

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

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

DEC 29 2021

TAMMY H. DOWNS, CLERK
By:  DEP CLERK
PLAINTIFFS

THE ARKANSAS STATE
CONFERENCE NAACP
and
ARKANSAS PUBLIC POLICY PANEL

v. Case No. 4:21-CV-1239-LPR

THE ARKANSAS BOARD OF
APPORTIONMENT;

ASA HUTCHINSON, in his official
capacity as the Governor of Arkansas
Chairman of the Arkansas Board of
Apportionment;

This case assigned to District Judge Rudofsky
and to Magistrate Judge Volpe

JOHN THURSTON, in his official
capacity as the Secretary of State of
Arkansas and as a member of the Arkansas
Board of Apportionment;

LESLIE RUTLEDGE, in her official
capacity as the Attorney General of the State
of Arkansas and as a member of the Arkansas
Board of Apportionment; and

THE STATE OF ARKANSAS

DEFENDANTS

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

INTRODUCTION

This is an action under Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, challenging the reapportionment plan for the Arkansas House of Representatives that took effect today. The plaintiffs are non-partisan, non-profit, interracial membership organizations that seek declaratory and injunctive relief prohibiting the implementation of that plan on the ground that their members are irreparably harmed by living and voting in districts whose boundaries dilute

Black voting strength. The defendants include the Arkansas Board of Apportionment, which drew the plan, state officials, and the State of Arkansas.

JURISDICTION AND VENUE

1. This Court has original jurisdiction of this action under 28 U.S.C. §§ 1331, 1343(a)(3)-(4), 1357, and 2201(a), and 52 U.S.C. § 10308(f).

2. Venue is proper in this Court under 28 U.S.C. § 1391(b).

PARTIES

3. Plaintiff THE ARKANSAS STATE CONFERENCE NAACP (“Arkansas NAACP”) is a non-partisan, non-profit, interracial membership organization affiliated with the National Association for the Advancement of Colored People (“NAACP”). Its mission is to eliminate racial discrimination through democratic processes and to ensure the political, educational, social, and economic equality of all citizens. It is headquartered in Little Rock and has approximately 2,625 members. It has members who are African-American registered voters in each of the areas where the plaintiffs allege that vote dilution is occurring. These members are irreparably harmed by living and voting in districts whose boundaries dilute Black voting strength.

4. Plaintiff ARKANSAS PUBLIC POLICY PANEL (“Arkansas PPP”) is a non-profit, non-partisan, interracial membership organization founded in 1963. Its mission is to achieve social and economic justice by organizing citizen groups around the state, educating and supporting them to be more effective and powerful, and linking them with one another in coalitions and networks. It is headquartered in Little Rock and has approximately 3,000 members. It has members who are African-American registered voters in each of the areas where

the plaintiffs allege that vote dilution is occurring. These members are irreparably harmed by living and voting in districts whose boundaries dilute Black voting strength.

5. Defendant THE STATE OF ARKANSAS is one of the states of the United States of America.

6. Defendant THE ARKANSAS BOARD OF APPORTIONMENT (“the Board”) is the state body with the duty to apportion Arkansas’s state legislative districts under Article VIII of the Arkansas Constitution. The Board consists of the Governor, Secretary of State, and Attorney General of the State of Arkansas.

7. Defendant ASA HUTCHINSON is the Governor of Arkansas and the Chairman of the Board. He is sued in his official capacity.

8. Defendant JOHN THURSTON is the Secretary of State of Arkansas and a member of the Board. He is sued in his official capacity.

9. Defendant LESLIE RUTLEDGE is the Attorney General of the State of Arkansas and a member of the Board. She is sued in her official capacity.

STATEMENT OF FACTS

The 2021 Redistricting Process

10. The Arkansas House of Representatives (the “House”) is the lower house of the Arkansas General Assembly, which is the state legislature of the State of Arkansas. It consists of 100 members, and each member is elected by plurality vote from a single-member district in partisan elections held in November of even-numbered years. The term of office is two years, and members are limited to sixteen years in the House.

11. The Arkansas Constitution requires the Board to redraw the boundaries of state House districts following each decennial census to reflect changes in the state's population. The Board operates by majority vote, and its reapportionment plans become effective 30 days after the Board files them with the Secretary of State unless proceedings for revisions are instituted in the Arkansas Supreme Court.

12. Following the release of the 2020 Census, the Board adopted a reapportionment plan for the state House ("Board Plan") on November 29, 2021. It filed the plan with the Secretary of State on the same day; no proceedings have been instituted in the Arkansas Supreme Court regarding the plan; and it became effective on December 29, 2021. A copy of that plan is attached to this complaint as Exhibit 1.

13. The Board Plan contains 11 districts in which Black voters have a meaningful opportunity to elect candidates of their choice. Those are House Districts 35, 62, 63, 64, 65, 66, 72, 76, 77, 79, and 80.

