 1, 2011, that are not listed under § 7-2-105(a)(2);~~

~~(3) The following voting districts of Newton County as they existed on January 1, 2011:~~

~~(A) Big Creek voting district;~~

~~(B) Dogpatch voting district;~~

~~(C) Grove voting district;~~

~~(D) Hasty voting district;~~

~~(E) Polk voting district;~~

~~(F) Richland voting district; and~~

~~(G) White voting district;~~

~~(4) The Prairie voting district of Searcy County as it existed on January 1, 2011; and~~

~~(5) The voting districts and voting precincts of Sebastian County as they existed on January 1, 2011, that are not listed under § 7-2-105(a)(5)~~.

(b) The qualified electors residing in the counties ~~and portions of Crawford County, Newton County, Searcy County, and Sebastian County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 4. Arkansas Code § 7-2-105 is amended to read as follows:

7-2-105. Fourth Congressional District.

(a) The Fourth Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of ~~Ashley, Bradley,~~ Calhoun, Clark, ~~Cleveland,~~ Columbia, Conway, Dallas, ~~Drew,~~ Franklin, Garland, Grant, Hempstead, Hot Spring, Howard, Johnson, Lafayette, Little River, Logan, ~~Madison,~~ Miller, Montgomery, Nevada, Ouachita, Perry, Pike, Polk, Pope, Saline, Scott, Sevier, Union, Van Buren, and Yell~~;~~

~~(2) The following voting districts of Crawford County as they existed on January 1, 2011:~~

~~(A) Alma # 1 voting district;~~

~~(B) Alma # 4 voting district;~~

~~(C) Bidville voting district;~~

~~(D) Chester voting district;~~

~~(E) Dean Springs voting district;~~

~~(F) Dyer voting district;~~

~~(G) Eagle Crest voting district;~~

~~(H) Kibler voting district;~~

~~(I) Locke voting district;~~

~~(J) Mountain voting district;~~

~~(K) Mulberry # 1 voting district;~~

~~(L) Mulberry # 2 voting district;~~

~~(M) Mulberry # 3 voting district;~~

~~(N) Porter voting district;~~

~~(O) Vine Prairie voting district;~~

~~(P) Whitley voting district; and~~

~~(Q) Winfrey voting district;~~

~~(3) The voting districts and voting precincts of Jefferson County as they existed on January 1, 2011, that are not listed under § 7-2-102(a)(2);~~

~~(4) The voting districts and voting precincts of Newton County as they existed on January 1, 2011, that are not listed under § 7-2-104(a)(3); and~~

~~(5) The following voting districts of Sebastian County as they existed on January 1, 2011:~~

~~(A) 9-1-A voting district;~~

~~(B) 9-1-B voting district;~~

~~(C) 9-1-C voting district;~~

~~(D) 9-1-D voting district;~~

~~(E) 9-1-E voting district;~~

~~(F) 9-1-Q voting district;~~

~~(G) 9-2-E voting district;~~

~~(H) 9-3-E voting district;~~

~~(I) 9-3-F voting district;~~

~~(J) 9-3-G voting district;~~

~~(K) 9-3-H voting district;~~

~~(L) 9-3-I voting district;~~

~~(M) 9-3-J voting district;~~

~~(N) 9-3-K voting district;~~

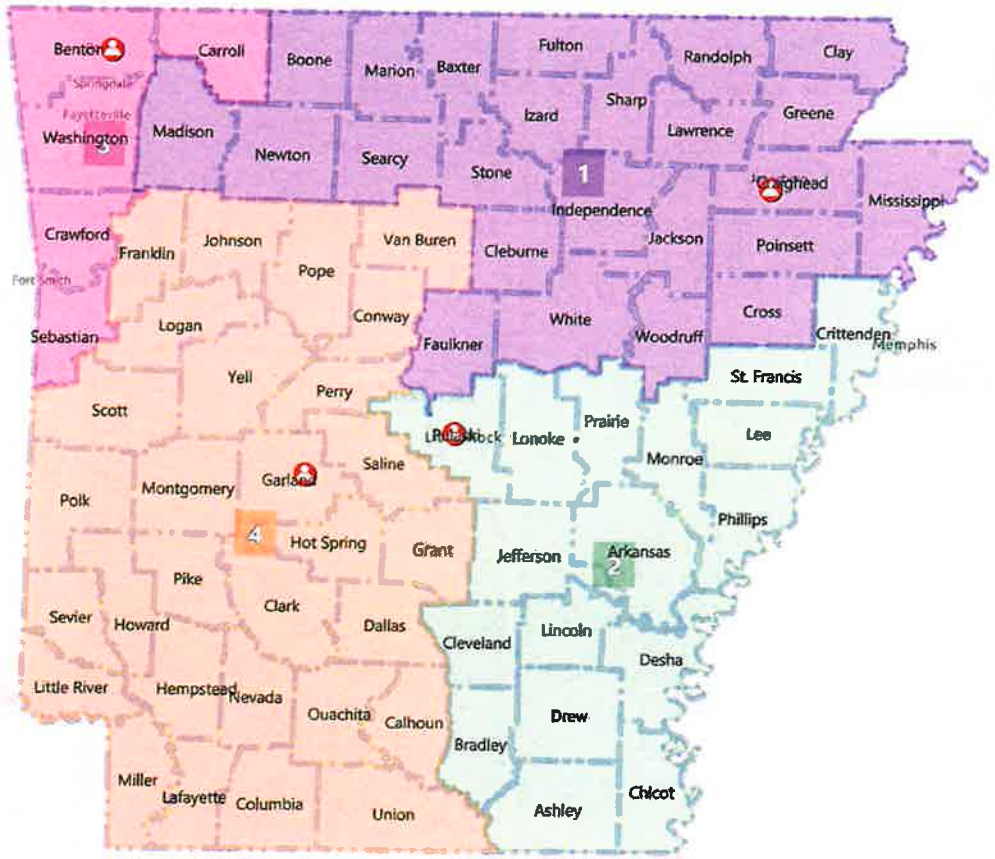
~~(O) 9-3-L voting district; and~~

~~(P) 9-3-M voting district~~.

(b) The qualified electors residing in the counties ~~and portions of Crawford County, Jefferson County, Newton County, and Sebastian County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

Congressional Plan

SB 72[illegible] Sen. Tucker 1



Case 4:22-cv-00213-JM-DRS-DPM Document 34-6 Filed 12/02/22 Page 6 of 12

AutoBound Edge MAP - Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/23/2021 12:42:35 PM Last Edit:9/23/2021 12:39:55 PM

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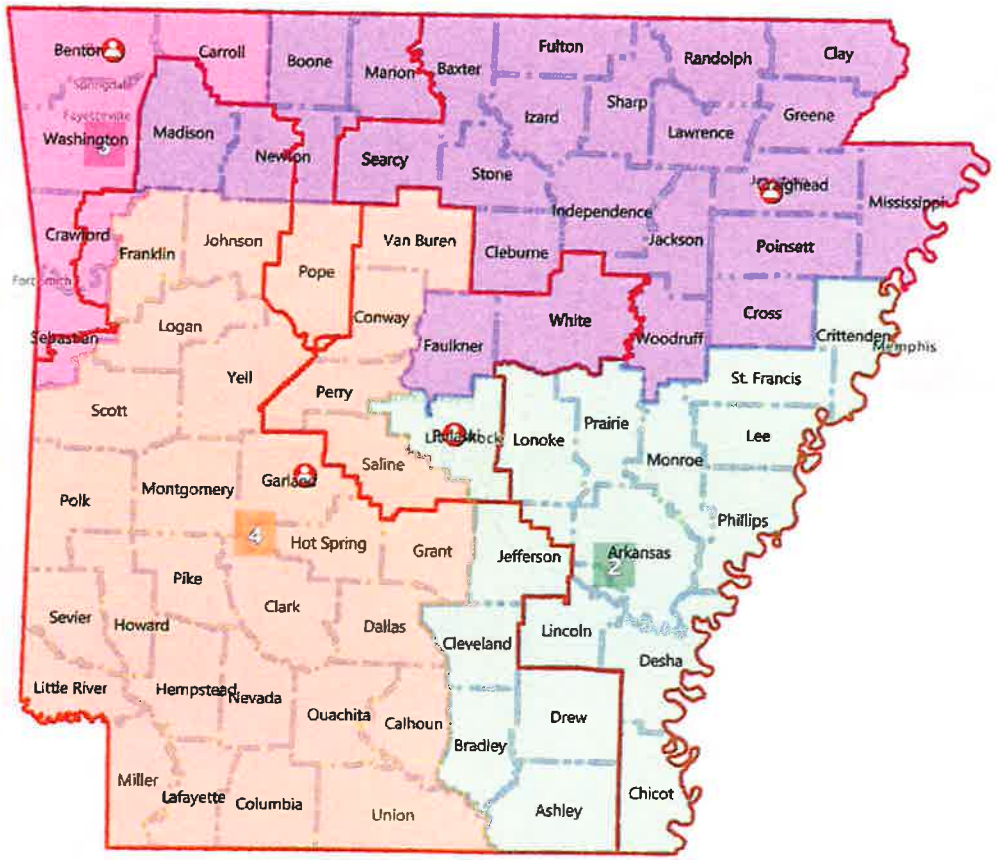
Congressional Plan

SB 72[illegible] Sen.Tucker 2



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EDGE 2020 Professional Redistricting

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SB 727- Sen. Tucker 3

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District: 1 2
District: 2 3
District: 3 4
District: 4 5

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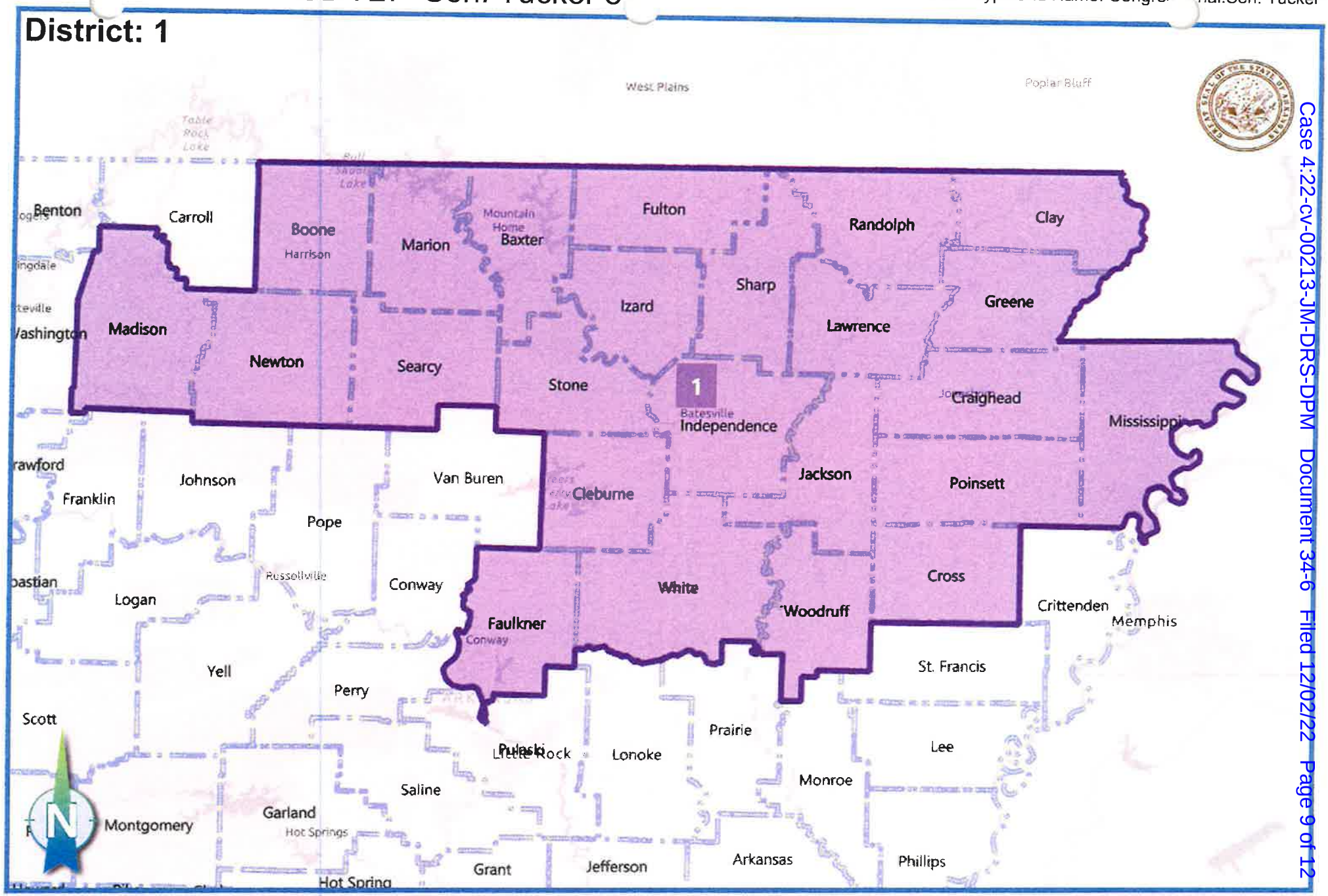
AutoBound Edge MAP

SB 727- Sen. Tucker 3

Plan Type and Name: Congressional:Sen. Tucker

District: 1



Ideal Population: 752,881 Deviation: 0.34 % Total Population: **755,464**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/23/2021 12:44:43 PM Plan Last Edited on: 9/23/2021 12:39:55 PM

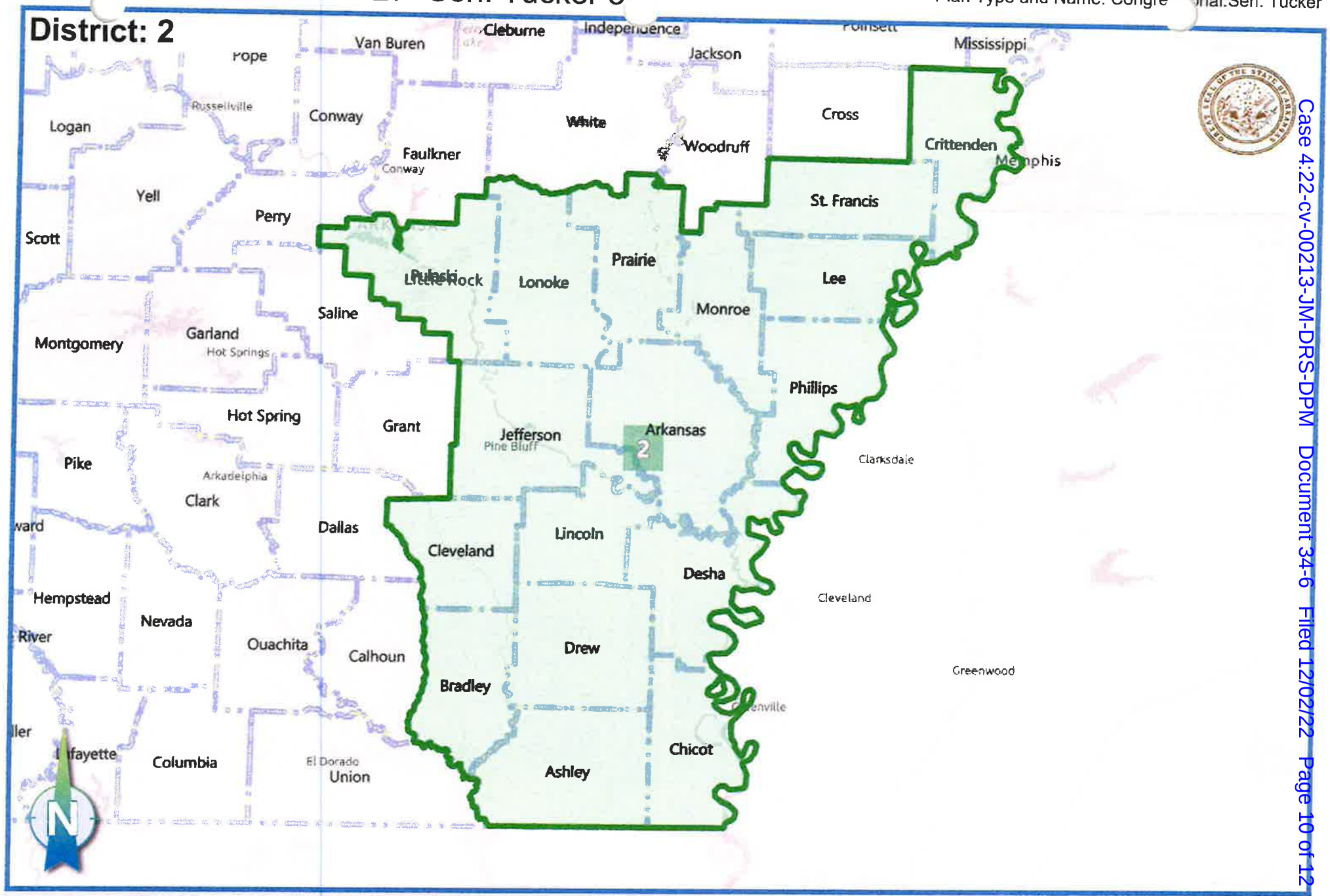
EDGE 2020 Professional Redistricting

Case 4:22-cv-00213-JM-DRS-DPM Document 34-6 Filed 12/02/22 Page 9 of 12

AutoBound Edge MAP

SB 727- Sen. Tucker 3

Plan Type and Name: Congressional:Sen. Tucker



Ideal Population: 752,881 Deviation: 0.69 % Total Population: **758,102**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/23/2021 12:44:43 PM Plan Last Edited on: 9/23/2021 12:39:55 PM

EDGE 2020 Professional Redistricting

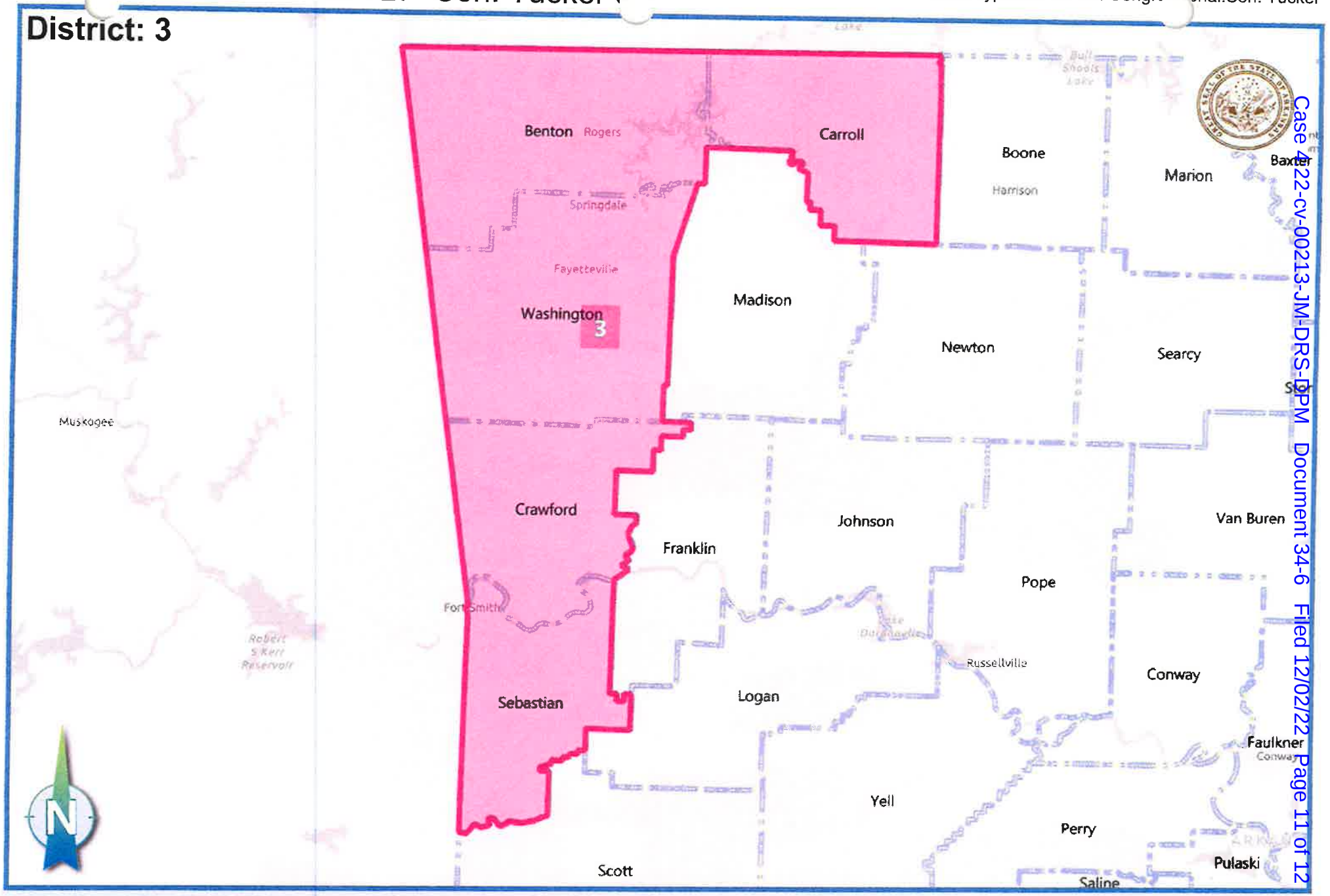
Case 4:22-cv-00213-JM-DRS-DPM Document 34-6 Filed 12/02/22 Page 10 of 12

AutoBound Edge MAP

SB 727- Sen. Tucker ?

