

INTERIM STUDY PROPOSAL 2019-061

1
2 State of Arkansas
3 92nd General Assembly
4 Regular Session, 2019

A Bill

SENATE BILL 671

5
6 By: Senator M. Johnson

7 Filed with: Senate Committee on City, County, and Local Affairs
8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

9
10 AN ACT TO REQUIRE APPORTIONMENT OF WARDS BE CONDUCTED
11 BY THE COUNTY BOARDS OF ELECTION COMMISSIONERS; TO
12 AMEND THE LAW CONCERNING DESIGNATION OF WARDS IN
13 MUNICIPALITIES; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 TO REQUIRE APPORTIONMENT OF WARDS BE
17 CONDUCTED BY THE COUNTY BOARDS OF
18 ELECTION COMMISSIONERS; AND TO AMEND THE
19 LAW CONCERNING DESIGNATION OF WARDS IN
20 MUNICIPALITIES.
21

22
23
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 14-43-307(b)(2), concerning the
27 establishment of wards of substantially equal population in cities that elect
28 council members by wards, is amended to read as follows:

29 (2)(A) All ~~such~~ cities choosing to elect ~~all~~ council members by
30 wards or in part by wards shall ~~provide~~, by resolution request the county
31 board of election commissioners or county boards of election commissioners,
32 if applicable, serving the city to determine the wards for the city.

33 (B) The resolution requesting redistricting under this
34 section shall include without limitation:

35 (i) A map depicting the current wards in the city;

1 (ii) The date of the next election at which the city
2 requests the redistricting to be effective; and

3 (iii) If the city is served by more than one (1)
4 county board of election commissioners, a list of each county board of
5 election commissioners that serves the city.

6 (C) The city clerk shall notify each county board of
7 election commissioners that serves the city of the city’s intent to be
8 organized in whole or in part by ward.

9 (D) The county board of election commissioners that serves
10 the city shall:

11 (i) Meet and divide the city into wards;

12 (ii) Provide, in the manner provided by law, for the
13 establishment of wards of substantially equal population in order that each
14 council member elected from each ward shall represent substantially the same
15 number of people in the city; and

16 (iii) Notify the city clerk of the new ward
17 designations no later than thirty (30) days before the filing period begins
18 for the next city council election.

19 (E)(i) If the city is served by more than one county board
20 of election commissioners, the county boards serving the city shall meet
21 together, and determine the new wards by majority vote of the members
22 present.

23 (ii) In the case of a tie vote under subdivision
24 (b)(2)(E)(i) of this section, the mayor of the city being redistricted shall
25 cast the deciding vote.

26
27 SECTION 2. Arkansas Code § 14-43-311(a), concerning redistricting of
28 wards for city council elections in cities of the first class, is amended to
29 read as follows:

30 (a)(1)(A)(i) ~~City councils in cities~~ A city council in a city of the
31 first class may by resolution request that the county board of election
32 commissioners that serves the city meet and redistrict the wards in ~~their~~ the
33 city when ~~they determine~~ the city council determines that the people can best
34 be served by adding wards, combining wards, or changing ward boundary lines
35 to equalize the population in the various wards.

1 (ii) The resolution requesting redistricting under this
2 section shall include without limitation:

3 (a) A map depicting the current wards in the city;

4 (b) The date of the next election at which the city
5 requests the redistricting to be effective; and

6 (c) If the city is served by more than one (1)
7 county board of election commissioners, a list of each county board of
8 election commissioners that serves the city.

9 (iii) The city clerk shall deliver a copy of the
10 resolution to the county board of election commissioners that serves the city
11 no sooner than ninety (90) days before the filing period begins for the next
12 election for city council at which the redistricted wards will be effective.

13 (B)(i) The ~~city council~~ county board of election
14 commissioners or county boards of election commissioners for the city, if
15 applicable, shall ensure:

16 (a) Designate the new districts of the city by
17 majority vote;

18 (b) Ensure that each ward has as nearly an
19 equal population as would best serve the interest of the people of the city;
20 and

21 (c) Notify the city clerk of the county board
22 of election commissioner’s decision no later than thirty (30) days before the
23 filing period begins for the next election at which the new ward designations
24 will be effective.

25 (ii)(a) If the city is served by more than one
26 county board of election commissioners, the county boards serving the city
27 shall meet together, and determine the new wards by majority vote of the
28 members present.

29 (b) In the case of a tie vote under
30 subdivision (a)(1)(B)(ii)(a) of this section, the mayor of the city being
31 redistricted shall cast the deciding vote.

32 (2)(A) Within ninety (90) days after redistricting, if one
33 hundred (100) or more qualified electors in the city are dissatisfied with
34 the redistricting of the city into wards, the electors may petition the
35 circuit court.

1 (B) The court, after due hearing, may redistrict the city
 2 into such wards as the court shall deem best if the court finds that the
 3 redistricting action by the ~~city council~~ county board of election
 4 commissioners was arbitrary and capricious.

5
 6 SECTION 3. Arkansas Code § 14-44-101 is amended to read as follows:
 7 14-44-101. Creation of wards.

8 (a) As soon as practicable after an incorporated town becomes a city
 9 of the second class, the city council shall form the city into the number of
 10 wards that, to it, will seem to best serve the interests of the city.