Demographics in Arkansas

14. According to the 2020 Census, the State of Arkansas has a total population of 3,011,524 persons, of whom 2,063,550 (68.5%) are non-Hispanic White, 495,968 (16.5%) are Black (alone or in combination with another racial group), and 452,006 (15.0%) are members of other racial or ethnic groups.¹

15. According to the 2020 Census, Arkansas has a voting-age population of 2,312,273 persons, of whom 1,653,772 (71.5%) are non-Hispanic White, 351,878 (15.2%) are Black (alone

¹ U.S. Census Bureau, *P1: Race (Arkansas)*, 2020 Census Redistricting Data, <https://data.census.gov/cedsci/table?g=0400000US05&y=2020&tid=DECENNIALPL2020.P1>; U.S. Census Bureau, *P2: Hispanic or Latino, and Not Hispanic Or Latino By Race (Arkansas)*, 2020 Census Redistricting Data, <https://data.census.gov/cedsci/table?g=0400000US05&y=2020&tid=DECENNIALPL2020.P2>

or in combination with another racial group), and 306,623 (13.3%) are members of other racial or ethnic groups.²

16. According to the 2019 American Community Survey 1-year estimates, which is the most recent citizenship data available, Arkansas has a citizen voting-age population of 2,235,415 persons, of whom 1,727,484 (77.3%) are non-Hispanic White, 345,456 (15.5%) are Black alone, and 162,475 (7.2%) are members of other racial or ethnic groups.³

17. Arkansas's Black population has grown since the 2010 Census, in both absolute and relative numbers. In 2010, Arkansas's total Black population was 468,710 (16.1%). Since then, Arkansas's Black population has grown by 27,258 people, and Black Arkansans' share of the state's total population has increased by 0.4%.⁴

***Gingles* Preconditions**

18. In *Thornburg v. Gingles*, the Supreme Court explained the elements required for a vote-dilution claim under Section 2 of the Voting Rights Act, including three demographic prerequisites. 478 U.S. 30, 50–51 (1986).

19. First *Gingles* Precondition: Black Arkansans are sufficiently numerous and geographically compact to constitute a majority of the voting-age population in more than 11 House districts.

² U.S. Census Bureau, *P3: Race for the Population 18 Years and Over (Arkansas)*, 2020 Census Redistricting Data, <https://data.census.gov/cedsci/table?g=0400000US05&y=2020&tid=DECENNIALPL2020.P3>; U.S. Census Bureau, *P4: Hispanic or Latino, And Not Hispanic Or Latino By Race for the Population 18 Years and Over (Arkansas)*, 2020 Census Redistricting Data, <https://data.census.gov/cedsci/table?g=0400000US05&y=2020&tid=DECENNIALPL2020.P4>.

³ U.S. Census Bureau, *S2901: Citizen, Voting-Age Population by Selected Characteristics (Arkansas)*, 2019 ACS 1-Year Estimates, <https://data.census.gov/cedsci/table?q=S2901%3A%20CITIZEN,%20VOTING-AGE%20POPULATION%20BY%20SELECTED%20CHARACTERISTICS&g=0400000US05>

⁴ U.S. Census Bureau, *Race and Ethnicity in the United States: 2010 Census and 2020 Census*, <https://www.census.gov/library/visualizations/interactive/race-and-ethnicity-in-the-united-state-2010-and-2020-census.html>

20. For example, the Illustrative Plan attached hereto as Exhibit 2 contains 16 reasonably compact majority-Black districts in which Black voters have a meaningful opportunity to elect candidates of their choice. These are House Districts 5, 11, 12, 16, 17, 29, 30, 33, 34, 36, 37, 42, 48, 50, 51, 55.

21. The Illustrative Plan shows that, compared to the Board's plan, additional majority-Black districts can be drawn in the following areas:

a. *Central Arkansas*: The Board Plan includes six majority-Black districts in the Central Arkansas region (House Districts 66, 72, 76, 77, 79, and 80). One additional majority-Black district can be drawn in the Central Arkansas region by "unpacking" the Black population in House Districts 76, 77, 79, and 80, and by "uncracking" the Black populations in House Districts 74 and 75. The Illustrative Plan includes seven reasonably compact majority-black districts in the Central Arkansas region (House Districts 29, 30, 33, 34, 36, 37, and 42).

b. *Upper Delta*: The Board Plan includes two majority-Black districts in the Upper Delta region (House Districts 35 and 63). One additional majority-Black district can be drawn in the Upper Delta by "uncracking" the Black population split between House Districts 34 and 37. The Illustrative Plan includes three reasonably compact majority-Black districts in the Upper Delta region (House Districts 50, 51, and 55).

c. *Lower Delta*: The Board Plan includes three majority-Black districts in the Lower Delta region (House Districts 62, 64, and 65). Two additional majority-Black districts can be drawn in the Lower Delta by "uncracking" the Black population split in the Board Plan between House Districts 94 and 95, by "unpacking" the Black population

in House Districts 64 and 65, by reconfiguring House District 62, and by “uncracking” the Black population spread across House Districts 61, 90, 93, and 96. The Illustrative Plan includes five reasonably compact majority-Black districts in the Lower Delta region (House Districts 11, 12, 16, 17, and 48).

d. *Southwest Arkansas*: The Board Plan includes no majority-Black districts in the Southwest Arkansas region. One additional majority-Black district can be drawn in the Southwest Arkansas region by “uncracking” the Black population split in the Board Plan among House Districts 97, 98, and 99. The Illustrative Plan contains one reasonably compact majority-Black district in the Southwest Arkansas region (House District 5).

22. Second Gingles Precondition: Black voters in Arkansas are politically cohesive.

23. In recent statewide elections, for example, Black voters have often supported their preferred candidates with greater than 80 percent of their votes.

24. Third Gingles Precondition: Except in elections where Black voters form an effective majority, white voters in Arkansas vote sufficiently as a bloc to enable them—in the absence of special circumstances—usually to defeat the candidates preferred by Black voters.

25. In recent statewide elections, for example, white voters have often supported their preferred candidates with greater than 70 percent of their votes and were able to defeat the candidates preferred by Black voters in each one.

Senate Factors

26. Once the above demographic prerequisites are met, a court must assess a claim for vote dilution by reviewing the totality of the circumstances. *See Gingles*, 478 U.S. at 45 (listing

out factors from the “Senate Report” that can establish a vote-dilution claim under the Voting Rights Act).

