

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

THE CHRISTIAN MINISTERIAL ALLIANCE,
ARKANSAS COMMUNITY INSTITUTE,
MARION HUMPHREY, OLLY NEAL, and
KYMARA HILL SEALS,

Plaintiffs,

v.

Civil Case No. 4:19-cv-402-JM

ASA HUTCHINSON, the GOVERNOR of the
STATE OF ARKANSAS, in his official capacity;
JOHN THURSTON, the SECRETARY OF
STATE of the STATE OF ARKANSAS, in his
official capacity; LESLIE RUTLEDGE, the
ATTORNEY GENERAL of the STATE OF
ARKANSAS, in her official capacity,

Defendants.

JOINT STIPULATIONS

Arkansas History and Demographics

1. According to the 2010 Census, Arkansas had a total population of 2,915,918 in 2010.
2. According to the 2010 Census, single-race Black Arkansans comprised 15.43% of the State's population, and any-part Black Arkansans, a demographic that includes voters who identify as only "some part Black, including Hispanic Black," comprised 16.07%.
3. According to Census Bureau estimates, by 2019, Arkansas's any-part Black population had risen slightly to 16.60% of the State's population, or almost exactly one out of six.
4. Based on 2019 Census Bureau estimates, about 31% of Arkansas's Black population lives in Pulaski County.

5. According to the 2020 Census, Arkansas has a total population of 3,011,524.
6. According to the 2020 Census, single-race Black Arkansans comprise 15.07% of the State's population, and any-part Black Arkansans comprise 16.47%.
7. According to the 1-Year 2019 American Community Survey, 27.3% of Black Arkansans live in poverty, compared to 13.3% of white Arkansans.
8. According to the 1-Year 2019 American Community Survey, 38.1% of Black children in Arkansas live in poverty, compared to 16.44% of white children.
9. According to the 1-Year 2019 American Community Survey, 48.3% of Black female-headed households with children in Arkansas live in poverty, compared to a 33.1% poverty rate for white female-headed households.
10. According to the 1-Year 2019 American Community Survey, Black Arkansans' median household income is \$33,779, compared to \$52,788 for white Arkansans.
11. According to the 1-Year 2019 American Community Survey, per capita income disparities in Arkansas track the disparities seen in median household income. Black Arkansans' per capita income is \$18,308, compared to white Arkansans' per capita income of \$30,250.
12. According to the 1-Year 2019 American Community Survey, 23.8% of Black households in Arkansas rely on food stamps (Supplemental Nutrition Assistance Program, or "SNAP")—about 2.8 times the 8.4% SNAP participation rate of white households.
13. According to the 1-Year 2019 American Community Survey, of persons 25 years of age and over, 13.0% of Black Arkansans have not completed high school, compared

to 10.1% of their white counterparts.

14. According to the 1-Year 2019 American Community Survey, at the other end of the educational scale, 17.3% of Black Arkansans ages 25 and over have a bachelor's degree or higher, compared to 24.9% of white Arkansans in that cohort.
15. According to the 1-Year 2019 American Community Survey, the Black unemployment rate for the population over 16 years old (expressed as a percent of the civilian labor force) is 7.6%, compared to a 4.2% white unemployment rate.
16. According to the 1-Year 2019 American Community Survey, 24.5% of employed Black Arkansans work in service occupations, compared to 15.5% of employed white Arkansans.
17. According to the 1-Year 2019 American Community Survey, 44.6% of Black Arkansan householders are homeowners, while 71.1% of white householders are homeowners.
18. According to the 1-Year 2019 American Community Survey, median home value for Black Arkansan homeowners is \$85,900, compared to the \$143,600 median home value for white Arkansan homeowners.
19. According to the 1-Year 2019 American Community Survey, 8.6% of Black Arkansans have no health insurance coverage, compared to 7.2% of white Arkansans.
20. According to the 1-Year 2019 American Community Survey, 14.2% of Black Arkansan households lack access to a vehicle, while 4.9% of white households are without a vehicle.
21. According to the 1-Year 2019 American Community Survey, there is a 6-point

Black- white gap in households in Arkansas with a computer, smartphone, or tablet—84.7% versus 90.3%.

22. According to the 1-Year 2019 American Community Survey, 24.9% of Black Arkansan households do not have a broadband internet connection, compared to 19.2% of white households.
23. According to Census Bureau data, the median income from 2015-2019 for Pulaski County was \$51,749.
24. According to Census Bureau data, the median income from 2015-2019 for Cleveland County was \$46,684.
25. According to Census Bureau data, the median income from 2015-2019 for Calhoun County was \$46,417.
26. According to Census Bureau data, the median income from 2015-2019 for Ouachita County was \$35,425.
27. According to Census Bureau data, the median income from 2015-2019 for Dallas County was \$38,072.
28. According to Census Bureau data, the median income from 2015-2019 for Jefferson County was \$40,726.
29. According to Census Bureau data, the median income of Grant County from 2015-2018 was \$55,388.

History and Overview: Judicial Elections

30. Candidates cannot win judgeships in Arkansas unless they receive a majority of the votes.
31. Due to the majority-vote requirement, Arkansas holds two types of judicial elections: general elections and, if necessary, runoffs.

