

**Stricken language would be deleted from and underlined language would be added to the Arkansas
Constitution.**

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

HJR 1008

4
5 By: Representative Greenberg

HOUSE JOINT RESOLUTION

9 AMENDING PROVISIONS OF THE ARKANSAS CONSTITUTION
10 CONCERNING APPORTIONMENT; CREATING THE ARKANSAS
11 APPORTIONMENT COMMISSION; PROVIDING THAT THE
12 ARKANSAS APPORTIONMENT COMMISSION SHALL
13 REAPPORTION THE STATE FOR REPRESENTATIVES AND
14 REAPPORTION THE STATE FOR MEMBERS OF THE UNITED
15 STATES HOUSE OF REPRESENTATIVES; REQUIRING THAT
16 THE BOARD OF APPORTIONMENT APPROVE REPORTS ISSUED
17 BY THE ARKANSAS APPORTIONMENT COMMISSION; AND
18 PROVIDING THAT THE ARKANSAS SUPREME COURT SHALL
19 REAPPORTION THE STATE FOR REPRESENTATIVES AND
20 REAPPORTION THE STATE FOR MEMBERS OF THE UNITED
21 STATES HOUSE OF REPRESENTATIVES IF THE BOARD OF
22 APPORTIONMENT REJECTS THE REPORT OF THE ARKANSAS
23 APPORTIONMENT COMMISSION MORE THAN THREE (3)
24 TIMES.

Subtitle

26 AMENDING PROVISIONS OF THE ARKANSAS
27 CONSTITUTION CONCERNING APPORTIONMENT.
28
29
30

31 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SIXTH GENERAL
32 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
33 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
34

35 THAT the following is proposed as an amendment to the Constitution of
36 the State of Arkansas, and upon being submitted to the electors of the state



1 for approval or rejection at the next general election for Representatives
 2 and Senators, if a majority of the electors voting thereon at the election
 3 adopt the amendment, the amendment shall become a part of the Constitution of
 4 the State of Arkansas, to wit:

5
 6 SECTION 1. Section 1 of Article 8 of the Arkansas Constitution is
 7 amended to read as follows:

8 § 1. Board of apportionment created - Powers and duties.

9 (a) A Board to be known as "The Board of Apportionment," consisting of
 10 the Governor (who shall be Chairman), the Secretary of State and the Attorney
 11 General is hereby created and it shall be its imperative duty to ~~make~~ approve
 12 the apportionment of representatives and the apportionment of the state for
 13 members of the United States House of Representatives in accordance with the
 14 provisions hereof; the action of a majority in each instance shall be deemed
 15 the action of said board. [As amended by Const. Amends. 23 and 45.]

16 (b) The board shall appoint members to the Arkansas Apportionment
 17 Commission and approve or reject reports issued by the commission.

18
 19 SECTION 2. Section 3 of Article 8 of the Arkansas Constitution is
 20 amended to read as follows:

21 3. Senatorial districts - Thirty-five members of Senate.

22 The Senate shall consist of thirty-five members. Senatorial districts
 23 shall at all times consist of contiguous territory, and no county shall be
 24 divided in the formation of such districts. ~~"The Board of Apportionment"~~
 25 ~~hereby created~~ The Arkansas Apportionment Commission, subject to the approval
 26 of the Board of Apportionment, shall, from time to time, divide the state
 27 into convenient senatorial districts in such manner as that the Senate shall
 28 be based upon the inhabitants of the state, each senator representing, as
 29 nearly as practicable, an equal number thereof; each district shall have at
 30 least one senator. [As amended by Const. Amend. 23.]

31
 32 SECTION 3. Section 4 of Article 8 of the Arkansas Constitution is
 33 amended to read as follows:

34 § 4. Duties of Board of Apportionment.

35 On or before February 1 immediately following each Federal census, ~~said~~
 36 ~~board~~ the Arkansas Apportionment Commission shall reapportion the State for

1 Representatives and reapportion the state for members of the United States
 2 House of Representatives. The commission shall issue a report to the board,
 3 which shall either accept or reject the report. If the board accepts the
 4 report, and in each instance said the board shall file its the report with
 5 the Secretary of State, setting forth (a) the basis of population adopted for
 6 representatives; (b) the number of representatives assigned to each county;
 7 and (c) the basis of population adopted for reapportioning the state for
 8 members of the United States House of Representatives; whereupon, after ~~30~~
 9 thirty (30) days from such filing date, the apportionment thus made shall
 10 become effective unless proceedings for revision be instituted in the Supreme
 11 Court within said period. [As amended by Const. Amends. 23 and 45.]

12

13 SECTION 4. Section 5 of Article 8 of the Arkansas Constitution is
 14 amended to read as follows:

15 5. Mandamus to compel Board of Apportionment to act.