27. Senate Factor 1: Arkansas has a long history of official voting-related discrimination against its Black citizens. *See, e.g., Jeffers v. Clinton*, 730 F. Supp. 196, 211 (E.D. Ark. 1989) (“In short, there is a long history of official [voting] discrimination.”); *Smith v. Clinton*, 687 F. Supp. 1310, 1317 (E.D. Ark. 1988) (“The Court takes judicial notice that there is a history of racial discrimination in the electoral process in Arkansas. ... 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.”).

28. Senate Factor 2: Voting in Arkansas’s elections is highly polarized along racial lines.

29. Senate Factor 3: Arkansas’s electoral system maintains voting procedures and practices that disenfranchise and dilute the political power of its Black citizens. Arkansas’s long and continuing history of majority-vote requirements, off-cycle elections, and at-large elections at the municipal level all serve to discriminate against Black Arkansans. Further, other existing voting laws and procedures disproportionately harm Black Arkansans.

30. Senate Factor 5: Black Arkansans continue to bear the effects of the State’s long history of racial discrimination in a way that impedes their political participation. As compared to their white counterparts, Black Arkansans have higher poverty and child poverty rates, higher unemployment rates, higher incarceration and juvenile incarceration rates, lower high school and college graduation rates, and worse health outcomes and life expectancy. Black Arkansans are

also less likely to own a home, have access to a motor vehicle, and have access to the internet.

Black voter turnout also tends to be depressed compared to white turnout.

31. Senate Factor 6: There is a long and continuing history of both overt and implicit race-based appeals in political campaigns across the state. Throughout the civil rights era, politicians in Arkansas regularly ran on militant segregationist platforms in order to curry favor from white citizens. To this day, candidates for elected office across Arkansas continue to make racially charged appeals. In just the past few years alone, candidates for high-profile offices in Arkansas have linked people of color to criminality and gangs, used racial epithets, and invoked lynching in their campaign rhetoric and materials.

32. Senate Factor 7: At all levels of politics in Arkansas, Black citizens are underrepresented in their rates of election to public office. Arkansas has never had a Black member of the United States Senate or House of Representatives, the only southern state that has failed to do so. Only one Black person has ever been elected statewide in Arkansas history. No Black Arkansans have ever been elected to the state supreme court, and Black Arkansans are significantly underrepresented in the state judiciary more broadly. No Black Arkansans served in the state legislature from 1893-1972, and today, white people make up 89% of the state legislature, meaning they are vastly overrepresented based on the statewide white population. There are 24 Black mayors in Arkansas as of 2021, representing less than 5% of all mayorships in the state at a time when Black people make up 16.5% of the total population.

33. Proportionality: The Board Plan lacks rough proportionality in that the percentage of districts in which African-American voters constitute an effective majority (11%) is less than the Black percentage of Arkansas's total population (16.5%), voting-age population (15.2%) and

citizen voting-age population (15.5%). Five additional districts in which Black voters constitute an effective majority would better achieve rough proportionality as contemplated by the Voting Rights Act.

CLAIM FOR RELIEF

Count 1: Section 2 of the Voting Rights Act

34. The allegations contained in the preceding paragraphs are alleged as if fully set forth herein.

35. The Board Plan for the Arkansas House of Representatives dilutes Black voting strength in violation of Section 2 of the Voting Rights Act, as amended, 52 U.S.C. § 10301.

Basis for Equitable Relief

36. Plaintiffs have no adequate remedy at law. Only declaratory and equitable relief can remedy the harms alleged above.

37. Despite fundamental concerns about discrimination in the voting and redistricting process, the 2022 election cycle is quickly approaching. By statute, the general primary election must be held on “the third Tuesday in June preceding the general election,” which would be June 21, 2022. Ark. Code § 7-7-203. The candidate filing period for primary elections runs from February 22, 2022, to March 1, 2022. *See id.* (party filing period begins “one week prior to the first day in March” and ends “on the first day in March”).

38. Without judicial intervention, the Board’s reapportionment plan will be used in elections from 2022 until 2032. This poses a concrete and certainly impending risk to Plaintiffs that—if not addressed—will result in irreparable harm to their members’ voting rights. That

harm will occur unless the current reapportionment plan is declared unlawful and enjoined by the Court.

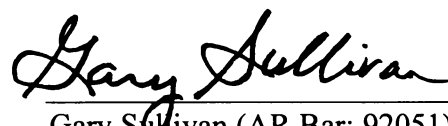
PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

- A. Declare the Board Plan to be in violation of Section 2 of the Voting Rights Act;
- B. Enjoin the Defendants from using the Board Plan for elections for the Arkansas House;
- C. Enjoin Defendants from failing to hold elections for the Arkansas House using a plan that complies with Section 2 of the Voting Rights Act;
- D. Award Plaintiffs their costs, expenses, and disbursements, and reasonable attorneys' fees incurred in bring this pursuant to in accordance with 52 U.S.C. § 10310(e) and 42 U.S.C. § 1988;
- E. Retain jurisdiction over this matter until all Defendants have complied with all orders and mandates of this Court;
- F. Grant such other and further relief as the Court may deem just and proper.

