

1 State of Arkansas

2 89th General Assembly

3 Regular Session, 2013

SJR 8

4
5 By: Senator B. King

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7 **SENATE JOINT RESOLUTION**

8 PROPOSING A CONSTITUTIONAL AMENDMENT TO AMEND
9 PROVISIONS OF THE ARKANSAS CONSTITUTION CONCERNING
10 APPORTIONMENT; AND TO CREATE THE ARKANSAS
11 APPORTIONMENT COMMISSION.
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14 **Subtitle**

15 PROPOSING A CONSTITUTIONAL AMENDMENT TO
16 AMEND PROVISIONS OF THE ARKANSAS
17 CONSTITUTION CONCERNING APPORTIONMENT;
18 AND TO CREATE THE ARKANSAS APPORTIONMENT
19 COMMISSION.
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22 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE
23 STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
24 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
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26 THAT the following is proposed as an amendment to the Constitution of
27 the State of Arkansas, and upon being submitted to the electors of the state
28 for approval or rejection at the next general election for Representatives
29 and Senators, if a majority of the electors voting thereon at the election
30 adopt the amendment, the amendment shall become a part of the Constitution of
31 the State of Arkansas, to wit:
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33 SECTION 1. Section 1 of Article 8 of the Arkansas Constitution is
34 amended to read as follows:

35 § 1. Board of ~~apportionment~~ Apportionment created – Powers and duties.

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

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

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

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

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

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

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

On or before February 1 immediately following each ~~Federal~~ federal decennial census, ~~said board~~ the Arkansas Apportionment Commission shall reapportion the ~~State~~ state for ~~Representatives~~ representatives. The commission shall issue a report to the Board of Apportionment, which shall either accept or reject the report. If the board accepts the report, and in each instance said the board shall file ~~its~~ the report with the Secretary of State, setting forth (a) the basis of population adopted for representatives; and (b) the number of representatives assigned to each county; ~~whereupon,~~ after After 30 thirty (30) days from such filing date, the apportionment thus made shall become effective unless proceedings for revision be instituted in

the Supreme Court within said period.

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

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

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

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

§ 7. Arkansas Apportionment Commission -- Creation.

(a) There is created the Arkansas Apportionment Commission.

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

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

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

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

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

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

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

(d) Each member of the commission shall:

(1) Be a registered voter of the state;

(2) Not be a registered lobbyist or have been registered as a lobbyist within one (1) year of the date of his or her appointment to the commission; and

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

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

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

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

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

(A) Population equality;

(B) Any applicable federal civil rights laws;

(C) Contiguity;

(D) Avoiding the division of cities and counties;

(E) Avoiding the division of areas marked by geographical features such as mountains or rivers;

(F) Compactness; and

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

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

stated in subdivision (b)(1) of this section.

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

(1) Political affiliation of residents;

(2) Previous election results;

(3) Residence of an incumbent elected official; and

(4) Any demographic information other than population.

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

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

(2) The report shall include:

(A) The basis of population adopted for representatives;

and

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

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

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

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

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

SECTION 6. This amendment becomes effective on January 1, 2015.