Plan Type and Name: Congressional:Sen. Tucker

District: 3



Ideal Population: 752,881 Deviation: -0.86 % Total Population: **746,396**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/23/2021 12:44:43 PM Plan Last Edited on: 9/23/2021 12:39:55 PM

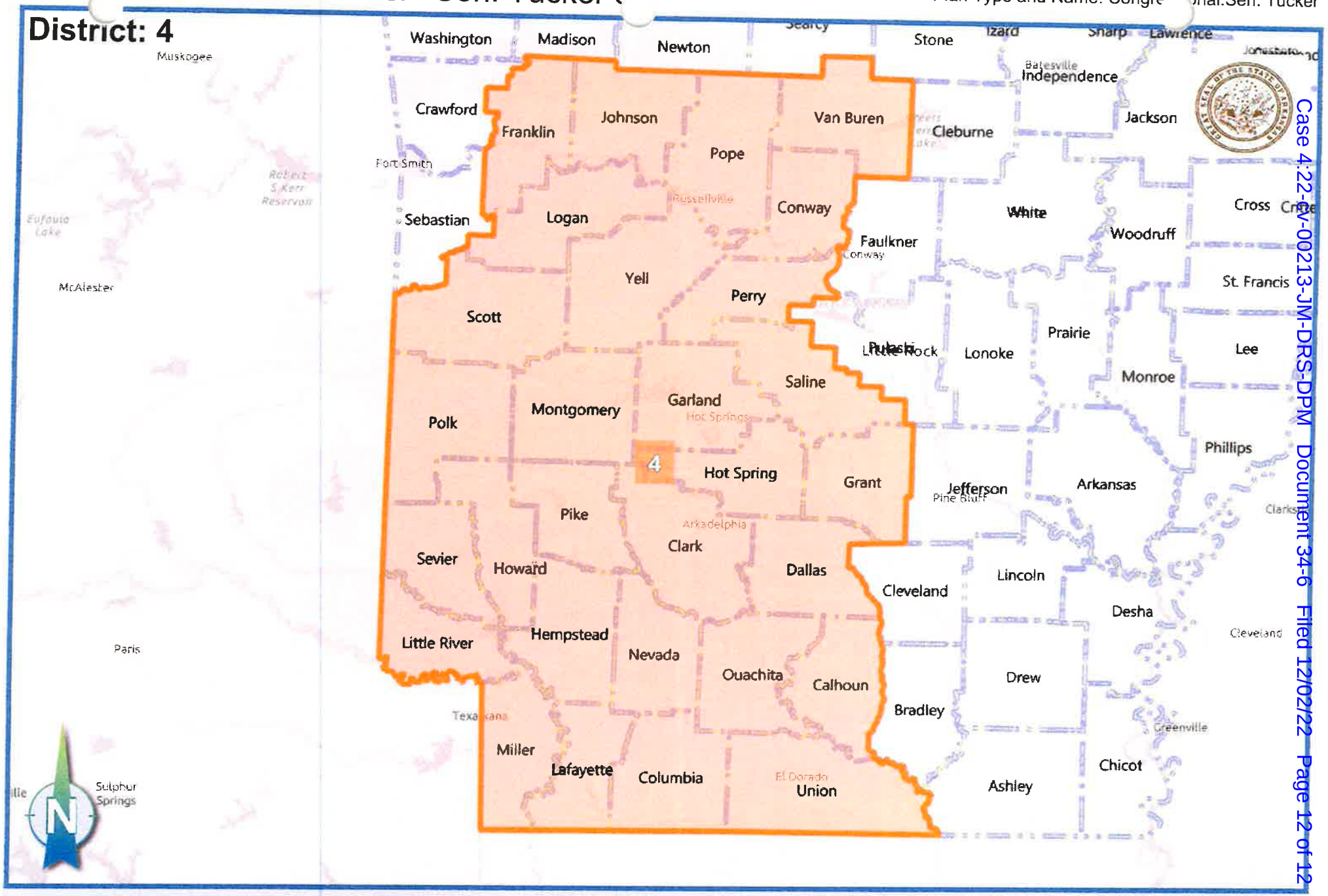
EDGE 2020 Professional Redistricting

Case 4:22-cv-00213-JM-DRS-DPM Document 34-6 Filed 12/02/22 Page 11 of 12

AutoBound Edge MAP

SB 727- Sen. Tucker 3

Plan Type and Name: Congre[illegible]onal:Sen. Tucker



Ideal Population: 752,881 Deviation: -0.18 % Total Population: **751,562**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/23/2021 12:44:43 PM Plan Last Edited on: 9/23/2021 12:39:55 PM

EDGE 2020 Professional Redistricting

Case 4:22-cv-00213-JM-DRS-DPM Document 34-6 Filed 12/02/22 Page 12 of 12

EXHIBIT 7

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 728

By: Senators Elliott, L. Chesterfield, C. Tucker, K. Ingram
By: Representatives McCullough, Scott, Ennett, D. Garner

For An Act To Be Entitled

AN ACT CONCERNING THE ESTABLISHMENT OF THE FOUR (4) CONGRESSIONAL DISTRICTS IN ARKANSAS BASED UPON THE MOST RECENT FEDERAL DECENNIAL CENSUS DATA; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE ESTABLISHMENT OF THE FOUR CONGRESSIONAL DISTRICTS IN ARKANSAS BASED UPON THE MOST RECENT CENSUS DATA.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 7-2-102 is amended to read as follows:

7-2-102. First Congressional District.

(a) The First Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of ~~Arkansas, Baxter, Chicot,~~ Clay, Cleburne, Conway, Craighead, ~~Crittenden,~~ Cross, ~~Desha,~~ Faulkner, Fulton, Greene, Independence, Izard, Jackson, Lawrence, ~~Lee, Lincoln,~~ Lonoke, Mississippi, ~~Monroe, Phillips, Prairie,~~ Poinsett, Prairie, Randolph, ~~St. Francis~~, Searcy, Sharp, Stone, Van Buren, White, and Woodruff~~;~~

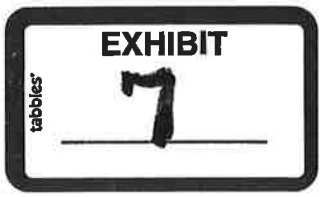
~~(2) The following voting districts of Jefferson County as they existed on January 1, 2011:~~

~~(A) 19 (Dunnington) voting district;~~

~~(B) P15 (Dudley Lake) voting district;~~

~~(C) 25 (Old River) voting district;~~

~~(D) 57 (Villemont) voting district;~~



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~~(E) P91 (Roberts) voting district;~~

~~(F) P851 (Humphrey) voting district; and~~

~~(G) P862 (Humphrey) voting district; and~~

~~(3) The voting districts and voting precincts of Searcy County as they existed on January 1, 2011, that are not listed under § 7-2-104(a)(4).~~

(b) The qualified electors residing in the counties ~~and portion of Jefferson County and Searcy County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 2. Arkansas Code § 7-2-103 is amended to read as follows:

7-2-103. Second Congressional District.

(a) The Second Congressional District shall be composed of the counties of ~~Conway, Faulkner, Perry,~~ Arkansas, Ashley, Bradley, Calhoun, Chicot, Cleveland, Crittenden, Dallas, Desha, Drew, Jefferson, Lee, Lincoln, Monroe, Ouachita, Phillips, Pulaski, ~~Saline, Van Buren, and White~~ St. Francis, and Union.

(b) The qualified electors residing in the counties listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 3. Arkansas Code § 7-2-104 is amended to read as follows:

7-2-104. Third Congressional District.

(a) The Third Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of Baxter, Benton, Boone, Carroll, Crawford, Franklin, Madison, Marion, Newton, ~~Pope,~~ and Washington~~;~~

~~(2) The voting districts and voting precincts of Crawford County as they existed on January 1, 2011, that are not listed under § 7-2-105(a)(2);~~

~~(3) The following voting districts of Newton County as they existed on January 1, 2011:~~

~~(A) Big Creek voting district;~~

~~(B) Dogpatch voting district;~~

~~(C) Grove voting district;~~

~~(D) Hasty voting district;~~

~~(E) Polk voting district;~~

~~(F) Richland voting district; and~~

~~(G) White voting district;~~

~~(4) The Prairie voting district of Searcy County as it existed on January 1, 2011; and~~

~~(5) The voting districts and voting precincts of Sebastian County as they existed on January 1, 2011, that are not listed under § 7-2-105(a)(5).~~

(b) The qualified electors residing in the counties ~~and portions of Crawford County, Newton County, Searcy County, and Sebastian County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 4. Arkansas Code § 7-2-105 is amended to read as follows:

7-2-105. Fourth Congressional District.

(a) The Fourth Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of ~~Ashley, Bradley, Calhoun,~~ Clark, ~~Cleveland,~~ Columbia, ~~Dallas, Drew, Franklin,~~ Garland, Grant, Hempstead, Hot Spring, Howard, Johnson, Lafayette, Little River, Logan, Madison, Miller, Montgomery, Nevada, ~~Ouachita,~~ Perry, Pike, Polk, Pope, Saline, Scott, Sebastian, Sevier, ~~Union,~~ and Yell~~;~~

~~(2) The following voting districts of Crawford County as they existed on January 1, 2011:~~

~~(A) Alma # 1 voting district;~~

~~(B) Alma # 4 voting district;~~

~~(C) Bidville voting district;~~

~~(D) Chester voting district;~~

~~(E) Dean Springs voting district;~~

~~(F) Dyer voting district;~~

~~(G) Eagle Crest voting district;~~

~~(H) Kibler voting district;~~

~~(I) Locke voting district;~~

~~(J) Mountain voting district;~~

~~(K) Mulberry # 1 voting district;~~

~~(L) Mulberry # 2 voting district;~~

~~(M) Mulberry # 3 voting district;~~

~~(N) Porter voting district;~~

~~(O) Vine Prairie voting district;~~

~~(P) Whitley voting district; and~~

~~(Q) Winfrey voting district;~~

~~(3) The voting districts and voting precincts of Jefferson County as they existed on January 1, 2011, that are not listed under § 7-2-102(a)(2);~~

~~(4) The voting districts and voting precincts of Newton County as they existed on January 1, 2011, that are not listed under § 7-2-104(a)(3); and~~

~~(5) The following voting districts of Sebastian County as they existed on January 1, 2011:~~

~~(A) 9-1-A voting district;~~

~~(B) 9-1-B voting district;~~

~~(C) 9-1-C voting district;~~

~~(D) 9-1-D voting district;~~

~~(E) 9-1-E voting district;~~

~~(F) 9-1-Q voting district;~~

~~(G) 9-2-E voting district;~~

~~(H) 9-3-E voting district;~~

~~(I) 9-3-F voting district;~~

~~(J) 9-3-G voting district;~~

~~(K) 9-3-H voting district;~~

~~(L) 9-3-I voting district;~~

~~(M) 9-3-J voting district;~~

~~(N) 9-3-K voting district;~~

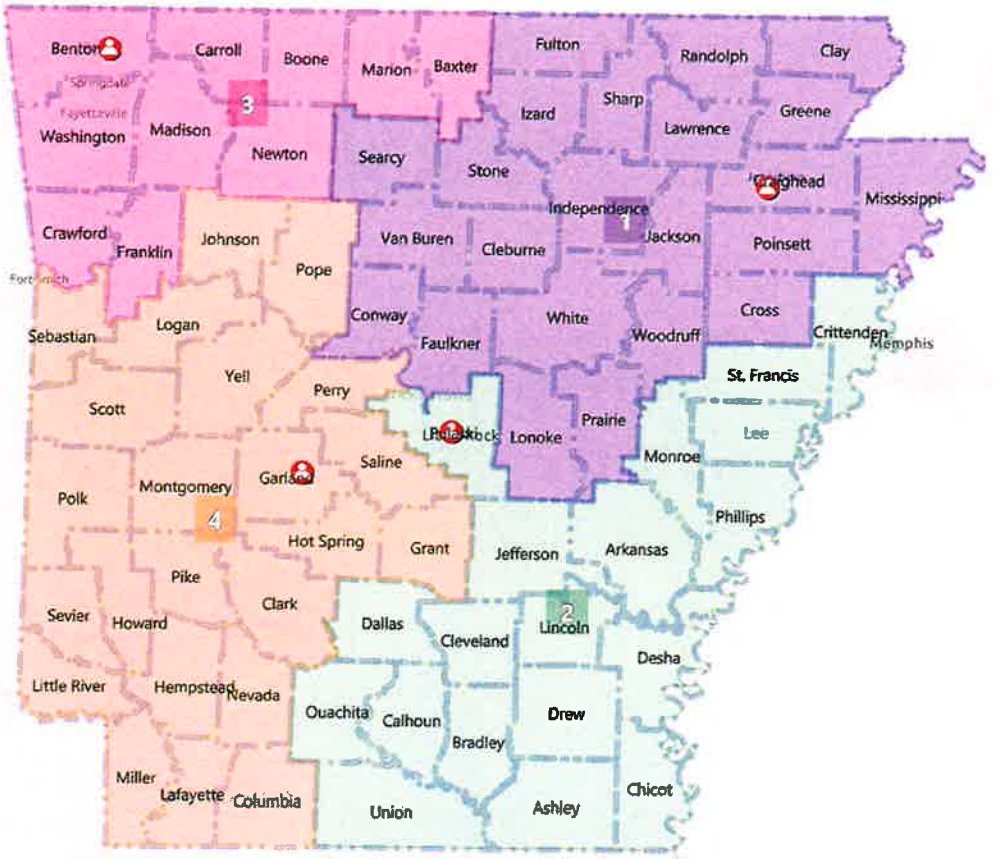
~~(O) 9-3-L voting district; and~~

~~(P) 9-3-M voting district~~.

(b) The qualified electors residing in the counties ~~and portions of Crawford County, Jefferson~~ County, Newton County, ~~and Sebastian County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

Congressional Plan

SB 728- Sen. Elliott 1



Case 4:22-cv-00213-JM-DRS-DPM Document 34-7 Filed 12/02/22 Page 6 of 12

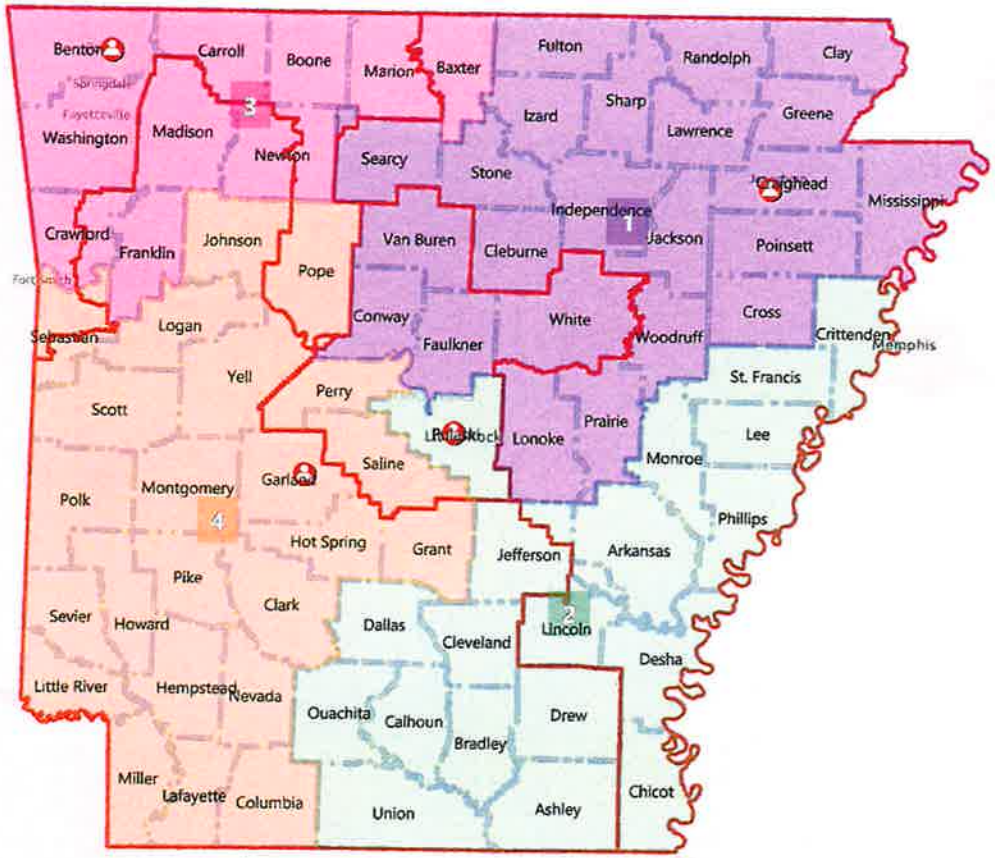
AutoBound Edge MAP - Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/23/2021 12:52:05 PM Last Edit:9/23/2021 12:12:09 PM

EDGE 2020 Professional Redistricting

Congressional Plan

SB 728- Sen. Elliott 2



Case 4:22-cv-00213-JM-DRS-DPM Document 34-7 Filed 12/02/22 Page 7 of 12

AutoBound Edge MAP - Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/23/2021 12:54:56 PM Last Edit:9/23/2021 12:12:09 PM