Dated: December 29, 2021

Respectfully submitted,



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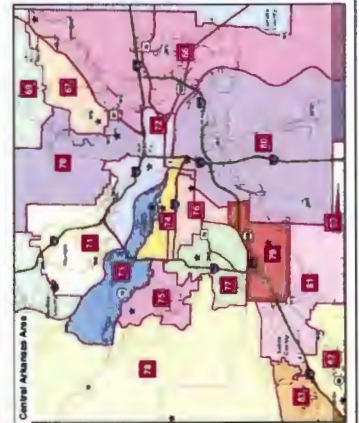
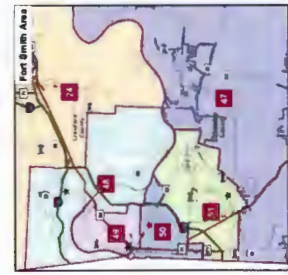
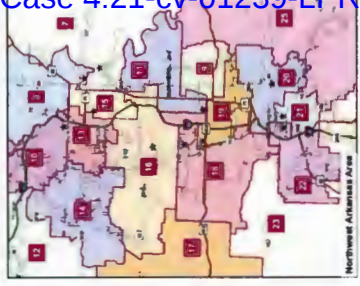
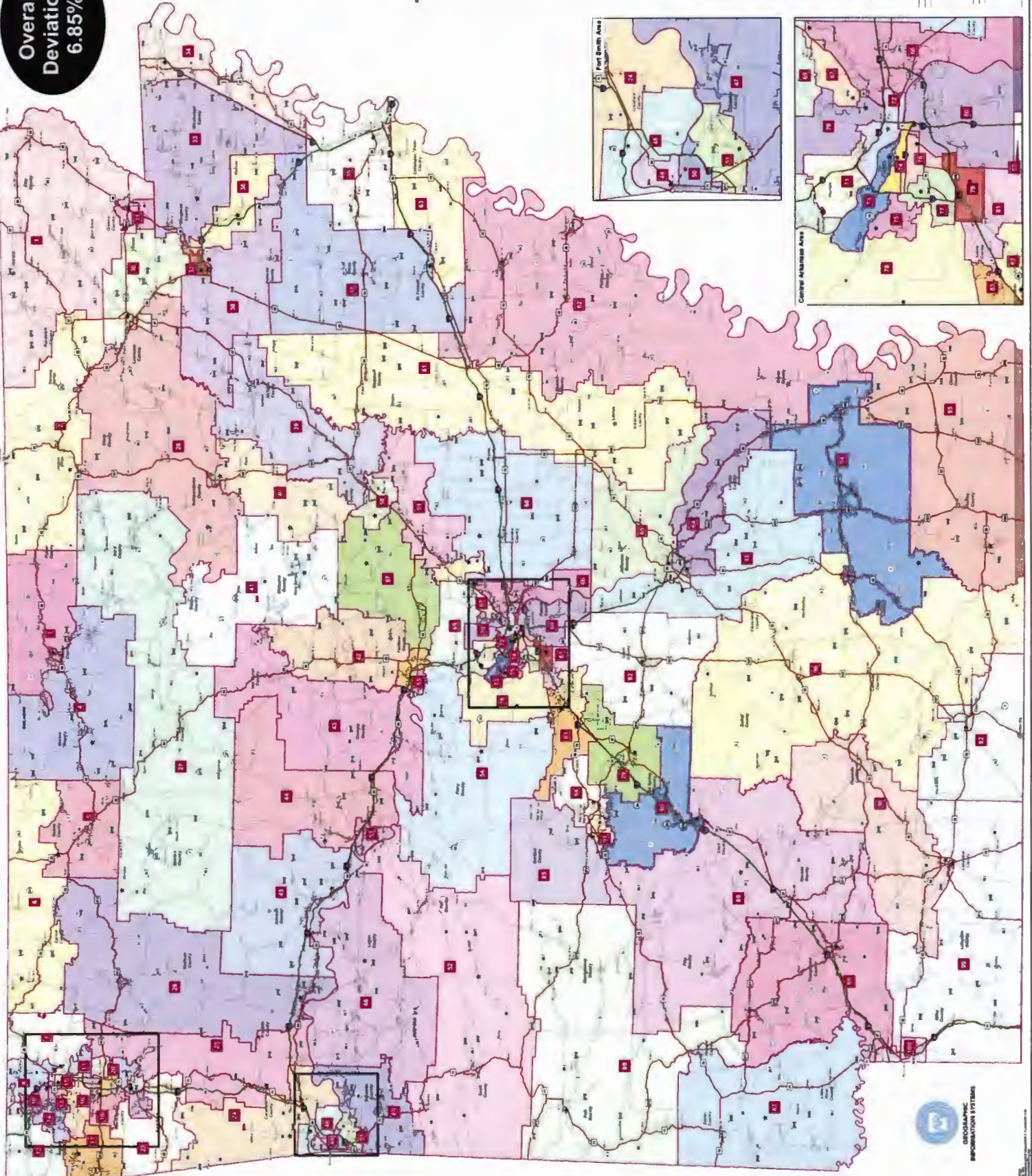
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Attorneys for Plaintiffs