32. General elections for nonpartisan offices, such as judgeships, are held on the same date as primary elections for partisan elections, called “preferential primary elections” in the Arkansas election code.
33. Nonpartisan runoff elections, by contrast, take place “on the same date and at the same times and places as the November general election.”
34. If any judicial candidate receives a majority of the votes during the nonpartisan general election (in May or March, depending on the election cycle), that candidate wins the election for the judicial office outright, and there will be no nonpartisan runoff election for that office in November.
35. If no candidate receives a majority of the votes, the two candidates who received the greatest shares of votes are certified to a runoff election, which takes place on the same date as the November general election for partisan offices.
36. Arkansas’s Constitution prohibits persons appointed to office by the Governor, including to the judiciary, from seeking election to that office when their appointive terms expire.

History and Overview: Arkansas Supreme Court

37. The Arkansas Supreme Court is the highest court in the State of Arkansas.
38. The Supreme Court’s jurisdiction includes interpretation or construction of the State’s Constitution; appeals involving the death penalty or life imprisonment; and election procedures.
39. The Supreme Court also has authority to review an appeal that involves an issue it determines to be of “significant public interest or a legal principle of major importance.”

40. To qualify for a seat on the Arkansas Supreme Court, a candidate must have been a licensed attorney in Arkansas for at least eight years and must be a “qualified elector” within the State of Arkansas.
41. In 1874, Arkansas adopted a statewide election model for all Arkansas Supreme Court justices, which remains the current system.
42. Today, the Arkansas Supreme Court consists of seven Justices.
43. Supreme Court justices are elected in staggered terms for numbered positions.
44. The use of numbered positions converts all multi-seat elections into multiple head-to-head contests.

History and Overview: The Court of Appeals

45. Judges of the Court of Appeals have been elected from districts since the Court’s creation.
46. The Arkansas Court of Appeals currently has twelve judges elected from seven districts.
47. Five of the seven districts elect two judges to numbered positions and the other two districts elect one judge.
48. In the 1990s, the General Assembly expanded the size of the Court of Appeals.
49. Judges Neal, Griffen, and Roaf, all of whom are Black, were appointed to the Court of Appeals in 1996 and 1997.
50. The current districts of the Court of Appeals were established in 2003.
51. One of the seven current Court of Appeals districts, District 7, is a majority-Black district.

History and Overview: The Court of Appeals Apportionment Commissions

52. Act 1085 of 1993 created a Court of Appeals Apportionment Commission that met in 1994 and reported to the General Assembly on March 1, 1995.
53. There have been three iterations of the Court of Appeals Apportionment Commission.
54. The Attorney General's Office represented the Court of Appeals Apportionment Commission.
55. The first Court of Appeals Apportionment Commission ("the First Commission") first met on June 16, 1994.
56. Act 1323 of the 1995 General Assembly created the Second Court of Appeals Apportionment Commission ("the Second Commission").
57. The Second Commission first met on November 14, 1996.
58. Act 889 of the 1999 General Assembly created the Third Court of Appeals Apportionment Commission ("the Third Commission"), which reported to the General Assembly in early 2003.

Respectfully submitted this 18th day of April, 2022.

Natasha Merle
R. Gary Spencer
Victoria Wenger
Arielle Humphries
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
40 Rector Street, 5th Floor
New York, NY 10006
Phone: (212) 965-2200
Fax: (212) 226-7592
nmerle@naacpldf.org
gspencer@naacpldf.org
vwenger@naacpldf.org

ahumphries@naacpldf.org

Michael Skocpol
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
700 14th Street, NW, Suite 600
Washington, DC 20005
mskocpol@naacpldf.org

Arkie Byrd
MAYS, BYRD & ASSOCIATES, PA.
212 Center Street
Suite 700
Little Rock, AR 72201
Phone: (501) 372-6303
Fax: (501) 399-9280
abyrd@maysbyrdlaw.com

Demjan A. Ordway
Neil R. Lieberman
Eileen M. DeLucia
HOLWELL SHUSTER & GOLDBERG
LLP
425 Lexington Ave.
New York, New York 10017
Telephone: (646) 837-5151
Fax: (646) 837-5150
dordway@hsgllp.com
nlieberman@hsgllp.com
edelucia@hsgllp.com

Philip Urofsky
SHEARMAN & STERLING LLP
401 9th Street, NW, Suite 800
Washington, DC 20004
Phone: (202) 508-8000
Fax: (202) 508-8100
philip.urofsky@shearman.com

Rachel Mossman
SHEARMAN & STERLING LLP
2828 North Harwood Street, 18th Floor
Dallas, TX 75201
Phone: (214) 271-5777
Fax: (214) 271-5778
rachel.mossman@shearman.com

Counsel for Plaintiffs

AND

Leslie Rutledge
Attorney General

Dylan L. Jacobs (2016167)
Deputy Solicitor General
William C. Bird (2005149)
Senior Assistant Attorney General
Asher Steinberg (2019058)
Assistant Solicitor General
Office of the Arkansas
Attorney General
323 Center Street, Suite 200
Little Rock, Arkansas 72201
(501) 682-8090

Counsel for Defendants

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