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INTERIM STUDY PROPOSAL 2019-061

State of Arkansas

92nd General Assembly

Regular Session, 2019

# A Bill

SENATE BILL 671

By: Senator M. Johnson

Filed with: Senate Committee on City, County, and Local Affairs

pursuant to A.C.A. §10-3-217.

## For An Act To Be Entitled

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

## Subtitle

TO REQUIRE APPORTIONMENT OF WARDS BE CONDUCTED BY THE COUNTY BOARDS OF ELECTION COMMISSIONERS; AND TO AMEND THE LAW CONCERNING DESIGNATION OF WARDS IN MUNICIPALITIES.

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

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

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

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

(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.

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 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 ~~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.

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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.

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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.

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13 Referred requested by the Arkansas Senate

14 Prepared by: JAW/VJF  
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