EXHIBIT 1

2021 House Boundaries

Overall Deviation: 6.85%



District	Area (sq. miles)	Population	Population Density (per sq. mile)
1	1,234	123,456	100
2	1,567	156,789	100
3	1,890	189,012	100
4	2,123	212,345	100
5	2,456	245,678	100
6	2,789	278,901	100
7	3,123	312,345	100
8	3,456	345,678	100
9	3,789	378,901	100
10	4,123	412,345	100
11	4,456	445,678	100
12	4,789	478,901	100
13	5,123	512,345	100
14	5,456	545,678	100
15	5,789	578,901	100
16	6,123	612,345	100
17	6,456	645,678	100
18	6,789	678,901	100
19	7,123	712,345	100
20	7,456	745,678	100
21	7,789	778,901	100
22	8,123	812,345	100
23	8,456	845,678	100
24	8,789	878,901	100
25	9,123	912,345	100
26	9,456	945,678	100
27	9,789	978,901	100
28	10,123	1,012,345	100
29	10,456	1,045,678	100
30	10,789	1,078,901	100
31	11,123	1,112,345	100
32	11,456	1,145,678	100
33	11,789	1,178,901	100
34	12,123	1,212,345	100
35	12,456	1,245,678	100
36	12,789	1,278,901	100
37	13,123	1,312,345	100
38	13,456	1,345,678	100
39	13,789	1,378,901	100
40	14,123	1,412,345	100
41	14,456	1,445,678	100
42	14,789	1,478,901	100
43	15,123	1,512,345	100
44	15,456	1,545,678	100
45	15,789	1,578,901	100
46	16,123	1,612,345	100
47	16,456	1,645,678	100
48	16,789	1,678,901	100
49	17,123	1,712,345	100
50	17,456	1,745,678	100
51	17,789	1,778,901	100
52	18,123	1,812,345	100
53	18,456	1,845,678	100
54	18,789	1,878,901	100
55	19,123	1,912,345	100
56	19,456	1,945,678	100
57	19,789	1,978,901	100
58	20,123	2,012,345	100
59	20,456	2,045,678	100
60	20,789	2,078,901	100
61	21,123	2,112,345	100
62	21,456	2,145,678	100
63	21,789	2,178,901	100
64	22,123	2,212,345	100
65	22,456	2,245,678	100
66	22,789	2,278,901	100
67	23,123	2,312,345	100
68	23,456	2,345,678	100
69	23,789	2,378,901	100
70	24,123	2,412,345	100
71	24,456	2,445,678	100
72	24,789	2,478,901	100
73	25,123	2,512,345	100
74	25,456	2,545,678	100
75	25,789	2,578,901	100
76	26,123	2,612,345	100
77	26,456	2,645,678	100
78	26,789	2,678,901	100
79	27,123	2,712,345	100
80	27,456	2,745,678	100
81	27,789	2,778,901	100
82	28,123	2,812,345	100
83	28,456	2,845,678	100
84	28,789	2,878,901	100
85	29,123	2,912,345	100
86	29,456	2,945,678	100
87	29,789	2,978,901	100
88	30,123	3,012,345	100
89	30,456	3,045,678	100
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91	31,123	3,112,345	100
92	31,456	3,145,678	100
93	31,789	3,178,901	100
94	32,123	3,212,345	100
95	32,456	3,245,678	100
96	32,789	3,278,901	100
97	33,123	3,312,345	100
98	33,456	3,345,678	100
99	33,789	3,378,901	100
100	34,123	3,412,345	100