11 (b) ~~It shall be the duty of the council to see that each ward has as~~
 12 ~~nearly an equal population to each of the other wards as would best serve the~~
 13 ~~interests of the taxpayers of the city~~ The city council shall request that
 14 the county board of election commissioners apportion the wards as required
 15 under § 14-44-102.

16
 17 SECTION 4. Arkansas Code § 14-44-102 is amended to read as follows:
 18 14-44-102. Redistricting of wards.

19 (a)(1) ~~City councils in cities of the second class shall have the~~
 20 ~~authority to redistrict the wards of their cities when they determine~~ If the
 21 city council of a city of the second class determines that the people can
 22 best be served by adding wards, combining wards, or changing ward boundary
 23 lines to equalize the populations in the various wards, the city council
 24 shall by resolution request that each county board of election commissioners
 25 that serves the city or county boards of election commissioners that serve
 26 the city, if applicable, to divide the city into wards or to redistrict the
 27 wards of the city.

28 (2) The resolution requesting to divide the city into wards or
 29 to redistrict the wards of the city under this section shall include without
 30 limitation:

31 (A) A map depicting the current wards in the city, if any;

32 (B) The date of the next election when the city requests
 33 the division or redistricting to be effective; and

34 (C) If the city is served by more than one (1) county
 35 board of election commissioners, a list of the county boards of election
 36 commissioners that serve the city.

1 (3) The city clerk shall deliver a copy of the resolution to and
2 notify each county board of election commissioners that serves the city of
3 the city’s intent to be organized in whole or in part by ward.

4 (b)(1) Each county board of election commissioners that serves the
5 city shall:

6 (A) Meet and divide the city into wards;

7 (B) Provide for the establishment of wards of
8 substantially equal population, according to the most recently published
9 federal decennial census of the population of the city, equal to the number
10 of members of the governing body to be elected from the wards; and

11 (C) Notify the city clerk of the new ward designations no
12 later than thirty (30) days before the filing period begins for the next
13 election for city council.

14 (2)(A) If the city is served by more than one (1) county board
15 of election commissioners, the county boards of election commissioners
16 serving the city shall meet and determine the new wards by majority vote of
17 the members present.

18 (B) In the case of a tie vote under subdivision (b)(2)(A)
19 of this section, the mayor of the city whose wards are being redistricted
20 shall cast the deciding vote.

21 (c)(1) Within ninety (90) days after redistricting, if fifty (50) or
22 more qualified electors in the city are dissatisfied with the division of the
23 city into wards, they shall have the authority to petition the circuit court.

24 (2) The circuit court, after due hearing, shall have authority
25 to redistrict the city into such wards as it shall deem best if it finds that
26 the redistricting action by the council was arbitrary and capricious.

27
28 SECTION 5. Arkansas Code § 14-61-109 is amended to read as follows:
29 14-61-109. Determination of ward positions.

30 If a city affected by this chapter chooses to select some of its
31 members by ward, the ward positions shall be determined as follows:

32 (1)(A) The governing body shall ~~divide~~ by resolution request the
33 county board of election commissioners that serves the city or the county
34 boards of election commissioners that serve the city, if applicable, to
35 divide the city into wards.

1 (B) The resolution requesting redistricting under this
2 section shall include without limitation:

3 (i) If the city was previously divided into wards, a
4 map depicting the current wards in the city;

5 (ii) The date of the next election at which the city
6 requests the redistricting to be effective; and

7 (iii) If the city is served by more than one (1)
8 county board of election commissioners, a list of each county board of
9 election commissioners that serves the city.

10 (C) The city clerk shall deliver a copy of the resolution
11 to each county board of election commissioners that serves the city no sooner
12 than ninety (90) days before the filing period begins for the next election
13 for city council at which the redistricted wards will be effective.

14 (2) The county board of election commissioners shall:

15 (A) Divide the territory of the city into the number of
16 wards having substantially equal population, according to the most recently
17 published federal census of population in the city, equal to the number of
18 members of the governing body to be elected from wards; and

19 ~~(2) The governing body shall complete its~~

20 (B) Complete the county board of election commissioners'
21 apportionment of the respective districts from which members of the governing
22 body of the ~~cities~~ city shall be elected and shall file it with the county
23 clerk of the county and with the city clerk of the applicable city;

24 (3) The districts or wards so established, unless changed or
25 modified by order of a court of competent jurisdiction, shall be the wards of
26 the city from which each of the respective members of the governing body of
27 the city are to be elected;

28 (4) Following each federal decennial census of population and
29 following any special federal census of population within a particular city,
30 if there has been a substantial change in the population of the wards from
31 the preceding federal census, the ~~governing body~~ county board of election
32 commissioners shall reapportion the wards in each city in the manner and
33 procedure as provided in this subsection from which the members of the
34 governing body are to be elected; and

35 (5) Notwithstanding the provisions of any other act, candidates
36 for ward positions shall be residents of the ward they wish to represent.

1 Unless the electors choose otherwise, only those qualified electors residing
2 in a ward may vote on a candidate from that ward.

3

4 SECTION 6. TEMPORARY LEGISLATION. DO NOT CODIFY.

5 City wards existing on the effective date of this act shall remain in
6 effect until new city wards are established pursuant to:

7 (1) A resolution requesting redistricting that is adopted by the
8 city council; or

9 (2) A federal decennial census that requires reapportionment.

10

11

12

13 Referred requested by the Arkansas Senate

14 Prepared by: JAW/VJF

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36