

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

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

HJR 1005

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;
14 REQUIRING THAT THE BOARD OF APPORTIONMENT APPROVE
15 REPORTS ISSUED BY THE ARKANSAS APPORTIONMENT
16 COMMISSION; AND PROVIDING THAT THE ARKANSAS
17 SUPREME COURT SHALL REAPPORTION THE STATE FOR
18 REPRESENTATIVES IF THE BOARD OF APPORTIONMENT
19 REJECTS THE REPORT OF THE ARKANSAS APPORTIONMENT
20 COMMISSION MORE THAN THREE (3) TIMES.

Subtitle

23 AMENDING PROVISIONS OF THE ARKANSAS
24 CONSTITUTION CONCERNING APPORTIONMENT.

27 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL
28 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
29 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

31 That the following is proposed as an amendment to the Constitution of
32 the State of Arkansas, and upon being submitted to the electors of the state
33 for approval or rejection at the next general election for Representatives
34 and Senators, if a majority of the electors voting thereon at the election
35 adopt the amendment, the amendment shall become a part of the Constitution of
36 the State of Arkansas, to wit:



1
2 SECTION 1. Section 1 of Article 8 of the Arkansas Constitution is
3 amended to read as follows:

4 § 1. Board of ~~apportionment~~ Apportionment created - Powers and duties.

5 (a) A ~~Board~~ board to be known as "The Board of Apportionment,"
6 consisting of the Governor (who shall be ~~Chairman~~ Chair), the Secretary of
7 State, and the Attorney General is hereby created and it shall be its
8 imperative duty to ~~make~~ approve the apportionment of representatives in
9 accordance with the provisions hereof; ~~the~~. The action of a majority in each
10 instance shall be deemed the action of said board. [As amended by Const.
11 Amends. 23 and 45.]

12 (b) The board shall appoint members to the Arkansas Apportionment
13 Commission and approve or reject reports issued by the commission.
14

15 SECTION 2. Section 3 of Article 8 of the Arkansas Constitution is
16 amended to read as follows:

17 § 3. Senatorial districts -- Thirty-five members of Senate.

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

28 SECTION 3. Section 4 of Article 8 of the Arkansas Constitution is
29 amended to read as follows:

30 § 4. Duties of Arkansas Apportionment Commission and Board of
31 Apportionment.

32 On or before February 1 immediately following each ~~Federal~~ federal
33 decennial census, ~~said board~~ the Arkansas Apportionment Commission shall
34 reapportion the ~~State~~ state for ~~Representatives~~ representatives. The
35 commission shall issue a report to the Board of Apportionment, which shall
36 either accept or reject the report. If the board accepts the report, and in

1 ~~each instance said~~ the board shall file ~~its~~ the report with the Secretary of
 2 State, setting forth (a) the basis of population adopted for representatives,
 3 and (b) the number of representatives assigned to each county~~+, whereupon,~~
 4 ~~after~~ After 30 thirty (30) days from such filing date, the apportionment thus
 5 made shall become effective unless proceedings for revision be instituted in
 6 the Supreme Court within said period. [As amended by Const. Amends. 23 and
 7 45.]

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

11 5. Mandamus to compel Arkansas Apportionment Commission and Board of
 12 Apportionment to act.

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

28
 29 SECTION 5. Article 8 of the Constitution is amended to add additional
 30 sections to read as follows:

31 § 7. Arkansas Apportionment Commission -- Creation.

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

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

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

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

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

4 (B) At least one (1) member shall be a licensed attorney;
5 and

6 (C) At least one (1) member shall be educated in the field
7 of technology-assisted cartography.

8 (c) Members of the commission shall be appointed at the commencement
9 of the federal decennial census and shall serve terms of ten (10) years.

10 (d) Each member of the commission shall:

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

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

14 (3) Not be a current elected official, an elected state,
15 district, or county political party official, or have served as an elected
16 official or elected state, district, or county political party official
17 within two (2) years of the date of appointment.

18 (e) A member of the commission shall not campaign for elective office
19 or actively participate in or contribute to the campaign of a person running
20 for a state or federal elected office during his or her term of office or for
21 two (2) years after his or her term of office.

22
23 § 8. Powers and duties of Arkansas Apportionment Commission – Approval
24 by Board of Apportionment.

25 (a) On or before February 1 immediately following each federal
26 decennial census, the Arkansas Apportionment Commission shall convene to
27 reapportion the state for representatives.

28 (b)(1) When reapportioning the state for representatives, the
29 commission shall consider the following criteria in the order stated in this
30 subsection:

31 (A) Population equality;

32 (B) Any applicable federal civil rights laws;

33 (C) Contiguity;

34 (D) Avoiding the division of cities and counties;

35 (E) Avoiding the division of areas marked by physical
36 phenomena such as mountains or rivers;

1 (F) Compactness; and

2 (G) The drawing of House districts wholly within Senate
3 districts.

4 (2) The commission may consider the criteria stated under
5 subdivision (b)(1) of this section in an order determined by the commission
6 if special circumstances require that the commission deviate from the order
7 stated in subdivision (b)(1) of this section.

8 (c) Unless otherwise required by law, the commission shall not
9 consider the following when reapportioning the state for representatives:

10 (1) Political affiliation of residents;

11 (2) Previous election results;

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

13 (4) Any demographic information other than population.

14 (d) When considering population while reapportioning the state for
15 representatives, the commission shall not include in population calculations
16 an inmate in a state or local correctional facility who has plead guilty or
17 nolo contendere to, or been found guilty of a felony without the sentence
18 having been discharged or pardoned.

19 (e)(1) The commission shall prepare a report and submit the report to
20 the Board of Apportionment.

21 (2) The report shall include:

22 (A) The basis of population adopted for representatives;
23 and

24 (B) The number of representatives assigned to each county.

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

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

29 (f)(1) If the board rejects the report of the commission three (3)
30 times, the apportionment shall be made by the Arkansas Supreme Court.

31 (2) If the board accepts the report, it shall file the report
32 with the Secretary of State under Section 4 of this article.

33
34 SECTION 6. This amendment becomes effective on January 1, 2011.
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