EDGE 2020 Professional Redistricting

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District: 1 2
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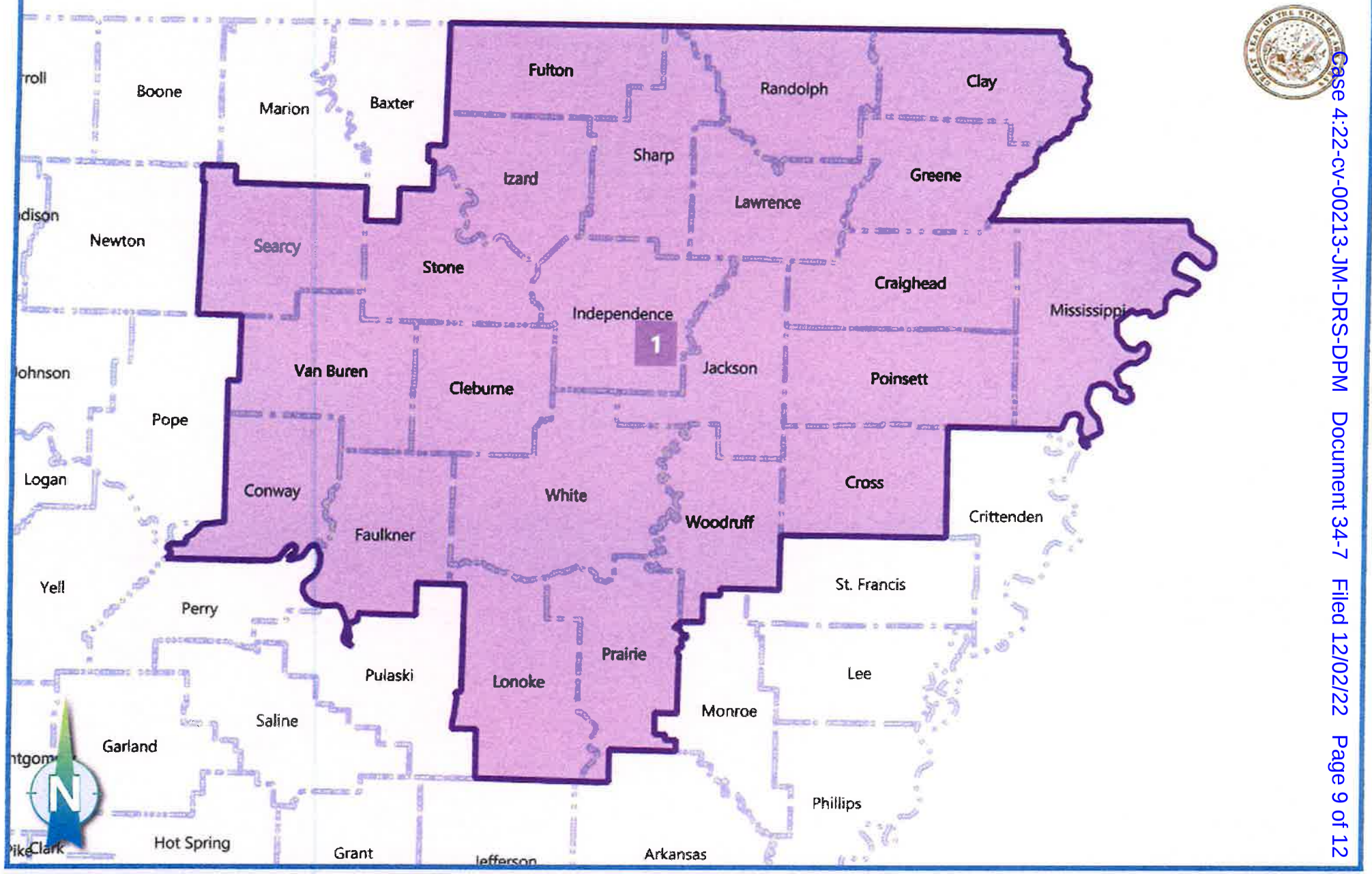
AutoBound Edge MAP

SB 728- Sen. Elliott 3

Plan Type and Name: Congressional:Sen. Elliot

District: 1



Ideal Population: 752,881 Deviation: 0.24 % Total Population: **754,700**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/23/2021 12:53:55 PM Plan Last Edited on: 9/23/2021 12:12:09 PM

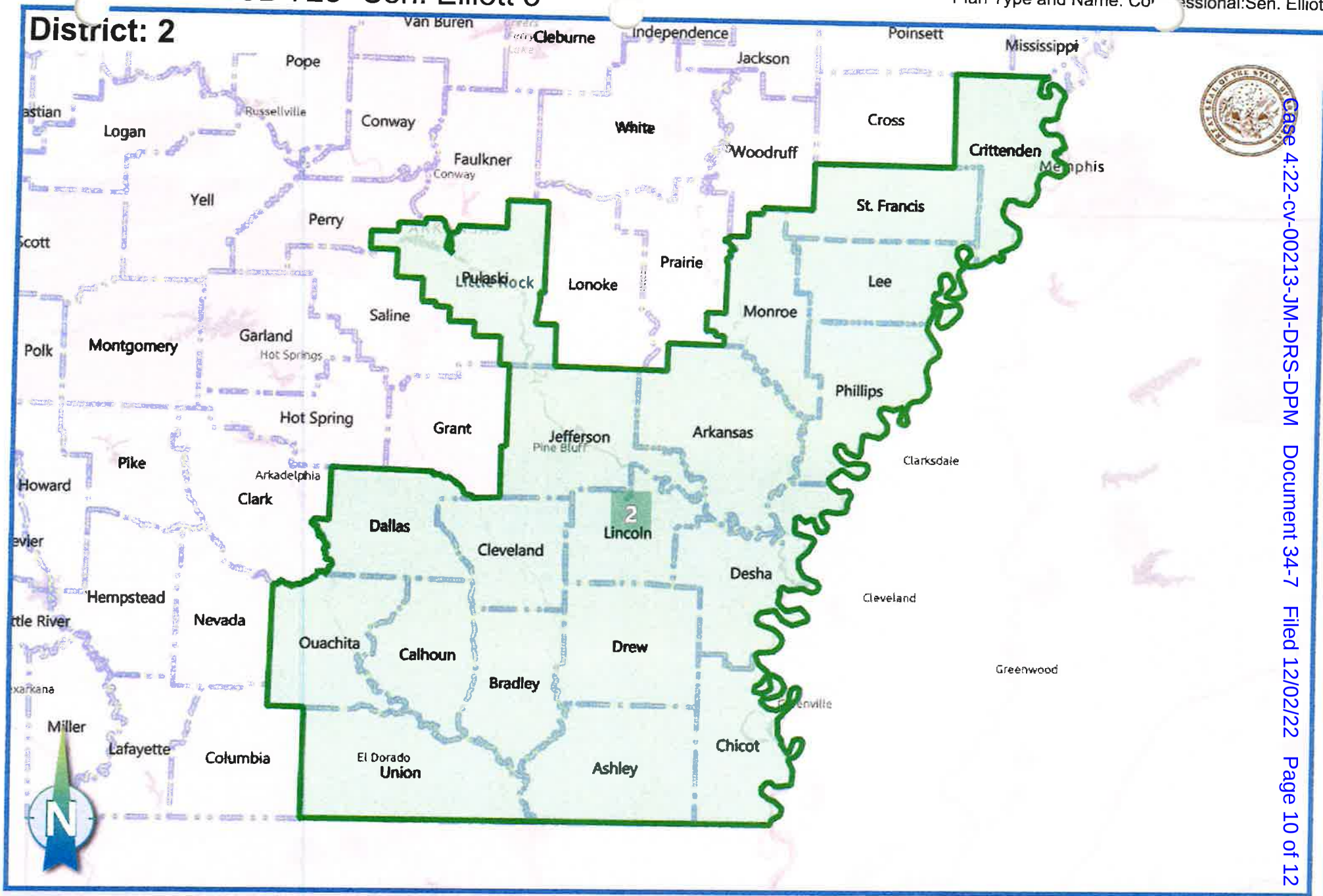
EDGE 2020 Professional Redistricting

Case 4:22-cv-00213-JM-DRS-DPM Document 34-7 Filed 12/02/22 Page 9 of 12

AutoBound Edge MAP

SB 728- Sen. Elliott 3

Plan Type and Name: Cor essional:Sen. Elliot



Ideal Population: 752,881 Deviation: -0.55 % Total Population: **748,730**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/23/2021 12:53:55 PM Plan Last Edited on: 9/23/2021 12:12:09 PM

EDGE 2020 Professional Redistricting

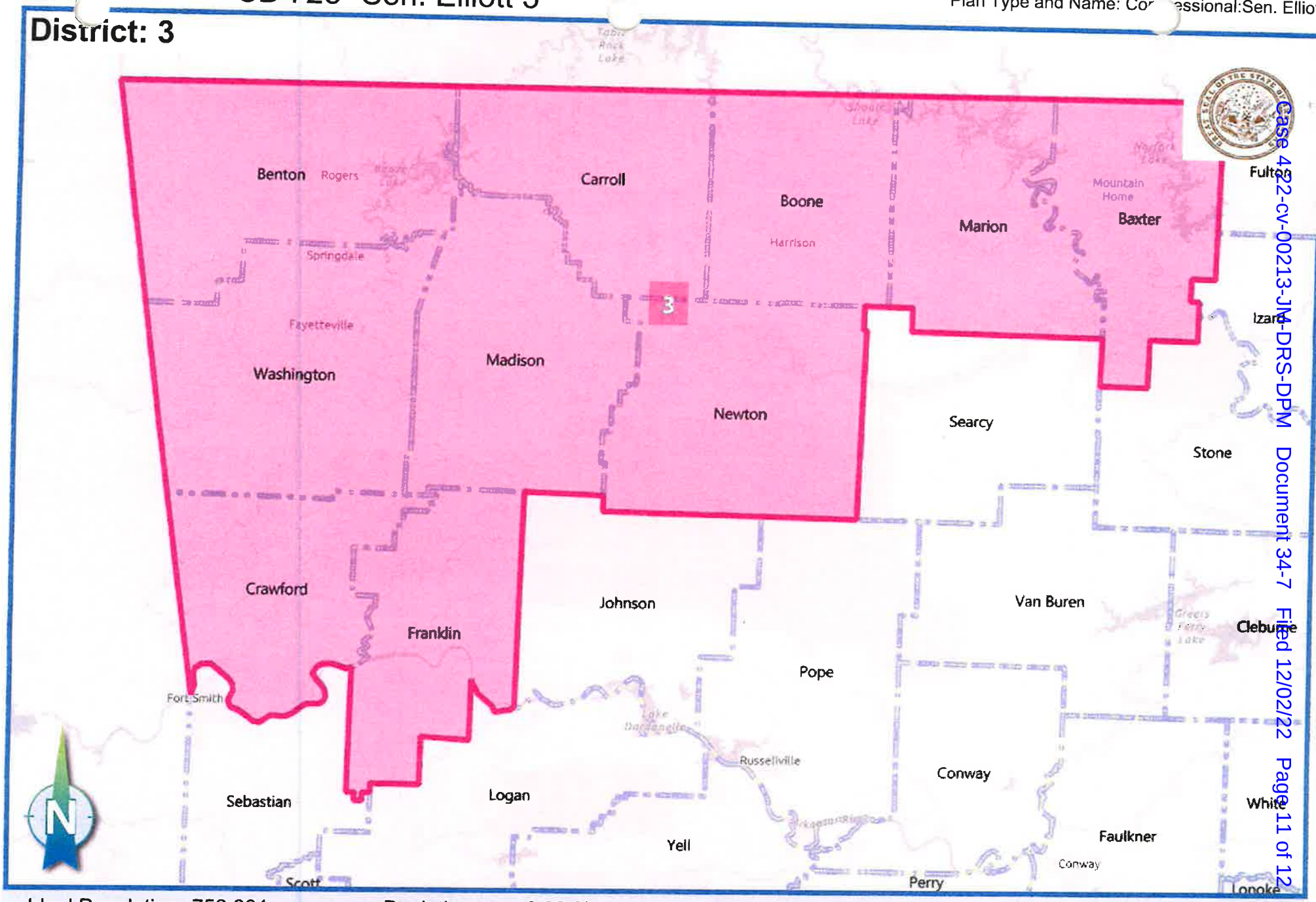
Case 4:22-cv-00213-JM-DRS-DPM Document 34-7 Filed 12/02/22 Page 10 of 12

AutoBound Edge MAP

SB 728- Sen. Elliott 3

Plan Type and Name: Cor essional:Sen. Ellio

District: 3



Ideal Population: 752,881 Deviation: 0.32 % Total Population: **755,266**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/23/2021 12:53:55 PM Plan Last Edited on: 9/23/2021 12:12:09 PM

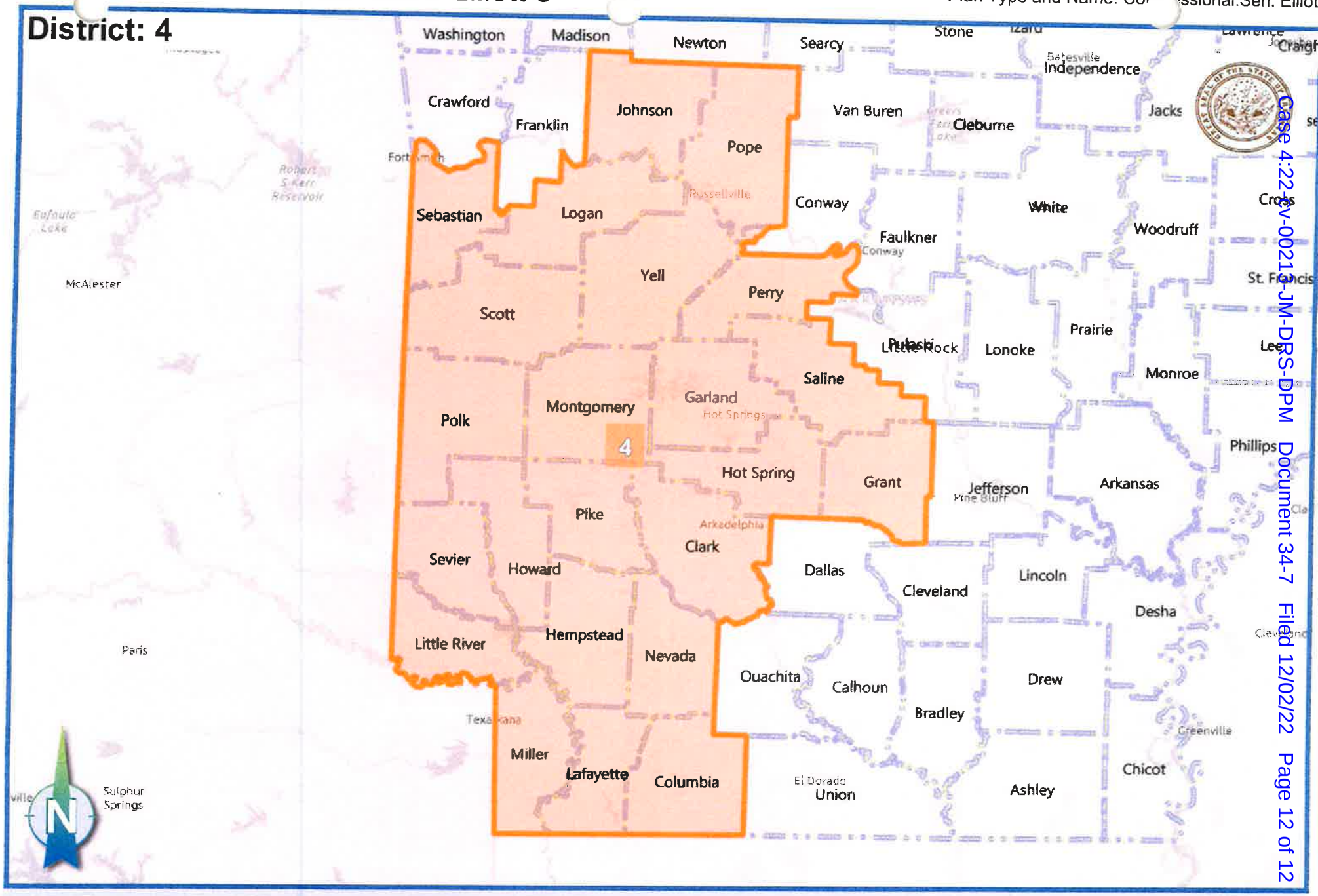
EDGE 2020 Professional Redistricting

Case 4:22-cv-00213-JM-DRS-DPM Document 34-7 Filed 12/02/22 Page 11 of 12

AutoBound Edge MAP

SB 728- Sen. Elliott 3

Plan Type and Name: Cor[illegible]ssional:Sen. Elliot



Ideal Population: 752,881 Deviation: -0.01 % Total Population: **752,828**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/23/2021 12:53:56 PM Plan Last Edited on: 9/23/2021 12:12:09 PM

EDGE 2020 Professional Redistricting

Case 4:22-cv-00213-JM-DRS-DPM Document 34-7 Filed 12/02/22 Page 12 of 12

EXHIBIT 8

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1966

By: Representative S. Meeks

For An Act To Be Entitled

AN ACT TO ESTABLISH THE FOUR (4) CONGRESSIONAL DISTRICTS IN ARKANSAS FOR 2021-2030; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE FOUR (4) CONGRESSIONAL DISTRICTS IN ARKANSAS FOR 2021-2030; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 7-2-102 is amended to read as follows:

7-2-102. First Congressional District.

(a) The First Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of Arkansas, ~~Baxter,~~ Ashley, Bradley, Chicot, Clay, ~~Gleburne,~~ Cleveland, Craighead, Crittenden, Cross, Desha, Drew, Fulton, Grant, Greene, Independence, ~~Izard,~~ Jackson, Jefferson, Lawrence, Lee, Lincoln, Lonoke, Mississippi, Monroe, Phillips, ~~Prairie,~~ Poinsett, Prairie, Randolph, St. Francis, Sharp, ~~Stone,~~ and Woodruff~~;~~

~~(2) The following voting districts of Jefferson County as they existed on January 1, 2011:~~

~~(A) 19 (Dunnington) voting district;~~

~~(B) P15 (Dudley Lake) voting district;~~

~~(C) 25 (Old River) voting district;~~

~~(D) 57 (Villemont) voting district;~~

~~(E) P91 (Roberts) voting district;~~

~~(F) P851 (Humphrey) voting district; and~~

EXHIBIT 8

~~(C) P862 (Humphrey) voting district; and~~

~~(3) The voting districts and voting precincts of Searcy County as they existed on January 1, 2011, that are not listed under § 7-2-104(a)(4)~~.

(b) The qualified electors residing in the counties ~~and portion of Jefferson County and Searcy County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 2. Arkansas Code § 7-2-103 is amended to read as follows:

7-2-103. Second Congressional District.

(a) The Second Congressional District shall be composed of the counties of Conway, Faulkner, Perry, Pulaski, Saline, ~~Van Buren,~~ and White.

(b) The qualified electors residing in the counties listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 3. Arkansas Code § 7-2-104 is amended to read as follows:

7-2-104. Third Congressional District.

(a) The Third Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of Baxter, Benton, Boone, Carroll, Cleburne, Izard, Madison, Marion, Newton, ~~Pope,~~ Searcy, Stone, Van Buren, and Washington~~;~~

~~(2) The voting districts and voting precincts of Crawford County as they existed on January 1, 2011, that are not listed under § 7-2-105(a)(2);~~

~~(3) The following voting districts of Newton County as they existed on January 1, 2011:~~

~~(A) Big Creek voting district;~~

~~(B) Dogpatch voting district;~~

~~(C) Grove voting district;~~

~~(D) Hasty voting district;~~

~~(E) Polk voting district;~~

~~(F) Richland voting district; and~~

~~(G) White voting district;~~

~~(4) The Prairie voting district of Searcy County as it existed~~

~~on January 1, 2011; and~~

~~(5) The voting districts and voting precincts of Sebastian County as they existed on January 1, 2011, that are not listed under § 7-2-105(a)(5)~~.

(b) The qualified electors residing in the counties ~~and portions of Crawford County, Newton County, Searcy County, and Sebastian County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 4. Arkansas Code § 7-2-105 is amended to read as follows:

7-2-105. Fourth Congressional District.

