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2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Senator M. Johnson

A Bill

SENATE BILL 671

For An Act To Be Entitled

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

Subtitle

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

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

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

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

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

- 33 (i) A map depicting the current wards in the city;
34 (ii) The date of the next election at which the city
35 requests the redistricting to be effective; and
36 (iii) If the city is served by more than one (1)



1 county board of election commissioners, a list of each county board of
 2 election commissioners that serves the city.

3 (C) The city clerk shall notify each county board of
 4 election commissioners that serves the city of the city's intent to be
 5 organized in whole or in part by ward.

6 (D) The county board of election commissioners that serves
 7 the city shall:

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

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

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

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

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

23
 24 SECTION 2. Arkansas Code § 14-43-311(a), concerning redistricting of
 25 wards for city council elections in cities of the first class, is amended to
 26 read as follows:

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

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

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

36 (b) The date of the next election at which the city

1 requests the redistricting to be effective; and

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

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

9 (B)(i) The ~~city council~~ county board of election
 10 commissioners or county boards of election commissioners for the city, if
 11 applicable, shall ensure:

12 (a) Designate the new districts of the city by
 13 majority vote;

14 (b) Ensure that each ward has as nearly an
 15 equal population as would best serve the interest of the people of the city;
 16 and

17 (c) Notify the city clerk of the county board
 18 of election commissioner's decision no later than thirty (30) days before the
 19 filing period begins for the next election at which the new ward designations
 20 will be effective.

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

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

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

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

36

1 SECTION 3. Arkansas Code § 14-44-101 is amended to read as follows:
 2 14-44-101. Creation of wards.

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

6 ~~It shall be the duty of the council to see that each ward has as~~
 7 ~~nearly an equal population to each of the other wards as would best serve the~~
 8 ~~interests of the taxpayers of the city~~ The city council shall request that
 9 the county board of election commissioners apportion the wards as required
 10 under § 14-44-102.

11
 12 SECTION 4. Arkansas Code § 14-44-102 is amended to read as follows:
 13 14-44-102. Redistricting of wards.

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

23 (2) The resolution requesting to divide the city into wards or
 24 to redistrict the wards of the city under this section shall include without
 25 limitation:

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

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

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

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

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

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

2 (B) Provide for the establishment of wards of

3 substantially equal population, according to the most recently published
 4 federal decennial census of the population of the city, equal to the number
 5 of members of the governing body to be elected from the wards; and

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

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

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

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

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

22
 23 SECTION 5. Arkansas Code § 14-61-109 is amended to read as follows:
 24 14-61-109. Determination of ward positions.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (5) Notwithstanding the provisions of any other act, candidates
30 for ward positions shall be residents of the ward they wish to represent.
31 Unless the electors choose otherwise, only those qualified electors residing
32 in a ward may vote on a candidate from that ward.

33
34 SECTION 6. TEMPORARY LEGISLATION. DO NOT CODIFY.

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

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

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

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