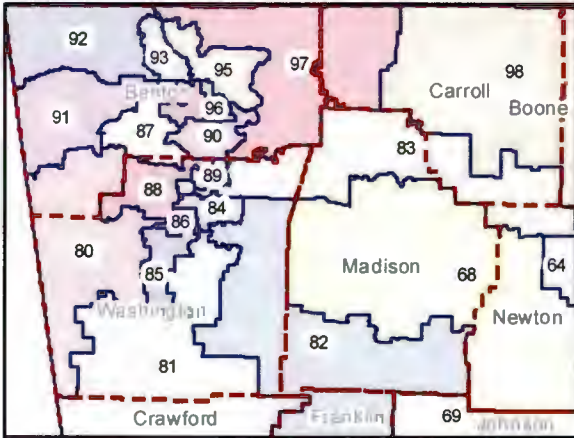


EXHIBIT 2

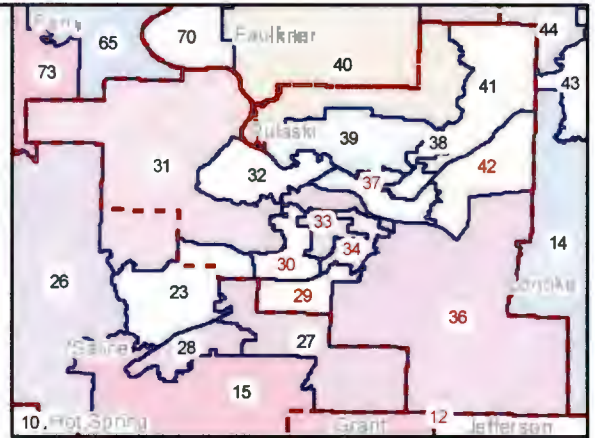
Arkansas

Illustrative Plan

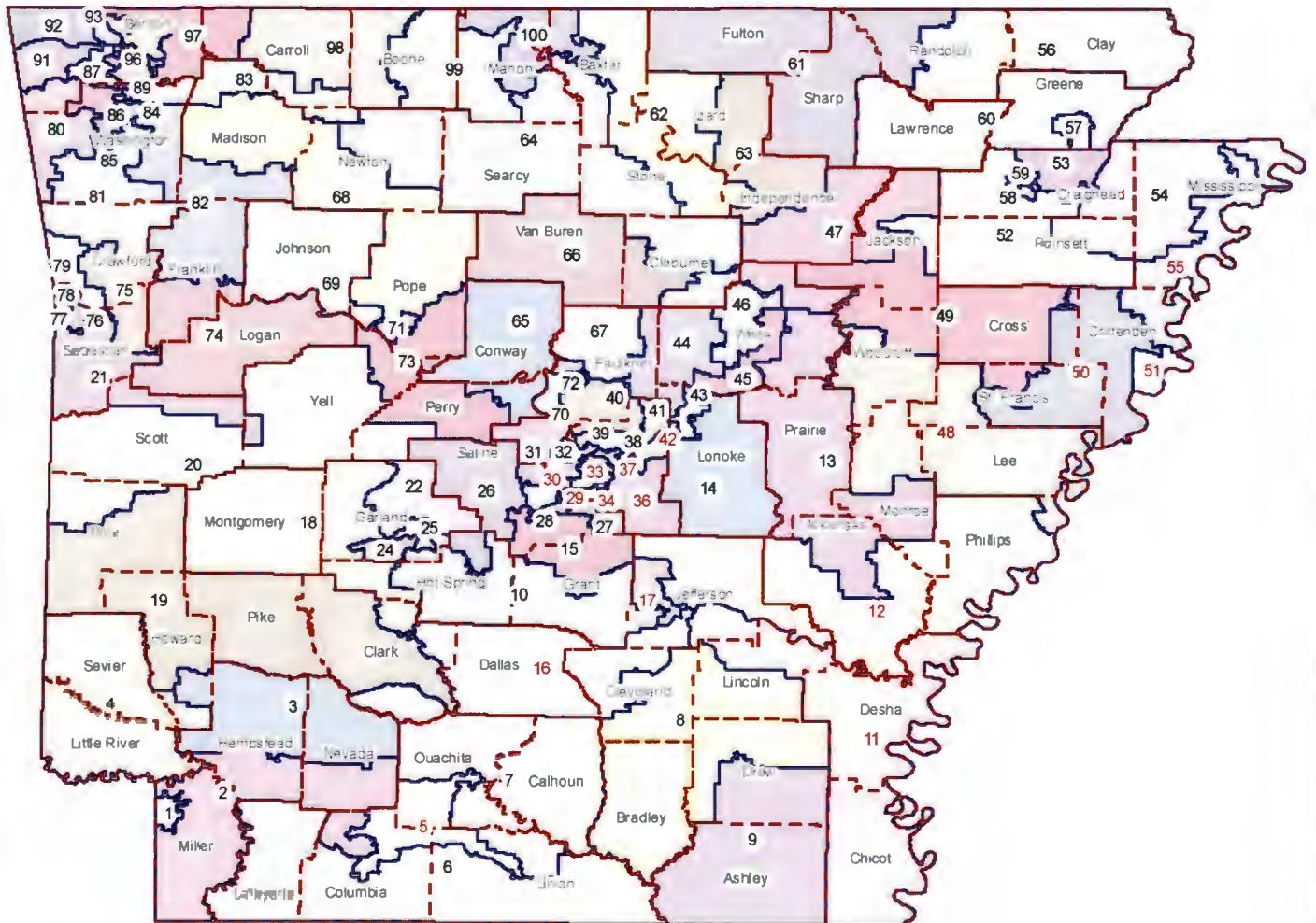
State House Districts



Benton - Washington



Pulaski



Legend

- County
- Illustrative



Note: The red number indicates a Majority Black District

Source:
U.S. Census Bureau 2020 Census Data

Prepared by: Tony Fairfax, CensusChannel LLC
Map Version: 2.0 Date: 12/27/2021

Arkansas
State House Districts
Illustrative Complaint Plan

District	Population	Deviation	% Deviation	18+ Pop	% H18+ Pop	% NH18+ Wht	% 18+ AP Blk	% CVAP_HSP19	% CVAP_WHT19	% CVAP_BLK19
001	29,387	-728	-2.42%	22,639	3.57%	58.76%	34.03%	2.94%	62.44%	33.15%
002	28,718	-1,397	-4.64%	22,433	3.03%	77.54%	15.44%	1.04%	80.39%	16.80%
003	29,220	-895	-2.97%	21,766	11.45%	54.14%	31.56%	4.52%	59.52%	34.12%
004	28,625	-1,490	-4.95%	21,360	16.79%	65.08%	12.17%	7.05%	75.05%	14.29%
005	31,009	894	2.97%	23,621	3.48%	39.61%	54.43%	2.46%	46.73%	50.01%
006	29,320	-795	-2.64%	22,868	2.72%	71.57%	23.12%	1.28%	71.60%	25.89%
007	28,745	-1,370	-4.55%	22,701	2.63%	69.32%	24.88%	1.35%	69.10%	28.83%
008	29,149	-966	-3.21%	22,410	5.94%	73.75%	17.88%	3.12%	74.95%	21.29%
009	30,703	588	1.95%	23,612	4.33%	66.08%	27.10%	2.32%	70.52%	26.32%
010	28,996	-1,119	-3.72%	22,819	2.22%	89.89%	3.34%	1.37%	91.92%	4.24%
011	28,733	-1,382	-4.59%	23,126	4.95%	42.26%	50.64%	2.12%	46.38%	50.13%
012	28,616	-1,499	-4.98%	22,715	2.09%	44.79%	50.83%	1.90%	46.21%	51.24%
013	29,223	-892	-2.96%	22,647	2.59%	75.18%	19.00%	1.93%	77.03%	19.91%
014	31,165	1,050	3.49%	23,722	3.42%	80.76%	11.10%	1.65%	85.84%	10.32%
015	29,106	-1,009	-3.35%	22,048	3.73%	88.64%	3.58%	1.77%	92.08%	3.75%
016	28,822	-1,293	-4.29%	22,581	1.70%	43.46%	52.45%	0.58%	47.23%	50.60%
017	29,011	-1,104	-3.67%	22,828	2.01%	44.83%	50.28%	1.60%	45.48%	51.66%
018	28,947	-1,168	-3.88%	23,410	3.60%	83.54%	7.11%	2.21%	87.25%	7.47%
019	29,492	-623	-2.07%	22,941	5.78%	85.11%	3.66%	2.28%	89.79%	5.58%
020	29,136	-979	-3.25%	22,406	8.63%	83.13%	0.59%	4.18%	90.51%	1.11%
021	30,955	840	2.79%	23,725	3.75%	85.18%	1.31%	2.22%	92.44%	1.07%
022	28,737	-1,378	-4.58%	23,171	4.45%	86.76%	3.49%	2.68%	92.89%	2.73%
023	30,017	-98	-0.33%	22,740	4.65%	83.32%	6.07%	1.73%	90.35%	5.21%
024	28,683	-1,432	-4.76%	23,066	5.19%	82.14%	6.97%	1.78%	88.68%	7.44%
025	28,823	-1,292	-4.29%	22,398	7.99%	68.35%	17.73%	3.74%	75.61%	18.50%
026	29,203	-912	-3.03%	24,359	2.76%	81.05%	12.39%	1.52%	85.95%	10.90%
027	30,375	260	0.86%	22,357	9.48%	71.51%	13.25%	3.99%	82.55%	10.56%
028	29,243	-872	-2.90%	21,766	5.01%	78.60%	11.19%	1.62%	86.57%	9.48%
029	30,623	508	1.69%	21,868	20.93%	19.31%	57.76%	6.97%	23.16%	69.38%
030	29,323	-792	-2.63%	23,141	7.54%	37.08%	50.35%	1.90%	42.57%	51.33%
031	31,022	907	3.01%	24,168	3.22%	75.07%	10.70%	1.69%	82.24%	12.07%
032	31,097	982	3.26%	24,085	2.89%	66.77%	21.93%	2.50%	72.82%	20.03%
033	29,375	-740	-2.46%	23,144	7.03%	35.82%	52.57%	2.52%	41.68%	53.90%
034	29,123	-992	-3.29%	23,962	9.69%	38.51%	50.57%	2.12%	42.79%	52.72%
035	29,971	-144	-0.48%	24,224	3.24%	74.21%	17.15%	2.23%	80.12%	15.13%
036	29,623	-492	-1.63%	22,939	10.53%	36.77%	50.41%	2.22%	39.69%	56.96%
037	30,297	182	0.60%	22,972	8.03%	38.23%	50.30%	3.48%	40.93%	54.40%