(a) The Fourth Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of ~~Ashley, Bradley,~~ Calhoun, Clark, ~~Cleveland,~~ Columbia, Crawford, Dallas, ~~Drew,~~ Franklin, Garland, ~~Grant,~~ Hempstead, Hot Spring, Howard, Johnson, Lafayette, Little River, Logan, ~~Madison,~~ Miller, Montgomery, Nevada, Ouachita, Pike, Polk, Pope, Scott, Sebastian, Sevier, Union, and Yell~~;~~

~~(2) The following voting districts of Crawford County as they existed on January 1, 2011:~~

~~(A) Alma # 1 voting district;~~

~~(B) Alma # 4 voting district;~~

~~(C) Bidville voting district;~~

~~(D) Chester voting district;~~

~~(E) Dean Springs voting district;~~

~~(F) Dyer voting district;~~

~~(G) Eagle Crest voting district;~~

~~(H) Kibler voting district;~~

~~(I) Locke voting district;~~

~~(J) Mountain voting district;~~

~~(K) Mulberry # 1 voting district;~~

~~(L) Mulberry # 2 voting district;~~

~~(M) Mulberry # 3 voting district;~~

~~(N) Porter voting district;~~

~~(O) Vine Prairie voting district;~~

~~(P) Whitley voting district; and~~

~~(Q) Winfrey voting district;~~

~~(3) The voting districts and voting precincts of Jefferson County as they existed on January 1, 2011, that are not listed under § 7-2-102(a)(2);~~

~~(4) The voting districts and voting precincts of Newton County as they existed on January 1, 2011, that are not listed under § 7-2-104(a)(3); and~~

~~(5) The following voting districts of Sebastian County as they existed on January 1, 2011:~~

~~(A) 9-1-A voting district;~~

~~(B) 9-1-B voting district;~~

~~(C) 9-1-C voting district;~~

~~(D) 9-1-D voting district;~~

~~(E) 9-1-E voting district;~~

~~(F) 9-1-Q voting district;~~

~~(G) 9-2-E voting district;~~

~~(H) 9-3-E voting district;~~

~~(I) 9-3-F voting district;~~

~~(J) 9-3-G voting district;~~

~~(K) 9-3-H voting district;~~

~~(L) 9-3-I voting district;~~

~~(M) 9-3-J voting district;~~

~~(N) 9-3-K voting district;~~

~~(O) 9-3-L voting district; and~~

~~(P) 9-3-M voting district~~.

(b) The qualified electors residing in the counties ~~and portions of Crawford County, Jefferson County, Newton County, and Sebastian County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the General Assembly is responsible for establishing the four (4) United States Congressional Districts in the state; that the United States Congressional Districts are based on the information provided by the federal decennial census by the United States Bureau of the Census; that the federal decennial census data delivery was delayed; that the establishment of the four (4) United States

Congressional Districts is necessary to provide equal representation of the citizens of Arkansas in the United States Congress; and that this act is immediately necessary because the establishment of the four (4) United States Congressional Districts must occur in adequate time for the candidates to file for office and for the citizens of Arkansas to have a fair election. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

Congressional Plan

HB 1966- Rep. Meeks 1

AutoBound Edge MAP - Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/24/2021 12:08:35 PM Last Edit:9/23/2021 11:52:03 AM

EDGE 2020 Professional Redistricting

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Congressional Plan

HB 1966- Rep. Meeks 2

AutoBound Edge MAP - Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/24/2021 12:07:19 PM Last Edit:9/23/2021 11:52:03 AM

EDGE 2020 Professional Redistricting

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HB 1966- Rep. Meeks 3

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District: 1 2
District: 2 3
District: 3 4
District: 4 5

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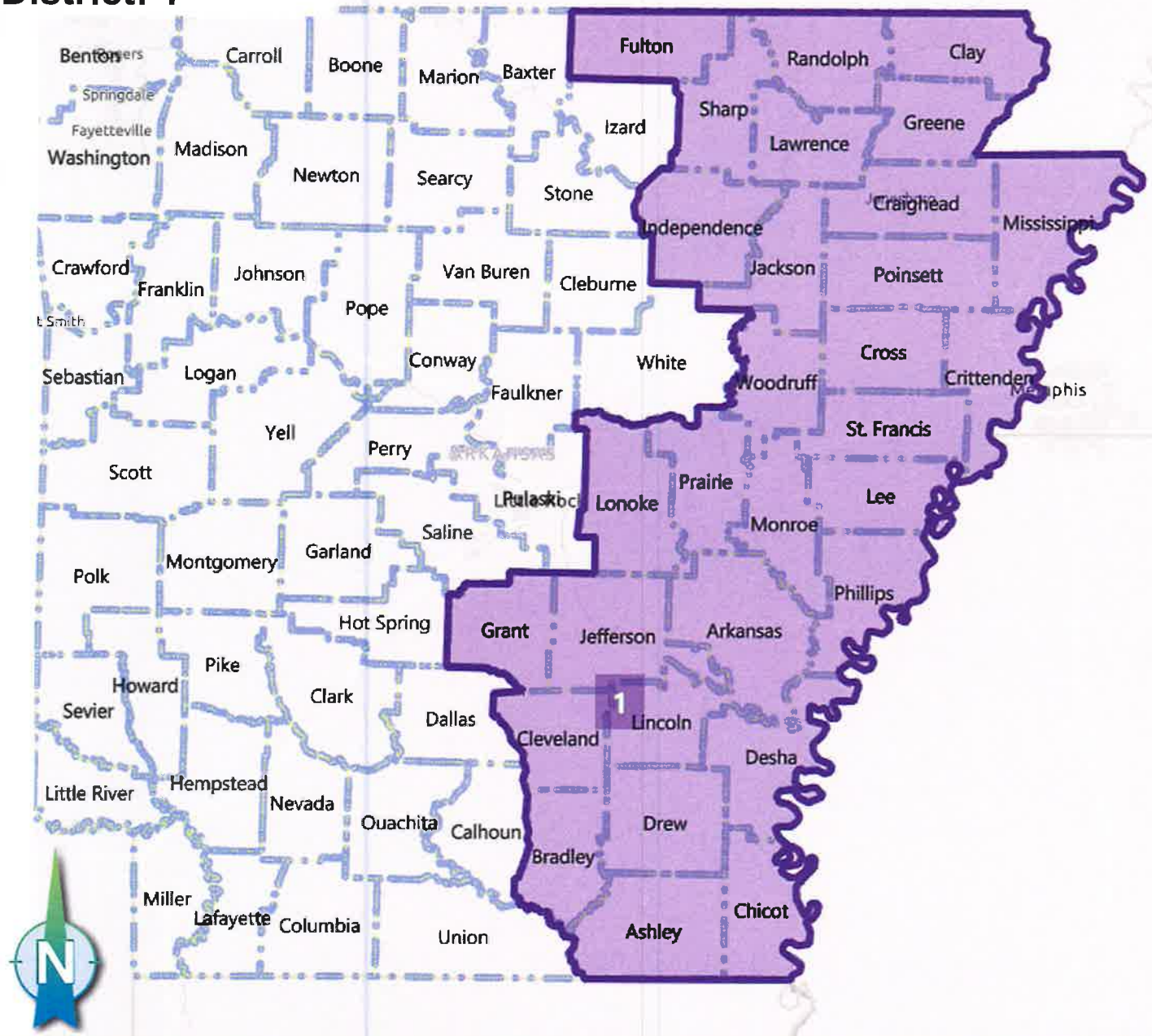
District: 1



Ideal Population: 752,881 Deviation: 0.15 % Total Population: **754,032**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/24/2021 12:12:51 PM Plan Last Edited on: 9/24/2021 12:11:03 PM

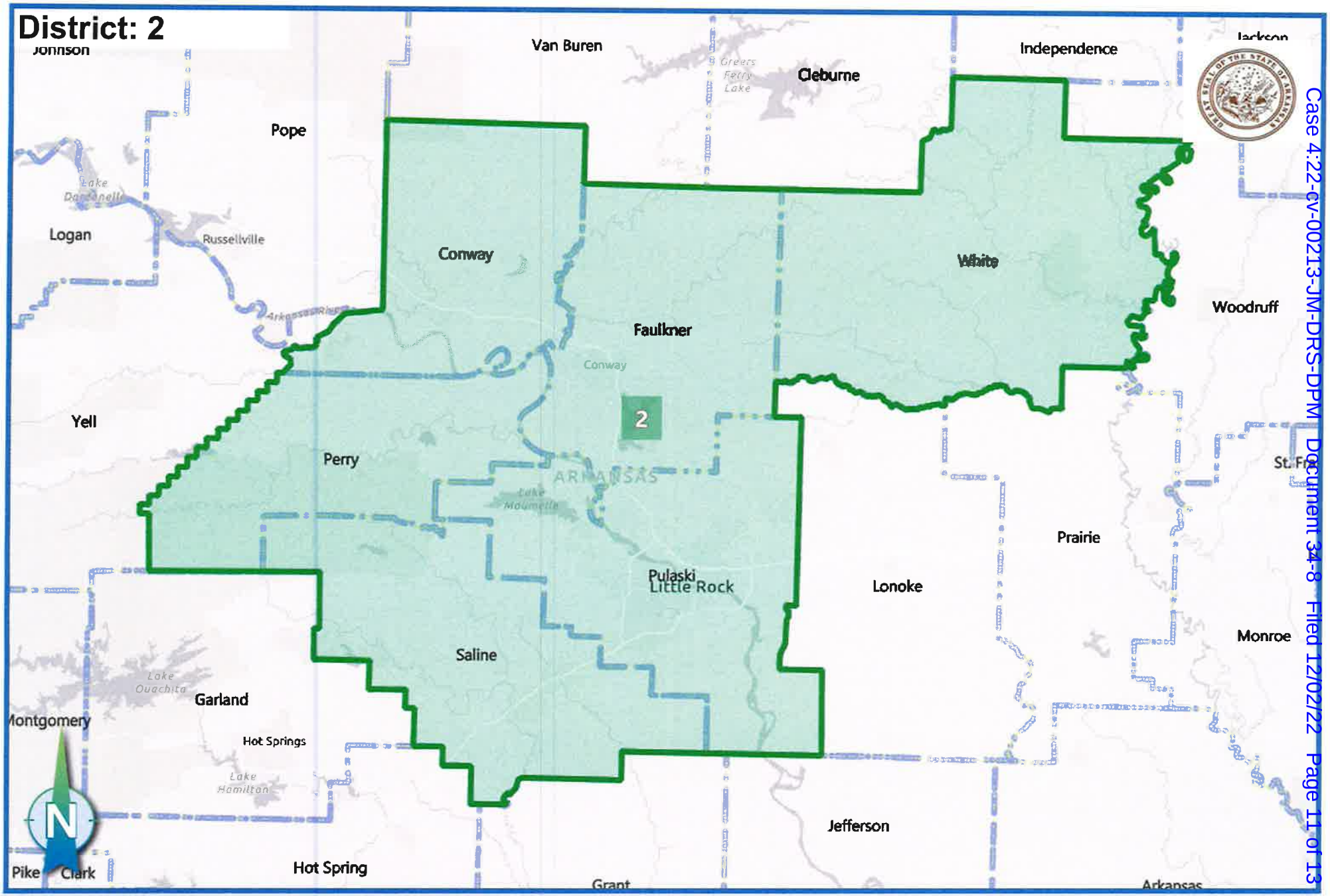
EDGE 2020 Professional Redistricting

Case 4:22-cv-00213-JM-DRS-DPM Document 34-8 Filed 12/02/22 Page 10 of 13

AutoBound Edge MAP

HB 1966- Rep. Meeks 3

Plan Type and Name: Congressional:Rep. Meeks -



Ideal Population: 752,881 Deviation: 0.09 % Total Population: **753,595**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/24/2021 12:12:51 PM Plan Last Edited on: 9/24/2021 12:11:03 PM

EDGE 2020 Professional Redistricting

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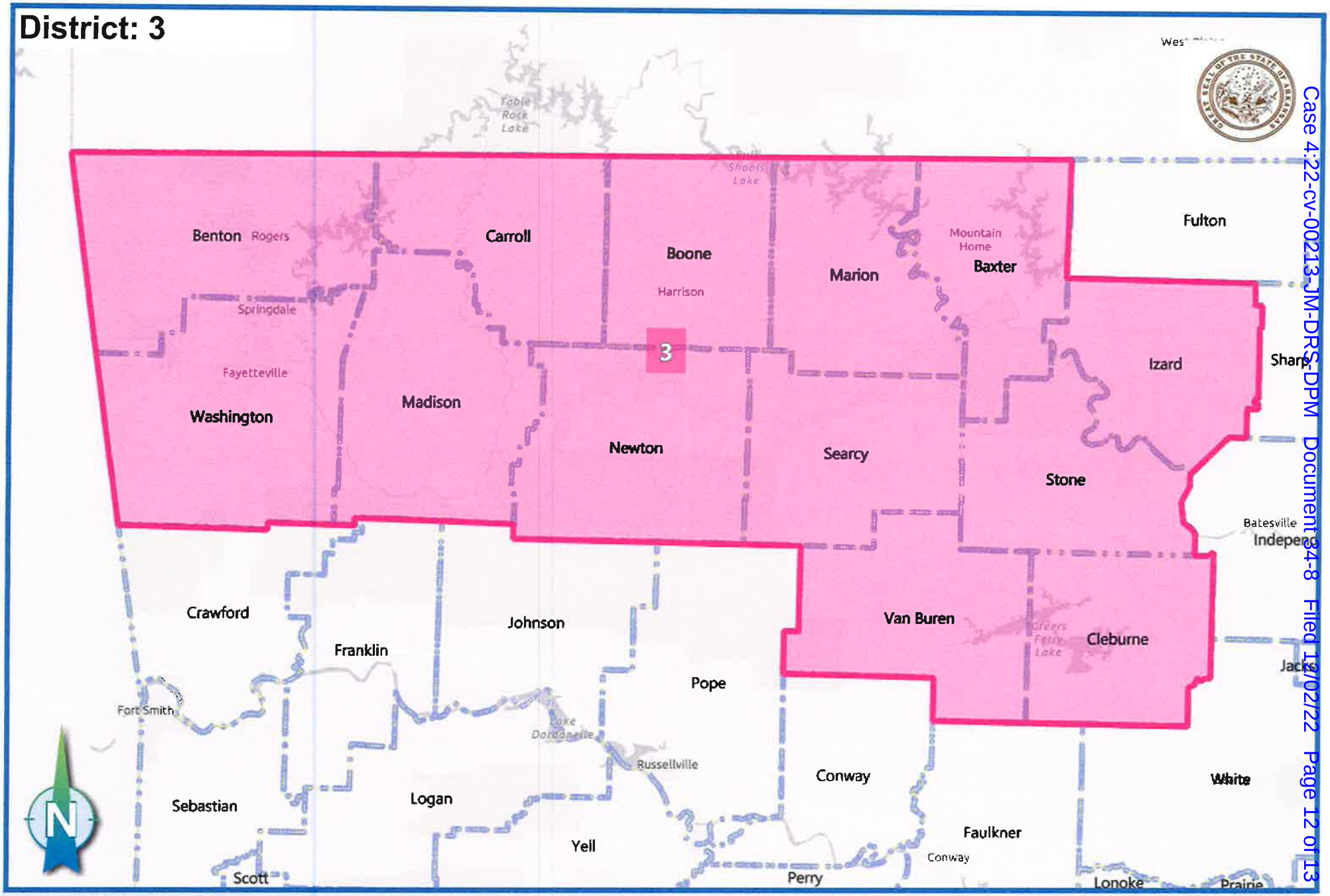
HB 1966- Rep. Meeks 3

Plan Type and Name: Congressional:Rep. Meeks -



Ideal Population: 752,881 Deviation: -0.08 % Total Population: **752,307**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/24/2021 12:12:52 PM Plan Last Edited on: 9/24/2021 12:11:03 PM

EDGE 2020 Professional Redistricting

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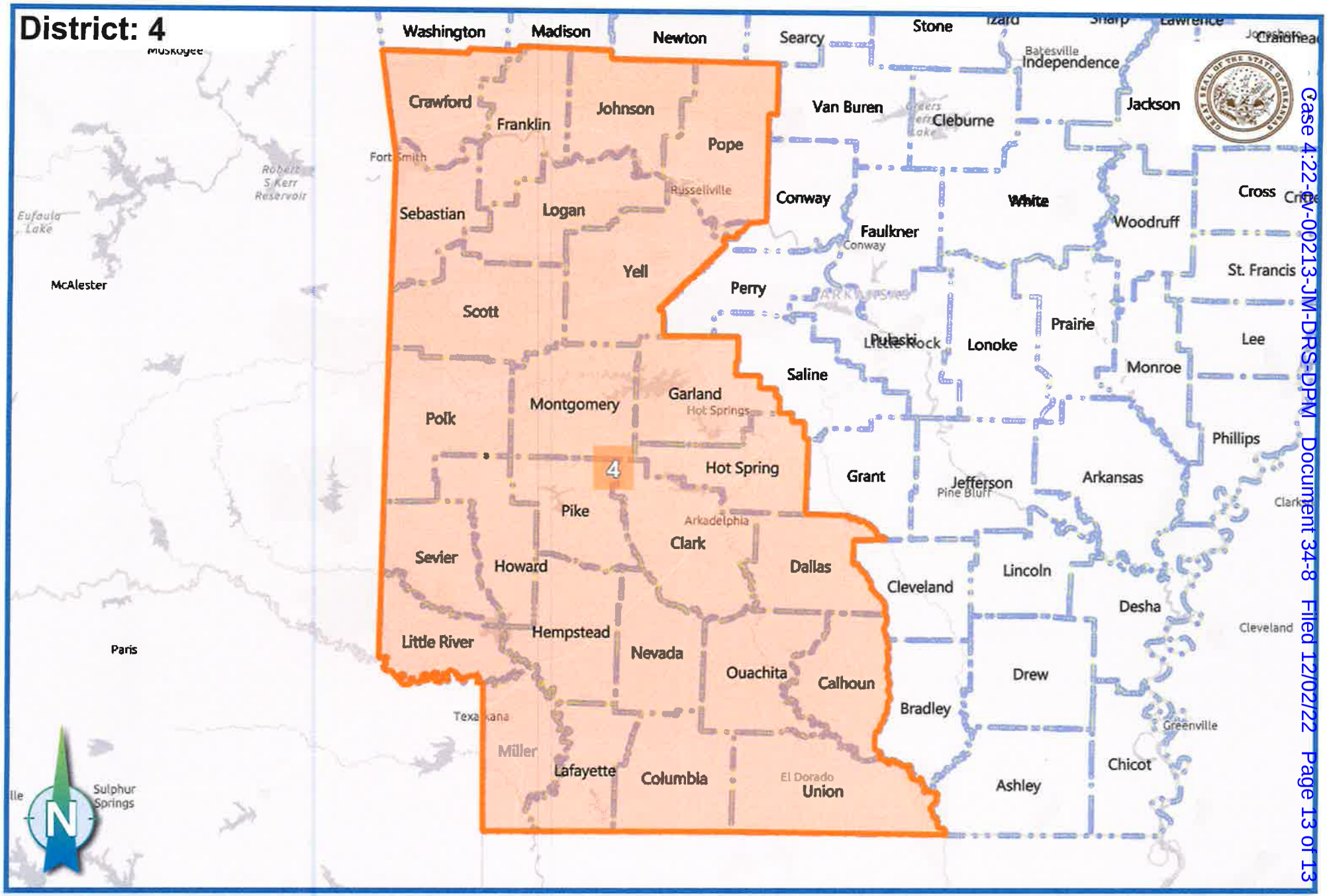
AutoBound Edge MAP

HB 1966- Rep. Meeks 3

Plan Type and Name: Congressional:Rep. Meeks -



Ideal Population: 752,881 Deviation: -0.17 % Total Population: **751,590**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/24/2021 12:12:52 PM Plan Last Edited on: 9/24/2021 12:11:03 PM

EDGE 2020 Professional Redistricting

Case 4:22-cv-00213-JM-DRS-DPM Document 34-8 Filed 12/02/22 Page 13 of 13

EXHIBIT 9

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1968

By: Representative D. Whitaker

For An Act To Be Entitled

AN ACT TO AMEND THE FOUR (4) CONGRESSIONAL DISTRICTS OF ARKANSAS BASED ON THE MOST RECENT FEDERAL DECENNIAL CENSUS DATA; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE FOUR (4) CONGRESSIONAL DISTRICTS OF ARKANSAS BASED ON THE MOST RECENT FEDERAL DECENNIAL CENSUS DATA; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 7-2-102 is amended to read as follows:

7-2-102. First Congressional District.