16 Original jurisdiction (to be exercised on application of any citizens
 17 and taxpayers) is hereby vested in the Arkansas Supreme Court ~~of the State~~
 18 (a) to compel (by mandamus or otherwise) the ~~board~~ Arkansas Apportionment
 19 Commission and the Board of Apportionment to perform its duties as here
 20 directed, ~~and~~ (b) to revise any arbitrary action of or abuse of discretion by
 21 the board in making such apportionment, and (c) to reapportion the state for
 22 representatives and reapportion the state for members of the United States
 23 House of Representatives if the report of the commission is rejected three
 24 (3) times by the board; provided any such application for revision or
 25 reapportionment shall be filed with said Court within 30 days after the
 26 filing acceptance or the third rejection of the report of apportionment by
 27 said board with the Secretary of State; if revised or reapportioned by the
 28 court, a certified copy of its judgment shall be by the clerk thereof
 29 forthwith transmitted to the Secretary of State, and thereupon be and become
 30 a substitute for the apportionment made by the commission and the board. [As
 31 amended by Const. Amends. 23 and 45.]

32

33 SECTION 5. Article 8 of the Constitution is amended to add additional
 34 sections to read as follows:

35 § 7. Arkansas Apportionment Commission - Creation.

36 (a) There is created the Arkansas Apportionment Commission.

1 (b)(1) The commission shall consist of nine (9) members.

2 (2) Three (3) members shall be appointed by the Governor, three
3 (3) members shall be appointed by the Secretary of State, and three (3)
4 members shall be appointed by the Attorney General.

5 (3) Of the nine (9) members of the commission:

6 (A) At least one (1) member shall be educated in the field
7 of mathematics;

8 (B) At least one (1) member shall be a licensed attorney;
9 and

10 (C) At least one (1) shall be educated in the field of
11 technology-assisted cartography.

12 (c) Members of the commission shall be appointed at the commencement
13 of the Federal census and shall serve terms of ten (10) years.

14 (d) Each member of the commission shall:

15 (1) Be a registered voter of the state;

16 (2) Not be a registered lobbyist or have been registered as a
17 lobbyist within one (1) year of the appointment; and

18 (3) Not be a current elected official, an elected state,
19 district, or county political party official, or have served as an elected
20 official or elected state, district, or county party official within two (2)
21 years of the appointment.

22 (e) Members of the commission shall not campaign for elective office
23 or actively participate in or contribute to the campaign of a person running
24 for a state or federal elected office during their term of office or for two
25 (2) years after their term of office.

26
27 § 8. Powers and duties of Arkansas Apportionment Commission – Approval
28 by Board of Apportionment.

29 (a) On or before February 1 immediately following each federal census,
30 the Arkansas Apportionment Commission shall convene to reapportion the state
31 for representatives and to reapportion the state for members of the United
32 States House of Representatives.

33 (b)(1) When reapportioning the state for representatives or
34 reapportioning the state for members of the United States House of
35 Representatives, the commission shall consider the following criteria in the
36 order stated in this subsection:

1 (A) Population equality;

2 (B) Any applicable federal civil rights laws;

3 (C) Contiguity;

4 (D) Avoiding the dividing of cities and counties;

5 (E) Avoiding the dividing of areas marked by physical
6 phenomena such as mountains or rivers;

7 (F) Compactness; and

8 (G) The drawing of House districts wholly within Senate
9 districts.

10 (2) The commission may consider the criteria stated under
11 subdivision (b)(1) of this section in an order determined by the commission
12 if special circumstances require that the commission deviate from the order
13 stated in subdivision (b)(1) of this section.

14 (c) Unless otherwise required by law, the commission shall not
15 consider the following when reapportioning the state for representatives or
16 reapportioning the state for members of the United States House of
17 Representatives:

18 (1) Political affiliation of residents;

19 (2) Previous election results;

20 (3) Residence of an incumbent elected official; and

21 (4) Any demographic information other than population.

22 (d)(1) The commission shall prepare a report and submit the report to
23 the Board of Apportionment.

24 (2) The report shall include:

25 (A) The basis of population adopted for representatives;

26 (B) The number of representatives assigned to each county;

27 and

28 (C) The basis of population adopted for reapportioning the
29 state for members of the United States House of Representatives.

30 (3)(A) The board may choose to accept the report or reject the
31 report and request that the commission make revisions.

32 (B) The board may reject the report no more than three (3)
33 times.

34 (e)(1) If the board rejects the report of the commission three (3)
35 times, the apportionment shall be made by the Arkansas Supreme Court.

36 (2) If the board accepts the report, it shall file the report

1 with the Secretary of State under Section 4 of this article.

2
3 SECTION 6. This amendment becomes effective on January 1, 2009.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36