Arkansas
State House Districts
Illustrative Complaint Plan

District	Population	Deviation	% Deviation	18+ Pop	% H18+ Pop	% NH18+_Wht	% 18+_AP_Bl	% CVAP_HSP19	% CVAP_WHT19	% CVAP_BLK19
038	30,257	142	0.47%	23,973	4.06%	72.51%	17.61%	2.77%	78.03%	16.47%
039	30,100	-15	-0.05%	23,237	4.01%	72.91%	17.02%	2.53%	76.21%	18.37%
040	31,543	1,428	4.74%	24,091	4.51%	78.78%	11.40%	2.30%	83.93%	10.85%
041	30,460	345	1.15%	23,620	5.46%	64.84%	23.52%	4.04%	70.81%	21.79%
042	28,692	-1,423	-4.73%	21,071	5.86%	37.03%	53.25%	2.02%	45.71%	50.34%
043	30,797	682	2.26%	22,333	4.47%	85.98%	2.92%	4.23%	90.06%	2.74%
044	31,076	961	3.19%	23,132	3.09%	88.86%	1.63%	2.25%	94.56%	0.82%
045	29,648	-467	-1.55%	22,909	4.74%	81.62%	7.71%	2.83%	90.69%	5.24%
046	30,397	282	0.94%	23,213	3.11%	86.78%	5.12%	2.06%	91.73%	4.46%
047	31,157	1,042	3.46%	23,663	2.46%	86.10%	7.12%	1.70%	89.84%	5.89%
048	28,702	-1,413	-4.69%	22,247	1.94%	41.96%	54.30%	1.14%	44.56%	53.58%
049	30,171	56	0.19%	23,794	1.72%	74.78%	20.47%	1.28%	75.08%	18.91%
050	31,204	1,089	3.62%	24,086	3.06%	40.75%	54.06%	2.28%	41.01%	52.87%
051	28,662	-1,453	-4.82%	21,031	2.18%	37.50%	58.23%	0.98%	43.68%	52.35%
052	31,270	1,155	3.84%	23,825	2.40%	87.65%	6.19%	1.85%	91.26%	3.99%
053	30,101	-14	-0.05%	22,890	3.65%	83.58%	8.68%	1.39%	90.19%	7.18%
054	31,577	1,462	4.85%	23,566	3.75%	86.74%	5.96%	2.25%	90.76%	4.83%
055	29,043	-1,072	-3.56%	21,512	3.15%	43.33%	51.41%	2.29%	44.30%	50.03%
056	31,238	1,123	3.73%	24,032	1.70%	92.03%	1.00%	1.23%	96.15%	1.19%
057	30,849	734	2.44%	23,037	3.39%	88.71%	2.62%	1.95%	94.46%	2.12%
058	29,129	-986	-3.27%	22,093	4.13%	74.50%	16.36%	2.43%	79.53%	15.38%
059	29,296	-819	-2.72%	21,564	9.16%	56.23%	29.37%	2.50%	67.67%	28.55%
060	31,103	988	3.28%	24,046	1.50%	93.45%	0.98%	1.18%	96.43%	0.94%
061	31,231	1,116	3.71%	24,621	1.31%	92.64%	0.63%	1.35%	95.74%	0.41%
062	29,387	-728	-2.42%	24,307	1.63%	92.29%	1.23%	1.57%	94.95%	1.22%
063	29,897	-218	-0.72%	23,103	7.30%	84.34%	3.11%	3.17%	91.81%	2.36%
064	31,390	1,275	4.23%	25,206	1.48%	92.11%	0.20%	1.26%	95.19%	0.40%
065	29,233	-882	-2.93%	22,632	3.25%	80.80%	10.52%	1.48%	85.91%	10.98%
066	30,757	642	2.13%	24,973	2.19%	92.26%	0.64%	1.85%	95.62%	0.44%
067	29,252	-863	-2.87%	21,558	2.63%	89.50%	2.52%	1.09%	94.31%	2.96%
068	29,759	-356	-1.18%	22,891	4.07%	87.47%	1.11%	2.69%	93.90%	0.74%
069	29,194	-921	-3.06%	22,003	10.18%	79.61%	2.32%	4.38%	89.65%	1.82%
070	30,659	544	1.81%	24,487	5.12%	71.83%	16.57%	2.79%	79.55%	13.60%
071	29,804	-311	-1.03%	23,431	13.20%	73.98%	6.88%	6.79%	84.77%	5.75%
072	29,428	-687	-2.28%	22,901	6.85%	65.54%	22.21%	2.70%	75.34%	20.08%
073	29,033	-1,082	-3.59%	21,919	8.59%	84.62%	1.44%	4.63%	92.07%	1.90%
074	29,743	-372	-1.24%	22,789	2.35%	89.39%	1.22%	1.93%	93.16%	1.42%