(a) The First Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of ~~Arkansas,~~ Baxter, Boone, Carroll, Chicot, Clay, Cleburne, Craighead, Crittenden, Cross, Desha, Fulton, Greene, Independence, Izard, Jackson, Lawrence, Lee, ~~Lincoln,~~ Lonoke, Marion, Mississippi, Monroe, Phillips, ~~Prairie,~~ Poinsett, Prairie, Randolph, St. Francis, Sharp, Stone, and Woodruff~~;~~

~~(2) The following voting districts of Jefferson County as they existed on January 1, 2011:~~

~~(A) 19 (Dunnington) voting district;~~

~~(B) P15 (Dudley Lake) voting district;~~

~~(C) 25 (Old River) voting district;~~

~~(D) 57 (Villemont) voting district;~~

~~(E) P91 (Roberts) voting district;~~

~~(F) P851 (Humphrey) voting district; and~~

~~(G) P862 (Humphrey) voting district; and~~

~~(3) The voting districts and voting precincts of Searcy County as they existed on January 1, 2011, that are not listed under § 7-2-104(a)(4)~~.

(b) The qualified electors residing in the counties ~~and portion of Jefferson County and Searcy County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 2. Arkansas Code § 7-2-103 is amended to read as follows:

7-2-103. Second Congressional District.

(a) The Second Congressional District shall be composed of the counties of ~~Conway,~~ Faulkner, Perry, Pulaski, Saline, Van Buren, and White.

(b) The qualified electors residing in the counties listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 3. Arkansas Code § 7-2-104 is amended to read as follows:

7-2-104. Third Congressional District.

(a) The Third Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of Benton, ~~Boone, Carroll, Marion, Pope,~~ Crawford, Franklin, Madison, Sebastian, and Washington~~;~~

~~(2) The voting districts and voting precincts of Crawford County as they existed on January 1, 2011, that are not listed under § 7-2-105(a)(2);~~

~~(3) The following voting districts of Newton County as they existed on January 1, 2011:~~

~~(A) Big Creek voting district;~~

~~(B) Dogpatch voting district;~~

~~(C) Grove voting district;~~

~~(D) Hasty voting district;~~

~~(E) Polk voting district;~~

~~(F) Richland voting district; and~~

~~(G) White voting district;~~

~~(4) The Prairie voting district of Searcy County as it existed on January 1, 2011; and~~

~~(5) The voting districts and voting precincts of Sebastian County as they existed on January 1, 2011, that are not listed under § 7-2-105(a)(5)~~.

(b) The qualified electors residing in the counties ~~and portions of Crawford County, Newton County, Searcy County, and Sebastian County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 4. Arkansas Code § 7-2-105 is amended to read as follows:

7-2-105. Fourth Congressional District.

(a) The Fourth Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of Arkansas, Ashley, Bradley, Calhoun, Clark, Cleveland, Columbia, Conway, Dallas, Drew, ~~Franklin,~~ Garland, Grant, Hempstead, Hot Spring, Howard, Jefferson, Johnson, Lafayette, Lincoln, Little River, Logan, ~~Madison,~~ Miller, Montgomery, Nevada, Newton, Ouachita, Pike, Polk, Pope, Scott, Searcy, Sevier, Union, and Yell~~;~~

~~(2) The following voting districts of Crawford County as they existed on January 1, 2011:~~

~~(A) Alma # 1 voting district;~~

~~(B) Alma # 4 voting district;~~

~~(C) Bidville voting district;~~

~~(D) Chester voting district;~~

~~(E) Dean Springs voting district;~~

~~(F) Dyer voting district;~~

~~(G) Eagle Crest voting district;~~

~~(H) Kibler voting district;~~

~~(I) Locke voting district;~~

~~(J) Mountain voting district;~~

~~(K) Mulberry # 1 voting district;~~

~~(L) Mulberry # 2 voting district;~~

~~(M) Mulberry # 3 voting district;~~

~~(N) Porter voting district;~~

~~(O) Vine Prairie voting district;~~

~~(P) Whitley voting district; and~~

~~(Q) Winfrey voting district;~~

~~(3) The voting districts and voting precincts of Jefferson County as they existed on January 1, 2011, that are not listed under § 7-2-102(a)(2);~~

~~(4) The voting districts and voting precincts of Newton County as they existed on January 1, 2011, that are not listed under § 7-2-104(a)(3); and~~

~~(5) The following voting districts of Sebastian County as they existed on January 1, 2011:~~

~~(A) 9-1-A voting district;~~

~~(B) 9-1-B voting district;~~

~~(C) 9-1-C voting district;~~

~~(D) 9-1-D voting district;~~

~~(E) 9-1-E voting district;~~

~~(F) 9-1-Q voting district;~~

~~(G) 9-2-E voting district;~~

~~(H) 9-3-E voting district;~~

~~(I) 9-3-F voting district;~~

~~(J) 9-3-G voting district;~~

~~(K) 9-3-H voting district;~~

~~(L) 9-3-I voting district;~~

~~(M) 9-3-J voting district;~~

~~(N) 9-3-K voting district;~~

~~(O) 9-3-L voting district; and~~

~~(P) 9-3-M voting district~~.

(b) The qualified electors residing in the counties ~~and portions of Crawford County, Jefferson County, Newton County, and Sebastian County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the General Assembly is responsible for establishing the four (4) United States Congressional Districts in the state; that the United States Congressional Districts are based on the information provided by the federal decennial census by the United States Bureau of the Census; that the federal decennial census data

delivery was delayed; that the establishment of the four (4) United States Congressional Districts is necessary to provide equal representation of the citizens of Arkansas in the United States Congress; and that this act is immediately necessary because the establishment of the four (4) United States Congressional Districts must occur in adequate time for the candidates to file for office and for the citizens of Arkansas to have a fair election. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

Congressional Plan

HB 1968- Rep. Whitaker 1

AutoBound Edge MAP - Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/28/2021 11:03:00 AM Last Edit:9/28/2021 10:10:44 AM

EDGE 2020 Professional Redistricting

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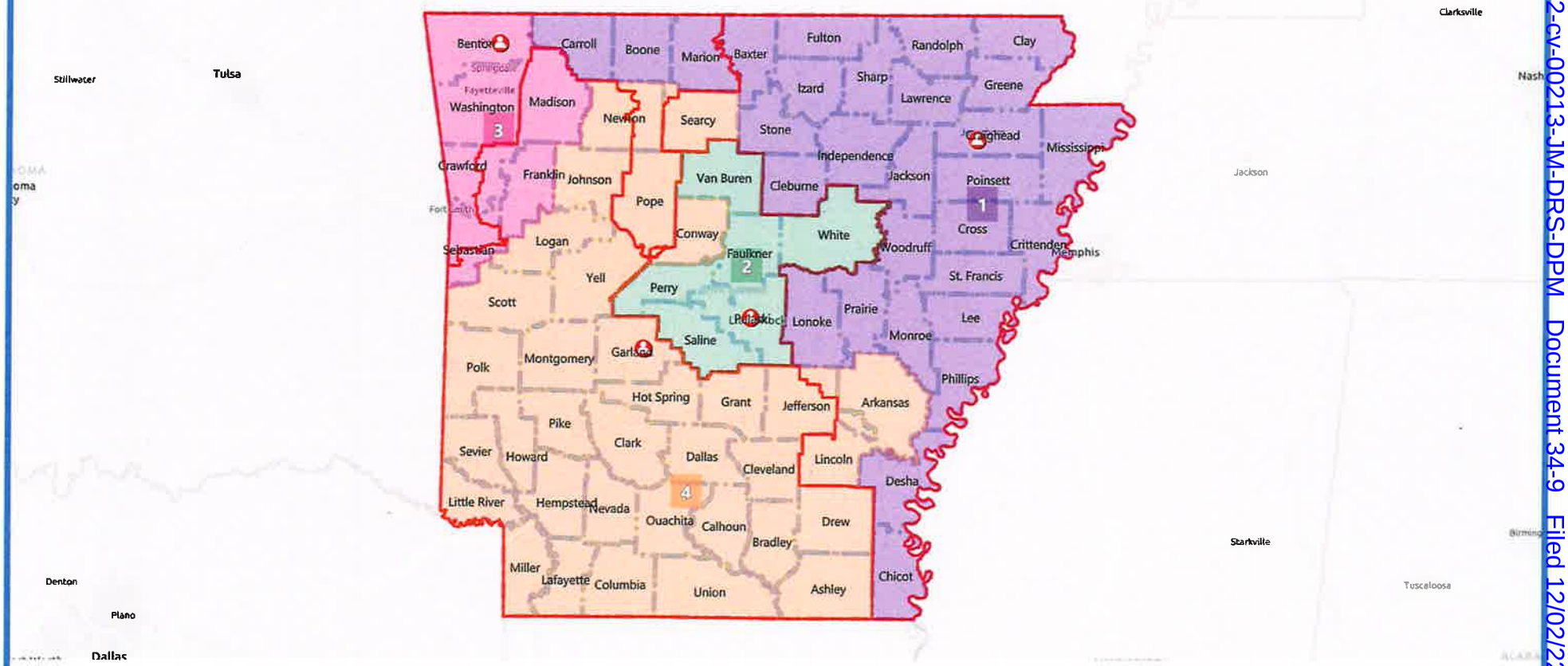
Congressional Plan

HB 1968- Rep. Whitaker 2



AutoBound Edge MAP - Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/28/2021 11:04:47 AM Last Edit:9/28/2021 10:10:44 AM

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District: 4 5

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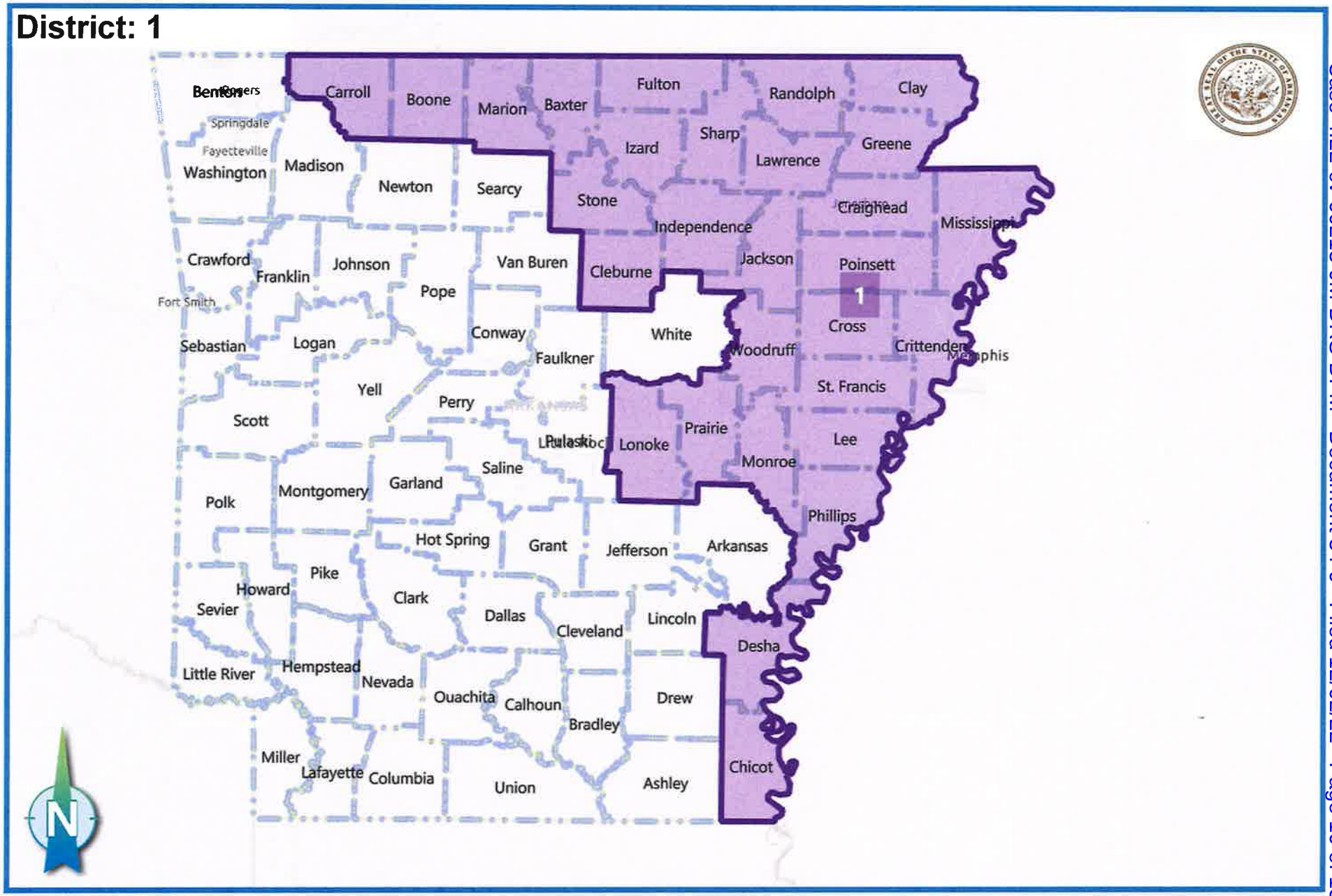
District: 1



Ideal Population: 752,881 Deviation: 0.81 % Total Population: **758,950**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/28/2021 11:04:13 AM Plan Last Edited on: 9/28/2021 10:10:44 AM

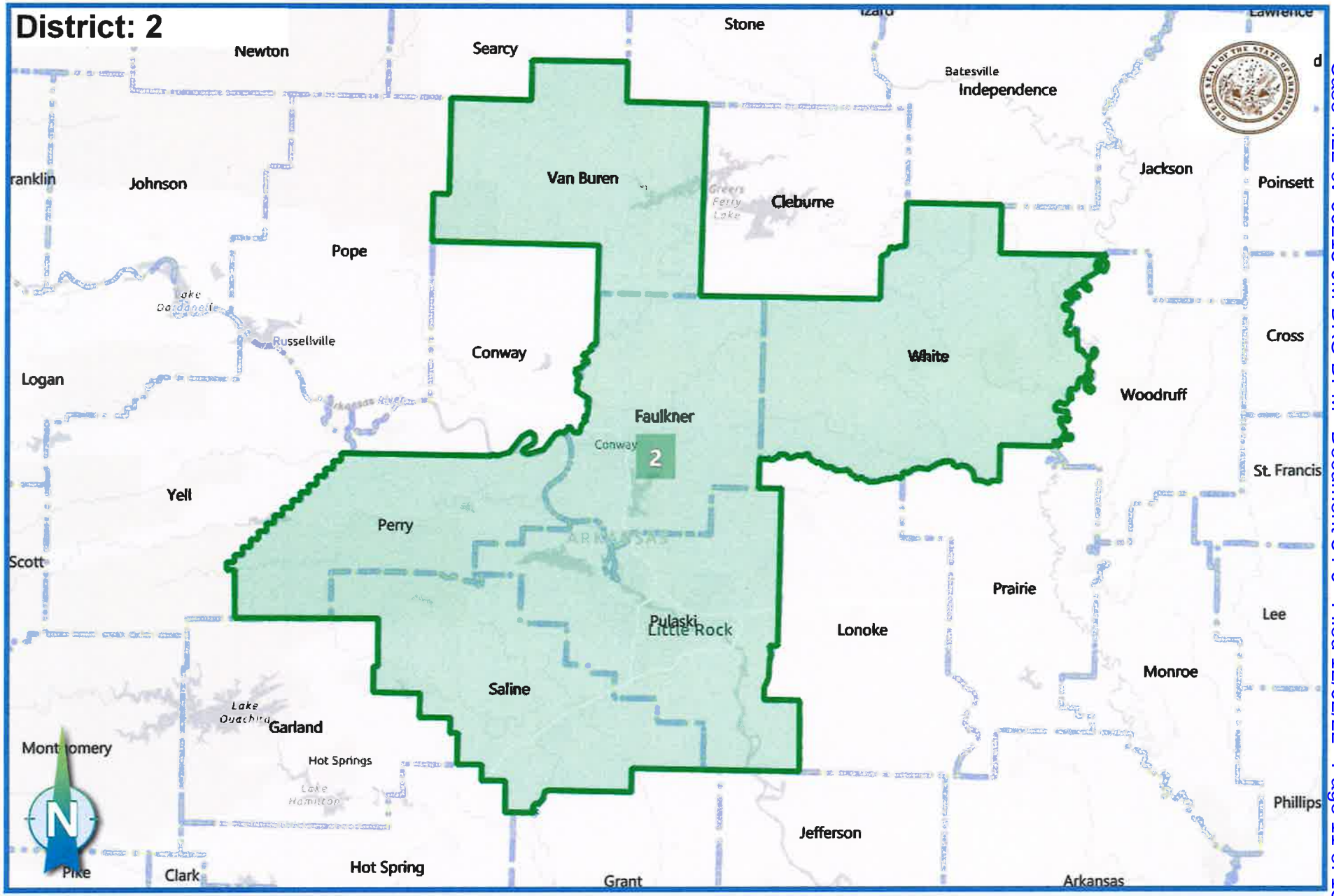
EDGE 2020 Professional Redistricting

Case 4:22-cv-00213-JM-DRS-DPM Document 34-9 Filed 12/02/22 Page 10 of 13

AutoBound Edge MAP

HB 1968- Rep. Whitaker 3

Plan Type and Name: Congressional:Rep.



Ideal Population: 752,881 Deviation: -0.56 % Total Population: **748,676**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/28/2021 11:04:13 AM Plan Last Edited on: 9/28/2021 10:10:44 AM

EDGE 2020 Professional Redistricting

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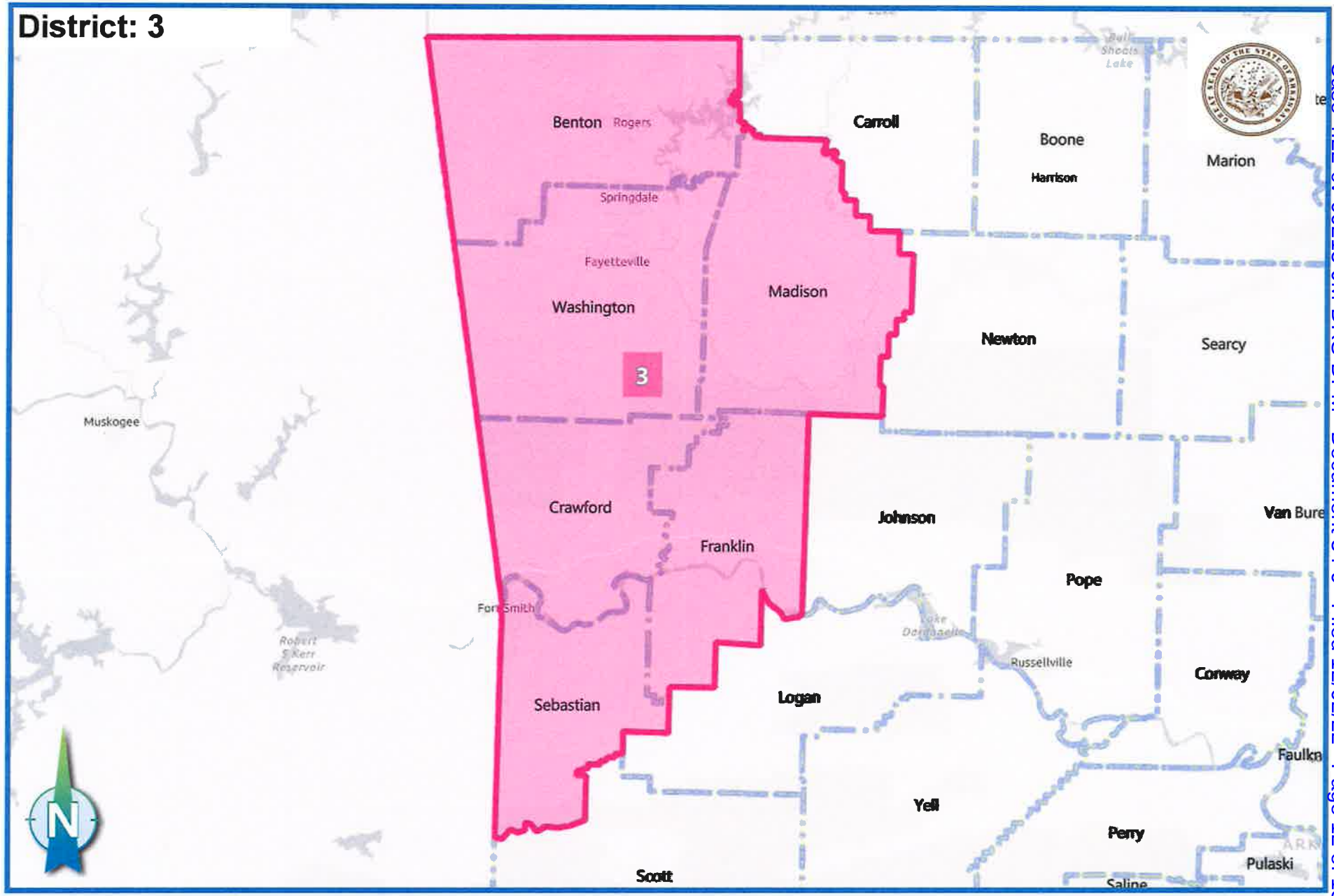
AutoBound Edge MAP

HB 1968- Rep. Whitaker 3

Plan Type and Name: Congressional:Rep.



Ideal Population: 752,881 Deviation: -0.15 % Total Population: **751,754**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/28/2021 11:04:13 AM Plan Last Edited on: 9/28/2021 10:10:44 AM

EDGE 2020 Professional Redistricting

Case 4:22-cv-00213-JM-DRS-DPM Document 34-9 Filed 12/02/22 Page 12 of 13

AutoBound Edge MAP

HB 1968- Rep. Whitaker 3

Plan Type and Name: Congressional:Rep.

Ideal Population: 752,881 Deviation: -0.10 % Total Population: **752,144**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/28/2021 11:04:13 AM Plan Last Edited on: 9/28/2021 10:10:44 AM

EDGE 2020 Professional Redistricting

Case 4:22-cv-00213-JM-DRS-DPM Document 34-9 Filed 12/02/22 Page 13 of 13

EXHIBIT 10

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1978

By: Representative Love

For An Act To Be Entitled

AN ACT TO ESTABLISH THE GEOGRAPHIC BOUNDARIES OF THE FOUR (4) UNITED STATES CONGRESSIONAL DISTRICTS IN ARKANSAS FOR 2021-2030; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE GEOGRAPHIC BOUNDARIES OF THE FOUR (4) UNITED STATES CONGRESSIONAL DISTRICTS IN ARKANSAS FOR 2021-2030; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 7-2-102 is amended to read as follows:

7-2-102. First Congressional District.

(a) The First Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of Arkansas, ~~Baxter,~~ Ashley, Bradley, Chicot, Clay, ~~Cleburne,~~ Cleveland, Craighead, Crittenden, Cross, Desha, Drew, Fulton, Grant, Greene, Independence, ~~Izard,~~ Jackson, Jefferson, Lawrence, Lee, Lincoln, ~~Lonoke,~~ Mississippi, Monroe, Phillips, ~~Prairie,~~ Poinsett, Prairie, Randolph, St. Francis, Sharp, ~~Stone,~~ White and Woodruff~~;~~

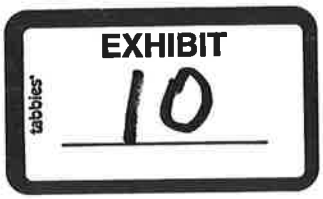
~~(2) The following voting districts of Jefferson County as they existed on January 1, 2011:~~

~~(A) 19 (Dunnington) voting district;~~

~~(B) P15 (Dudley Lake) voting district;~~

~~(C) 25 (Old River) voting district;~~

~~(D) 57 (Villemont) voting district;~~



~~(E) P91 (Roberts) voting district;~~

~~(F) P851 (Humphrey) voting district; and~~

~~(G) P862 (Humphrey) voting district; and~~

~~(3) The voting districts and voting precincts of Searcy County as they existed on January 1, 2011, that are not listed under § 7-2-104(a)(4).~~

(b) The qualified electors residing in the counties ~~and portion of Jefferson County and Searcy County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 2. Arkansas Code § 7-2-103 is amended to read as follows:

7-2-103. Second Congressional District.

(a) The Second Congressional District shall be composed of the counties of Conway, Faulkner, Lonoke, Perry, Pulaski, and Saline, ~~Van Buren, and White~~.

(b) The qualified electors residing in the counties listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 3. Arkansas Code § 7-2-104 is amended to read as follows:

7-2-104. Third Congressional District.

(a) The Third Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of Baxter, Benton, Boone, Carroll, Cleburne, Izard, Madison, Marion, Newton, ~~Pope,~~ Searcy, Stone, Van Buren, and Washington~~;~~

~~(2) The voting districts and voting precincts of Crawford County as they existed on January 1, 2011, that are not listed under § 7-2-105(a)(2);~~

~~(3) The following voting districts of Newton County as they existed on January 1, 2011:~~

~~(A) Big Creek voting district;~~

~~(B) Dogpatch voting district;~~

~~(C) Grove voting district;~~

~~(D) Hasty voting district;~~

~~(E) Polk voting district;~~

~~(F) Richland voting district; and~~

~~(G) White voting district;~~

~~(4) The Prairie voting district of Searcy County as it existed on January 1, 2011; and~~

~~(5) The voting districts and voting precincts of Sebastian County as they existed on January 1, 2011, that are not listed under § 7-2-105(a)(5)~~.

(b) The qualified electors residing in the counties ~~and portions of Crawford County, Newton County, Searcy County, and Sebastian County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 4. Arkansas Code § 7-2-105 is amended to read as follows:

7-2-105. Fourth Congressional District.

(a) The Fourth Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of ~~Ashley, Bradley,~~ Calhoun, Clark, ~~Cleveland,~~ Columbia, Crawford, Dallas, ~~Drew,~~ Franklin, Garland, ~~Grant,~~ Hempstead, Hot Spring, Howard, Johnson, Lafayette, Little River, Logan, ~~Madison,~~ Miller, Montgomery, Nevada, Ouachita, Pike, Polk, Pope, Scott, Sebastian, Sevier, Union, and Yell~~;~~

~~(2) The following voting districts of Crawford County as they existed on January 1, 2011:~~

~~(A) Alma # 1 voting district;~~

~~(B) Alma # 4 voting district;~~

~~(C) Bidville voting district;~~

~~(D) Chester voting district;~~

~~(E) Dean Springs voting district;~~

~~(F) Dyer voting district;~~

~~(G) Eagle Crest voting district;~~

~~(H) Kibler voting district;~~

~~(I) Locke voting district;~~

~~(J) Mountain voting district;~~

~~(K) Mulberry # 1 voting district;~~

~~(L) Mulberry # 2 voting district;~~

~~(M) Mulberry # 3 voting district;~~

~~(N) Porter voting district;~~

~~(O) Vine Prairie voting district;~~

~~(P) Whitley voting district; and~~

~~(Q) Winfrey voting district;~~

~~(3) The voting districts and voting precincts of Jefferson County as they existed on January 1, 2011, that are not listed under § 7-2-102(a)(2);~~

~~(4) The voting districts and voting precincts of Newton County as they existed on January 1, 2011, that are not listed under § 7-2-104(a)(3); and~~

~~(5) The following voting districts of Sebastian County as they existed on January 1, 2011:~~

~~(A) 9-1-A voting district;~~

~~(B) 9-1-B voting district;~~

~~(C) 9-1-C voting district;~~

~~(D) 9-1-D voting district;~~

~~(E) 9-1-E voting district;~~

~~(F) 9-1-Q voting district;~~

~~(G) 9-2-E voting district;~~

~~(H) 9-3-E voting district;~~

~~(I) 9-3-F voting district;~~

~~(J) 9-3-G voting district;~~

~~(K) 9-3-H voting district;~~

~~(L) 9-3-I voting district;~~

~~(M) 9-3-J voting district;~~

~~(N) 9-3-K voting district;~~

~~(O) 9-3-L voting district; and~~

~~(P) 9-3-M voting district~~.

(b) The qualified electors residing in the counties ~~and portions of Crawford County, Jefferson County, Newton County, and Sebastian County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the General Assembly is responsible for establishing the four (4) United States Congressional Districts in the state; that the United States Congressional Districts are

based on the information provided by the federal decennial census by the United States Bureau of the Census; that the federal decennial census data delivery was delayed; that the establishment of the four (4) United States Congressional Districts is necessary to provide equal representation of the citizens of Arkansas in the United States Congress; and that this act is immediately necessary because the establishment of the four (4) United States Congressional Districts must occur in adequate time for the candidates to file for office and for the citizens of Arkansas to have a fair election. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

Congressional Plan

HB 1978- Rep. Love 1

AutoBound Edge MAP - Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/30/2021 3:45:44 PM Last Edit:9/30/2021 3:45:38 PM

EDGE 2020 Professional Redistricting

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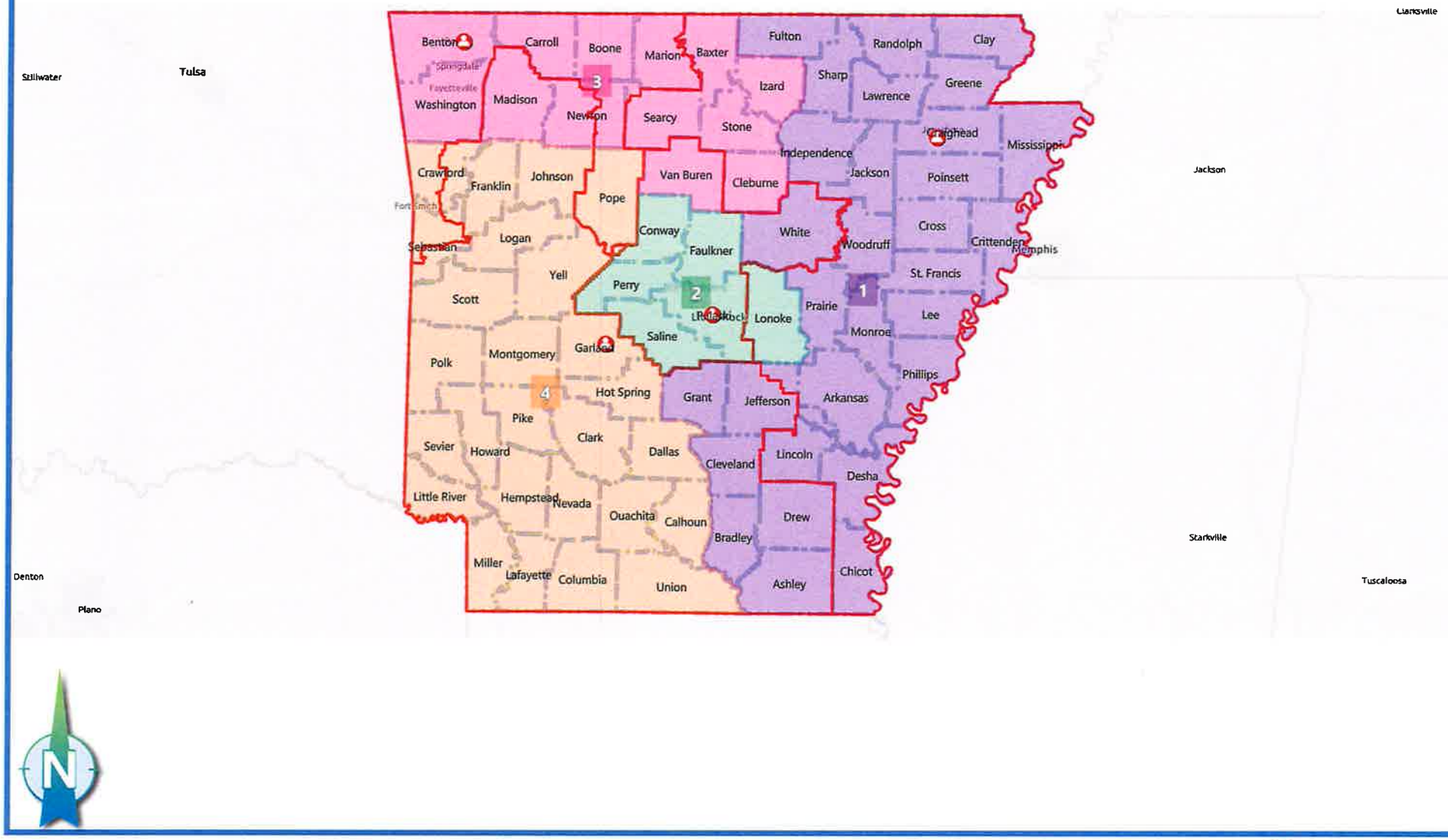
Congressional Plan

HB 1978- Rep. Love 2



AutoBound Edge MAP - Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/30/2021 3:48:07 PM Last Edit:9/30/2021 3:48:04 PM

EDGE 2020 Professional Redistricting

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Table of Contents

District: 1 2
District: 2 3
District: 3 4
District: 4 5

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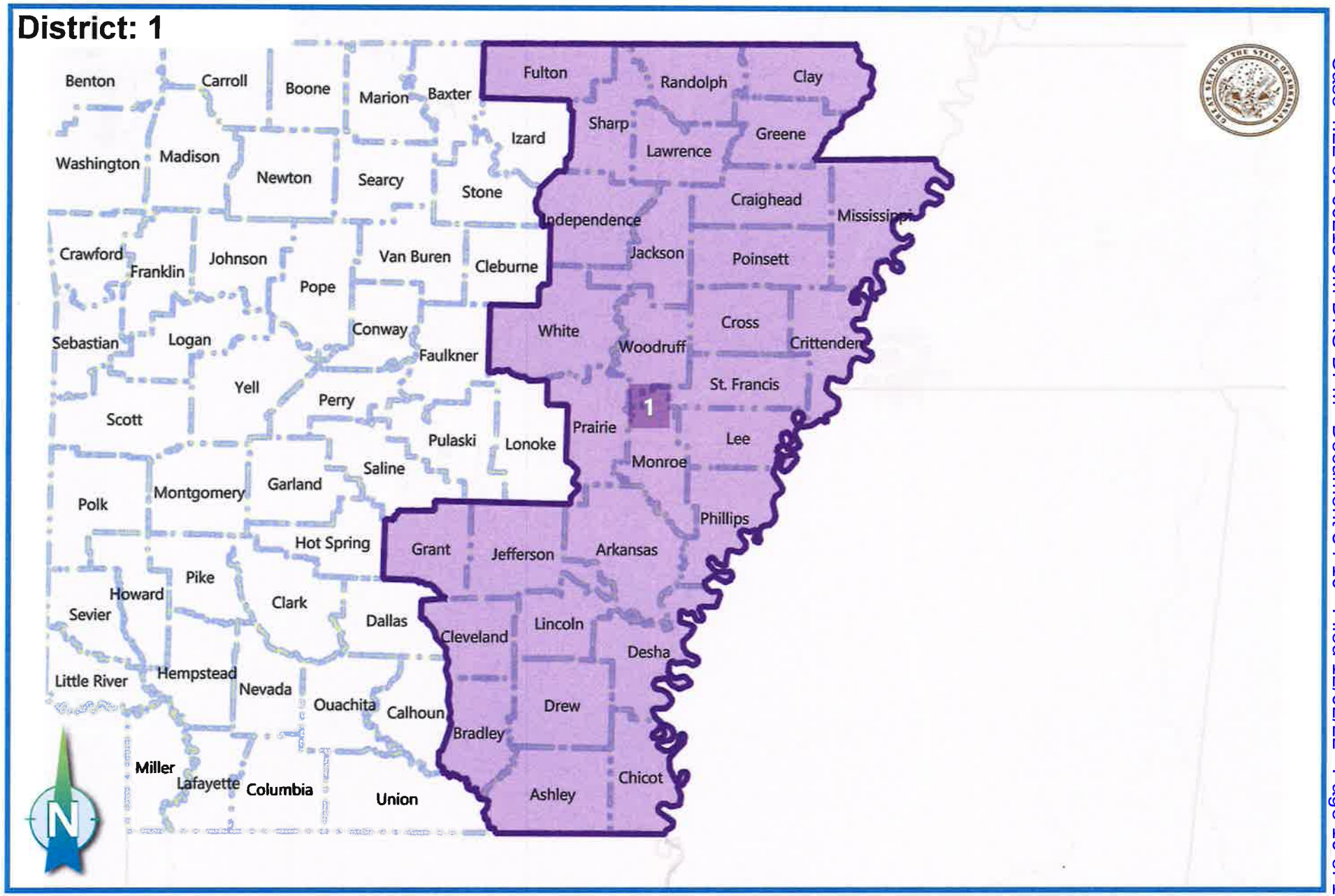


Ideal Population: 752,881 Deviation: 0.53 % Total Population: **756,839**

Based on: 2020 Census Geography, 2010 PL94-171

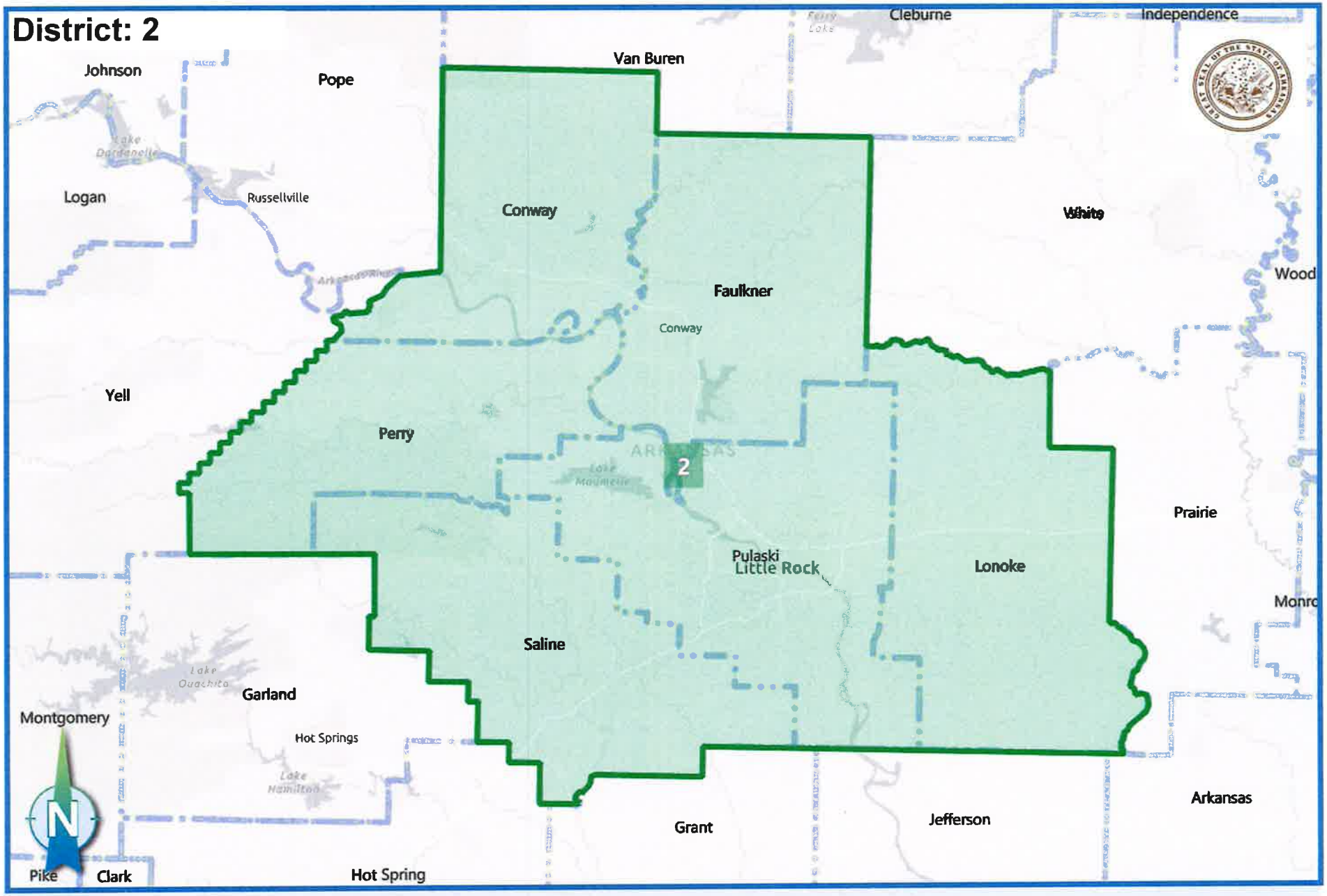
Map Date: 9/30/2021 3:47:07 PM Plan Last Edited on: 9/30/2021 3:46:29 PM