Arkansas
State House Districts
Illustrative Complaint Plan

District	Population	Deviation	% Deviation	18+ Pop	% H18+ Pop	% NH18+_Wht	% 18+_AP_Bl	% CVAP_HSP19	% CVAP_WHT19	% CVAP_BLK19
075	30,865	750	2.49%	23,127	4.14%	85.57%	1.43%	3.43%	92.02%	0.97%
076	29,074	-1,041	-3.46%	23,102	7.24%	73.29%	6.11%	4.76%	79.88%	6.13%
077	29,898	-217	-0.72%	23,316	8.05%	72.44%	8.02%	7.09%	78.00%	5.97%
078	30,453	338	1.12%	21,808	33.81%	38.66%	15.06%	17.55%	52.25%	19.86%
079	31,316	1,201	3.99%	23,456	8.57%	77.83%	2.36%	5.93%	85.75%	2.11%
080	31,365	1,250	4.15%	23,121	10.81%	75.87%	1.08%	4.89%	86.26%	1.10%
081	31,557	1,442	4.79%	24,971	4.69%	83.20%	3.65%	2.90%	90.62%	3.24%
082	30,104	-11	-0.04%	22,824	4.14%	86.18%	1.95%	2.21%	93.29%	1.67%
083	30,787	672	2.23%	22,798	23.50%	63.86%	2.46%	11.75%	78.30%	2.51%
084	29,631	-484	-1.61%	23,163	6.04%	81.11%	4.18%	4.19%	89.10%	2.90%
085	31,295	1,180	3.92%	26,716	7.03%	78.76%	5.14%	4.35%	83.60%	6.75%
086	31,173	1,058	3.51%	25,331	8.87%	72.28%	9.05%	5.79%	83.06%	6.05%
087	31,133	1,018	3.38%	22,136	8.06%	65.29%	3.58%	6.56%	83.33%	3.27%
088	31,479	1,364	4.53%	22,858	23.57%	60.18%	2.93%	13.39%	78.09%	2.28%
089	31,124	1,009	3.35%	20,762	47.36%	33.26%	2.52%	27.49%	62.37%	3.10%
090	31,218	1,103	3.66%	21,642	19.97%	67.30%	2.08%	10.65%	82.64%	1.63%
091	31,529	1,414	4.70%	22,829	14.29%	70.84%	2.14%	6.95%	81.46%	2.05%
092	30,653	538	1.79%	22,968	7.11%	80.63%	2.63%	2.95%	90.79%	2.83%
093	31,112	997	3.31%	23,441	7.04%	80.77%	2.18%	7.02%	86.61%	2.40%
094	31,365	1,250	4.15%	23,546	16.41%	67.97%	2.71%	8.30%	84.93%	2.13%
095	31,585	1,470	4.88%	24,231	11.94%	79.12%	1.27%	6.38%	89.00%	0.75%
096	31,276	1,161	3.86%	22,050	45.57%	45.38%	1.71%	27.03%	67.17%	2.35%
097	31,356	1,241	4.12%	24,779	4.81%	87.14%	0.85%	3.09%	93.46%	0.59%
098	29,592	-523	-1.74%	22,348	11.44%	80.11%	0.58%	6.40%	89.91%	0.26%
099	31,143	1,028	3.41%	24,258	2.22%	90.85%	0.53%	2.13%	94.77%	0.48%
100	31,589	1,474	4.89%	26,168	2.16%	92.43%	0.39%	2.18%	95.33%	0.21%

JS 44 (Rcv. 04/21)

CIVIL COVER SHEET 4:21-cv-1239-LPR

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p>Arkansas State Conference NAACP, Arkansas Public Policy Panel</p> <p>(b) County of Residence of First Listed Plaintiff <u>Pulaski</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i></p> <p>Gary Sullivan, Arkansas Civil Liberties Union Foundation, Inc., 904 W. 2nd, Little Rock, AR 72201,</p>	<p>DEFENDANTS</p> <p>Arkansas Board of Apportionment, State of Arkansas, et al.</p> <p>County of Residence of First Listed Defendant <u>Pulaski</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
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II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i>
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i>

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)* Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District <i>(specify)</i>	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
 52 USC Sec. 10301, et seq.

Brief description of cause:
 Violation of Voting Rights Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):*

JUDGE _____ DOCKET NUMBER _____

DATE 12-29-2021 SIGNATURE OF ATTORNEY OF RECORD Gary Sullivan

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____