EDGE 2020 Professional Redistricting

Case 4:22-cv-00213-JM-DRS-DPM Document 34-10 Filed 12/02/22 Page 10 of 13

AutoBound Edge MAP HB 1978- Rep. Love 3

Plan Type and Name: Congressional:Rep. Love -



Ideal Population: 752,881 Deviation: -0.28 % Total Population: **750,788**

Based on: 2020 Census Geography, 2010 PL94-171

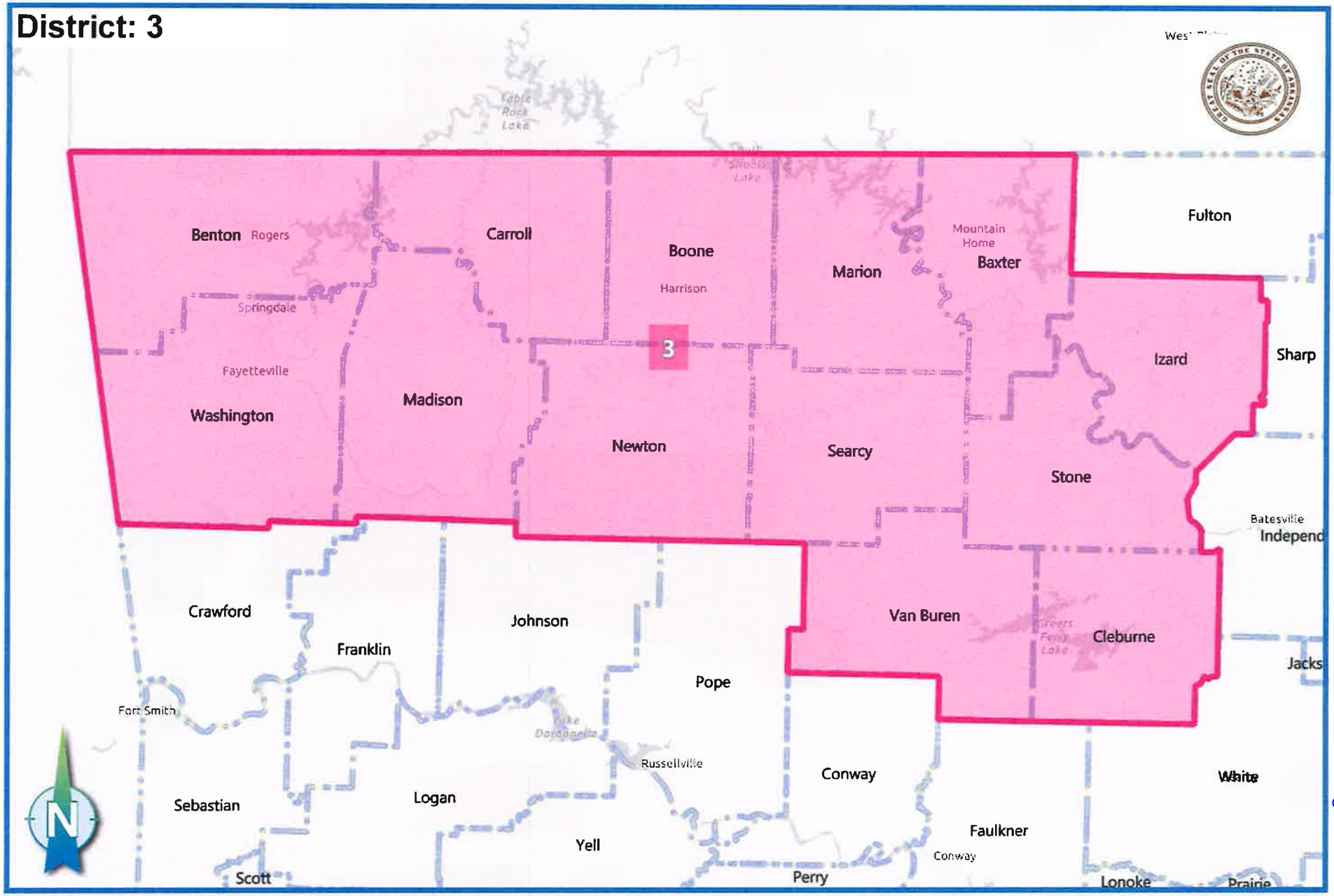
Map Date: 9/30/2021 3:47:07 PM Plan Last Edited on: 9/30/2021 3:46:29 PM

EDGE 2020 Professional Redistricting

Case 4:22-cv-00213-JM-DRS-DPM Document 34-10 Filed 12/02/22 Page 11 of 13

AutoBound Edge MAP HB 1978- Rep. Love 3

Plan Type and Name: Congressional:Rep. Love -



Ideal Population: 752,881 Deviation: -0.08 % Total Population: **752,307**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/30/2021 3:47:07 PM Plan Last Edited on: 9/30/2021 3:46:29 PM

EDGE 2020 Professional Redistricting

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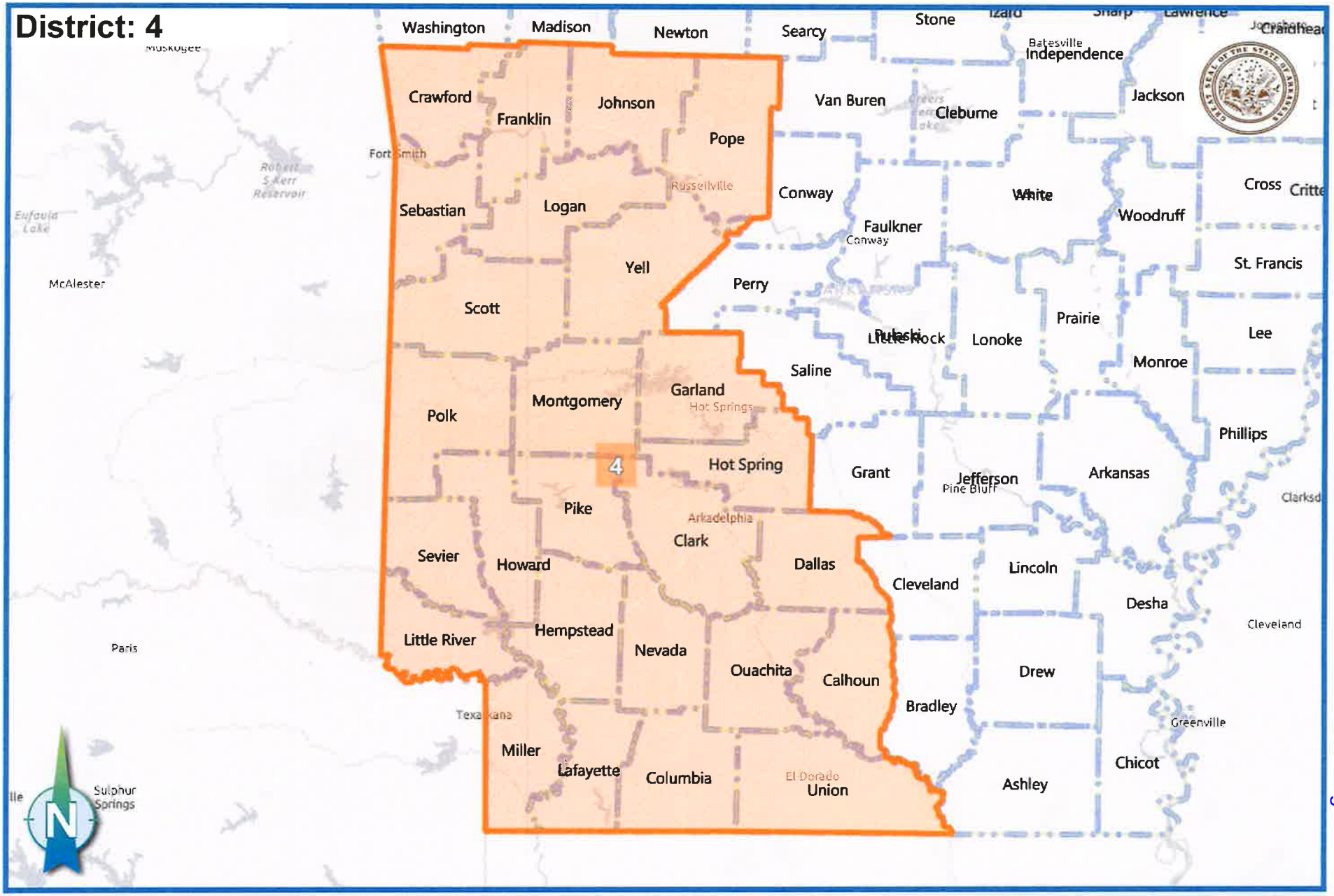


Ideal Population: 752,881 Deviation: -0.17 % Total Population: **751,590**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 9/30/2021 3:47:07 PM Plan Last Edited on: 9/30/2021 3:46:29 PM

EDGE 2020 Professional Redistricting

Case 4:22-cv-00213-JM-DRS-DPM Document 34-10 Filed 12/02/22 Page 13 of 13

EXHIBIT 11

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1980

By: Representatives V. Flowers, Murdock, M. Hodges

For An Act To Be Entitled

AN ACT TO IDENTIFY AND DEFINE THE FOUR (4) UNITED STATES CONGRESSIONAL DISTRICTS OF ARKANSAS FOR 2021-2030; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO IDENTIFY AND DEFINE THE FOUR (4) UNITED STATES CONGRESSIONAL DISTRICTS OF ARKANSAS FOR 2021-2030; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 7-2-102 is amended to read as follows:

7-2-102. First Congressional District.

(a) The First Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of ~~Arkansas,~~ Baxter, Boone, ~~Chicot,~~ Clay, Cleburne, Craighead, ~~Crittenden,~~ Cross, ~~Desha,~~ Faulkner, Fulton, Greene, Independence, Izard, Jackson, Lawrence, ~~Lee, Lincoln,~~ Lonoke, Marion, ~~Mississippi, Monroe, Phillips, Prairie,~~ Poinsett, Prairie, Randolph, ~~St. Francis,~~ Sharp, ~~Stone,~~ and ~~Woodruff;~~ White

~~(2) The following voting districts of Jefferson County as they existed on January 1, 2011:~~

~~(A) 19 (Dunnington) voting district;~~

~~(B) P15 (Dudley Lake) voting district;~~

~~(C) 25 (Old River) voting district;~~

~~(D) 57 (Villemont) voting district;~~

EXHIBIT 11

10/04/2021 4:10:48 PM MLD411

~~(E) P91 (Roberts) voting district;~~

~~(F) P851 (Humphrey) voting district; and~~

~~(G) P862 (Humphrey) voting district; and~~

~~(3) The voting districts and voting precincts of Searcy County as they existed on January 1, 2011, that are not listed under § 7-2-104(a)(4)~~.

(b) The qualified electors residing in the counties ~~and portion of Jefferson County and Searcy County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 2. Arkansas Code § 7-2-103 is amended to read as follows:

7-2-103. Second Congressional District.

(a) The Second Congressional District shall be composed of the counties of ~~Conway, Faulkner, Perry, Pulaski, Saline, Van Buren, and White~~ Arkansas, Ashley, Bradley, Calhoun, Chicot, Cleveland, Crittenden, Desha, Drew, Jefferson, Lee, Lincoln, Mississippi, Monroe, Ouachita, Phillips, Pulaski, St. Francis, and Woodruff.

(b) The qualified electors residing in the counties listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 3. Arkansas Code § 7-2-104 is amended to read as follows:

7-2-104. Third Congressional District.

(a) The Third Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of Benton, ~~Boone,~~ Carroll, ~~Marion, Pope,~~ Crawford, Scott, Sebastian, and Washington~~:~~

~~(2) The voting districts and voting precincts of Crawford County as they existed on January 1, 2011, that are not listed under § 7-2-105(a)(2);~~

~~(3) The following voting districts of Newton County as they existed on January 1, 2011:~~

~~(A) Big Creek voting district;~~

~~(B) Dogpatch voting district;~~

~~(C) Grove voting district;~~

~~(D) Hasty voting district;~~

~~(E) Polk voting district;~~

~~(F) Richland voting district; and~~

~~(G) White voting district;~~

~~(4) The Prairie voting district of Searcy County as it existed on January 1, 2011; and~~

~~(5) The voting districts and voting precincts of Sebastian County as they existed on January 1, 2011, that are not listed under § 7-2-105(a)(5)~~.

(b) The qualified electors residing in the counties ~~and portions of Crawford County, Newton County, Searcy County, and Sebastian County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 4. Arkansas Code § 7-2-105 is amended to read as follows:

7-2-105. Fourth Congressional District.

(a) The Fourth Congressional District shall be composed of~~:~~

~~(1) The~~ the counties of ~~Ashley, Bradley, Calhoun,~~ Clark, ~~Cleveland,~~ Columbia, Conway, Dallas, ~~Drew,~~ Franklin, Garland, Grant, Hempstead, Hot Spring, Howard, Johnson, Lafayette, Little River, Logan, Madison, Miller, Montgomery, Nevada, ~~Ouachita,~~ Newton, Perry, Pike, Polk, Pope, Saline, Searcy, ~~Scott,~~ Sevier, Stone, Union, Van Buren, and Yell~~;~~

~~(2) The following voting districts of Crawford County as they existed on January 1, 2011:~~

~~(A) Alma # 1 voting district;~~

~~(B) Alma # 4 voting district;~~

~~(C) Bidville voting district;~~

~~(D) Chester voting district;~~

~~(E) Dean Springs voting district;~~

~~(F) Dyer voting district;~~

~~(G) Eagle Crest voting district;~~

~~(H) Kibler voting district;~~

~~(I) Locke voting district;~~

~~(J) Mountain voting district;~~

~~(K) Mulberry # 1 voting district;~~

~~(L) Mulberry # 2 voting district;~~

~~(M) Mulberry # 3 voting district;~~

~~(N) Porter voting district;~~

~~(O) Vine Prairie voting district;~~

~~(P) Whitley voting district; and~~

~~(Q) Winfrey voting district;~~

~~(3) The voting districts and voting precincts of Jefferson County as they existed on January 1, 2011, that are not listed under § 7-2-102(a)(2);~~

~~(4) The voting districts and voting precincts of Newton County as they existed on January 1, 2011, that are not listed under § 7-2-104(a)(3); and~~

~~(5) The following voting districts of Sebastian County as they existed on January 1, 2011:~~

~~(A) 9-1-A voting district;~~

~~(B) 9-1-B voting district;~~

~~(C) 9-1-C voting district;~~

~~(D) 9-1-D voting district;~~

~~(E) 9-1-E voting district;~~

~~(F) 9-1-Q voting district;~~

~~(G) 9-2-E voting district;~~

~~(H) 9-3-E voting district;~~

~~(I) 9-3-F voting district;~~

~~(J) 9-3-G voting district;~~

~~(K) 9-3-H voting district;~~

~~(L) 9-3-I voting district;~~

~~(M) 9-3-J voting district;~~

~~(N) 9-3-K voting district;~~

~~(O) 9-3-L voting district; and~~

~~(P) 9-3-M voting district~~.

(b) The qualified electors residing in the counties ~~and portions of Crawford County, Jefferson County, Newton County, and Sebastian County~~ listed under subsection (a) of this section shall elect one (1) member of the United States House of Representatives.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the General Assembly is responsible for establishing the four (4) United States Congressional

Districts in the state; that the four (4) United States Congressional Districts are based on the information provided by the federal decennial census by the United States Bureau of the Census; that the federal decennial census data delivery was delayed; that the establishment of the four (4) United States Congressional Districts is necessary to provide equal representation of the citizens of Arkansas in the United States Congress; and that this act is immediately necessary because the establishment of the four (4) United States Congressional Districts must occur in adequate time for the candidates to file for office and for the citizens of Arkansas to have a fair election. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

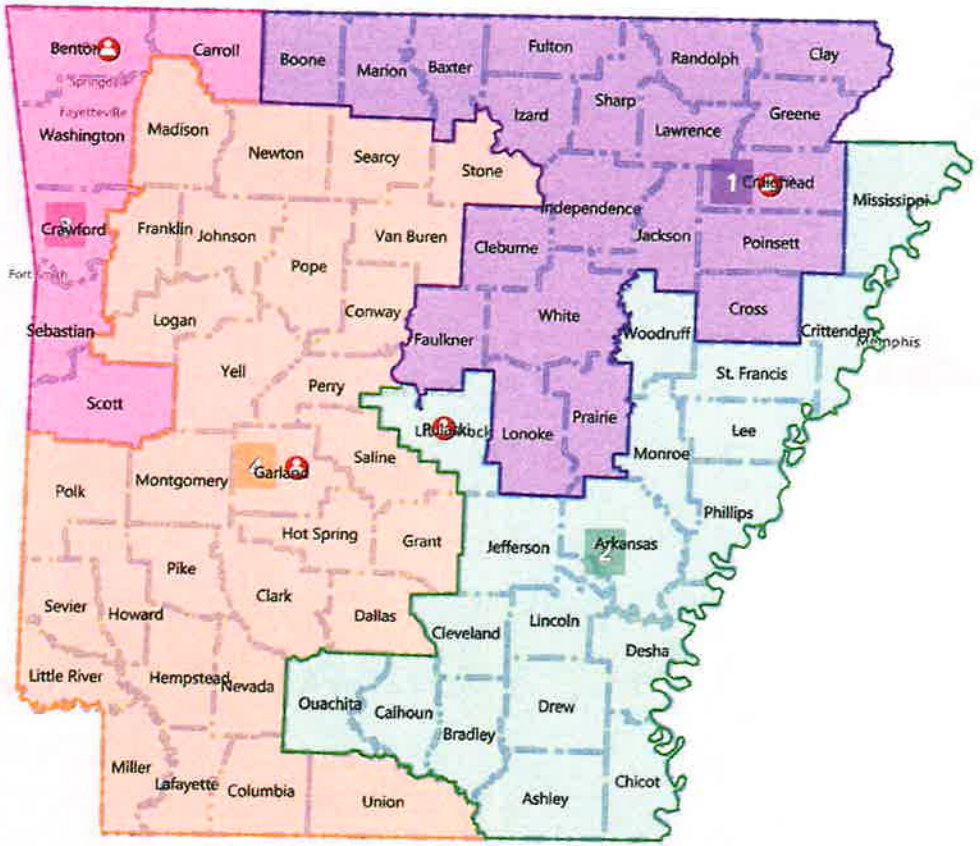
(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

Congressional Plan

HB 198(· Representative Flowers 1



Case 4:22-cv-00213-JM-DRS-DPM Document 34-11 Filed 12/02/22 Page 7 of 13

AutoBound Edge MAP - Based on: 2020 Census Geography, 2020 PL94-171

Map Date: 10/4/2021 7:30:57 AM Last Edit:10/4/2021 7:23:58 AM

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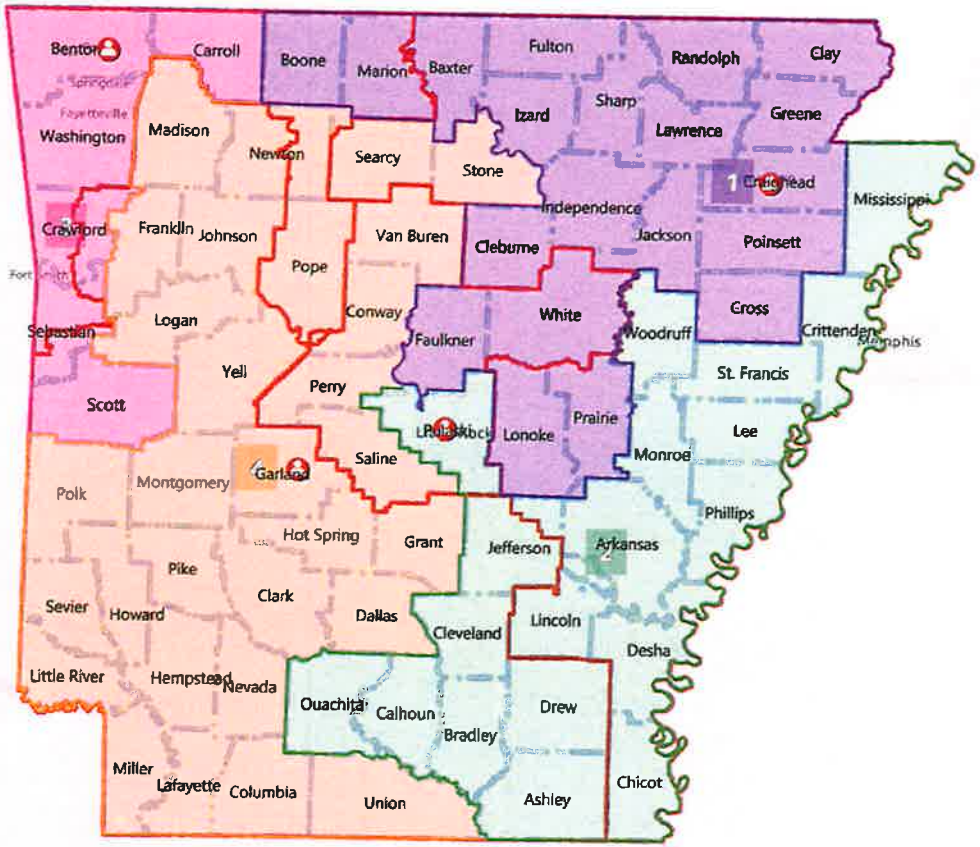
Congressional Plan

HB 198 Representative Flowers 2



AutoBound Edge MAP - Based on: 2020 Census Geography, 2020 PL94-171

Map Date: 10/4/2021 7:29:28 AM Last Edit:10/4/2021 7:23:58 AM

EDGE 2020 Professional Redistricting

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District: 1 2
District: 2 3
District: 3 4
District: 4 5

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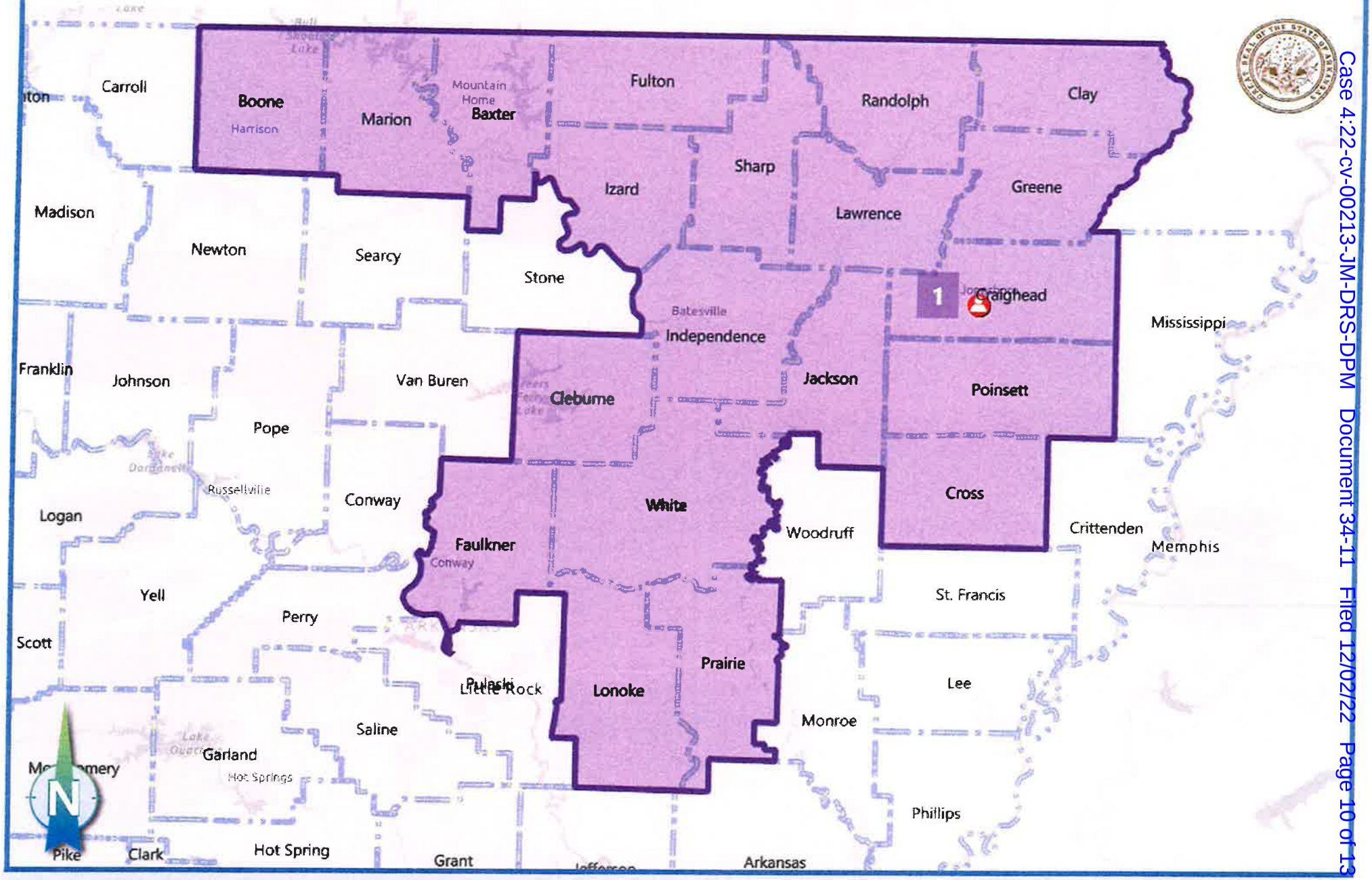
District: 1



Ideal Population: 752,881 Deviation: -0.80 % Total Population: **746,874**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 10/4/2021 7:50:02 AM Plan Last Edited on: 10/4/2021 7:49:41 AM

EDGE 2020 Professional Redistricting

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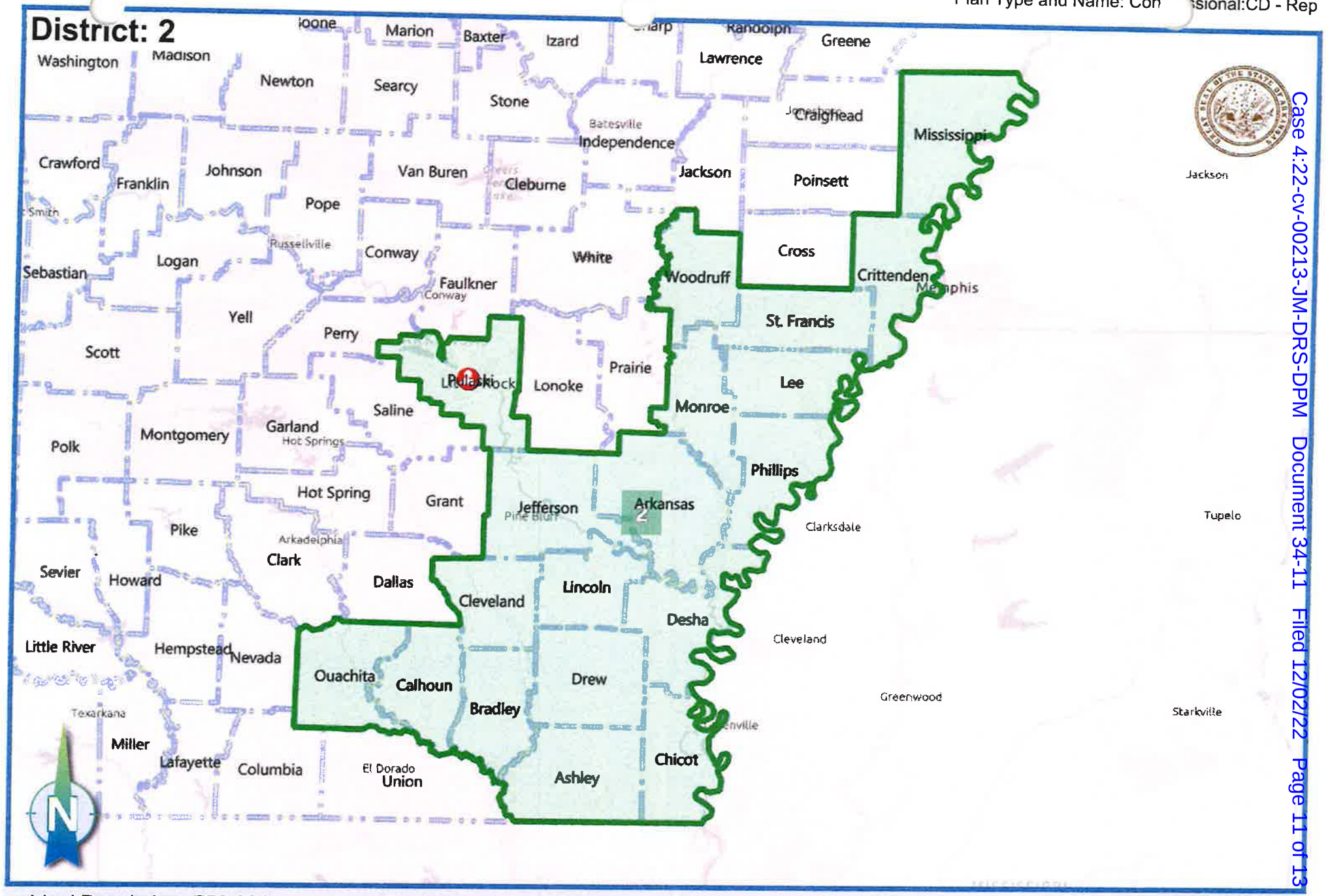
AutoBound Edge MAP HB 1980 - Representative Flowers 3

Plan Type and Name: Con ssional:CD - Rep



Ideal Population: 752,881 Deviation: -0.36 % Total Population: **750,148**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 10/4/2021 7:50:02 AM Plan Last Edited on: 10/4/2021 7:49:41 AM

EDGE 2020 Professional Redistricting

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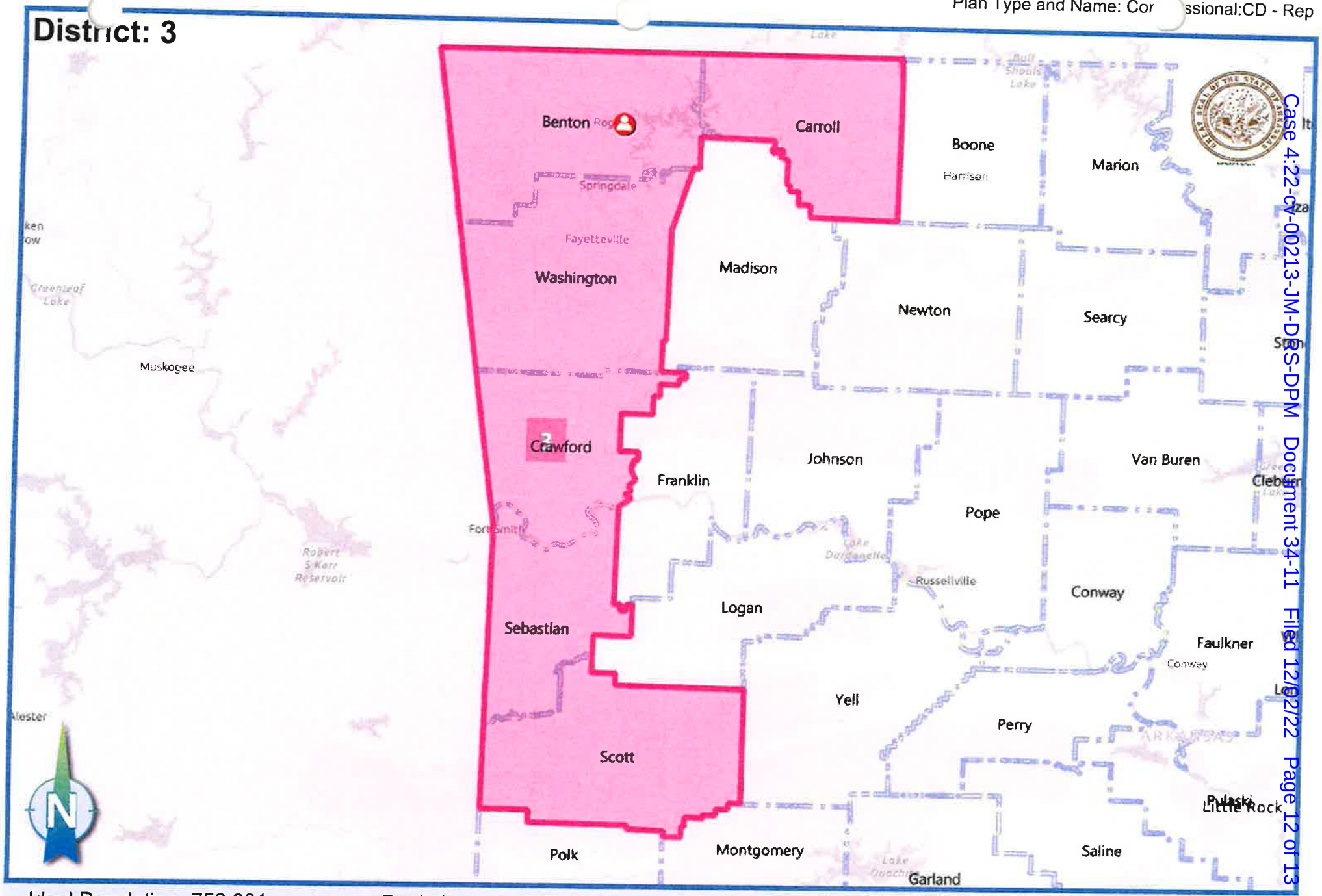
AutoBound Edge MAP HB 1980 - Representative Flowers 3

Plan Type and Name: Cor ssional:CD - Rep

District: 3



Ideal Population: 752,881 Deviation: 0.45 % Total Population: **756,232**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 10/4/2021 7:50:02 AM Plan Last Edited on: 10/4/2021 7:49:41 AM

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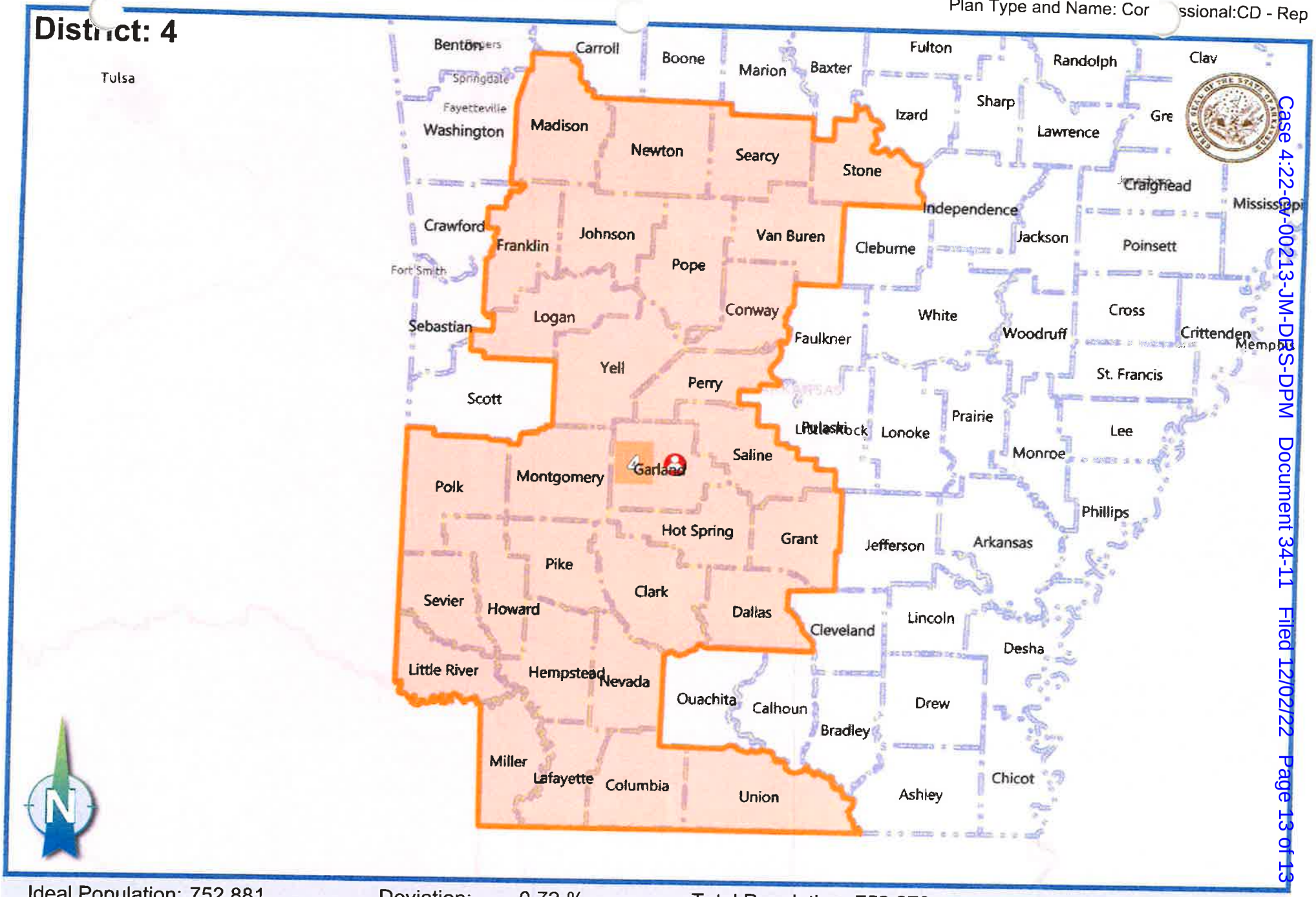
AutoBound Edge MAP HB 1980 - Representative Flowers 3

Plan Type and Name: Cor ssional:CD - Rep

District: 4



Ideal Population: 752,881 Deviation: 0.72 % Total Population: **758,270**

Based on: 2020 Census Geography, 2010 PL94-171

Map Date: 10/4/2021 7:50:02 AM Plan Last Edited on: 10/4/2021 7:49:41 AM

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